

Remediation Process Improvement Initiative (formerly “Independent Professional Judgement”) and Remedial Action Permit Update

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Remediation Process Improvement Initiative (RP II)

- ▶ Contaminated Site Remediation and Redevelopment (CSRR) is undertaking this initiative to build on successes of SRRA and make improvements
- ▶ Collaborative effort between the Department, LSRPs, the regulated community, and other interested stakeholders
- ▶ The Department has met with a stakeholder group twice
 - ▶ February listening session for stakeholders to provide input to CSRR
 - ▶ June 8 meeting - CSRR provided an update on actions taken to date and next steps

February listening session

- ▶ Summary of input provided by stakeholders at February listening session -
 - ▶ CSRR takes too long to review documents and provides comments long after a document is submitted to CSRR
 - ▶ CSRR conducts too many reviews vs. inspections of documents
 - ▶ Review and issuance of Remedial Action Permits takes too long, preventing RAOs from being issued
 - ▶ CSRR staff request additional work to be conducted based on their preferences, not based on regulations or guidance

May 2nd DEP Letter

- ▶ DEP sent a letter to stakeholders on May 2nd
- ▶ CSRR recognizes the stakeholders' concerns and is committed to evaluating and implementing process improvements in collaboration with LSRPs, the regulated community, and other interested stakeholders
- ▶ Submissions may lack detail that explains the basis for LSRPs' decisions
- ▶ DEP's requests for additional information is not a lack of deference to the LSRP's judgement

June 8th meeting - DEP provided an update on actions taken and future steps

- ▶ Bureau of Remedial Action Permitting staffing
 - ▶ 3 new staff members added to Bureau of Remedial Action Permitting
 - ▶ 3 experienced DEP staff reviewing permit applications part time
 - ▶ Hourly employee to start soon
 - ▶ In process of getting overtime approved

June 8th meeting summary

- ▶ Bureau of Remedial Action Permitting Training
 - ▶ Held 3 training sessions for staff in April - training was recorded for future use/consistency
 - ▶ New staff will be given easier permit applications to review and will have a mentor to assist them

June 8th meeting summary

- ▶ Developing guidance/training for LSRPs
 - ▶ Working on a training session to assist LSRPs focusing on what information is needed when a new LSRP takes over a site from another LSRP
 - ▶ Similar information is needed when CSRR looks at LSRP submissions
 - ▶ Creating checklists and tools to help identify information needed in a RAP application

June 8th meeting summary

- ▶ Documents produced by the Effective Collaborative Communication Committee (ECCC) to be issued soon
 - ▶ FAQs that address common errors (and their solutions) found in RAP applications
 - ▶ Flowcharts that describe the process for CSRR review of RAP applications and other submission

June 8th meeting summary

- ▶ Changes communicating CSRR comments
 - ▶ Notice of Technical Deficiencies will be replaced by Notice of Incomplete RAP Application/Key Document
 - ▶ Response time will be 60 days (was 30)
 - ▶ If 60 days is not enough, withdraw the permit application
 - ▶ Supervisor signature on NOI

RPII - Next Steps

- ▶ Considering regulatory changes including general permits and permits by rule
- ▶ One remedial action permit for all media
- ▶ Focused remedial action permits
 1. Soil RAP with deed notice, no engineering control
 2. Soil RAP with using a presumptive remedy when presumptive remedy not needed
 3. Soil RAP with a pre-approved alternative remedy
 4. Soil RAP for historic fill only AOC- only property owner will be on the permit
 5. GW RAP for MNA where the plume is onsite, and no receptors impacted

RPII - Next Steps

- ▶ Re-evaluating our review process
 - ▶ The timing of reviews
 - ▶ Not waiting until the RAP phase to conduct reviews
- ▶ Are we over-reviewing?
 - ▶ Compiling our list of review triggers and re-evaluating why they are a trigger
 - ▶ Evaluating where we can scale back reviews

RPII - Next Steps

- ▶ Work in subgroups on specific issues- Summer 2023
- ▶ Next full meeting will be scheduled in October

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