Public Notification and Outreach

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Public Notification & Outreach Requirements

• Required in Administrative Requirements for the Remediation of Contaminated Sites (NJAC 7:26C-1.7)

• Originally established in the Technical Requirements for Site Remediation in 2008

• Intended to keep the public and local officials informed

• Moved from Tech. Regs. to ARRCs Rules in 2012
Exemptions

The following case types are exempt from the requirement to post signs or send periodic notification letters:

- Remediation of an unregulated heating oil tank (UHOT) system
- Emergency response action
Overarching Changes

• Prescriptive requirements removed – **flexibility introduced**

• DEP will no longer have the most current site information in many cases

• LSRPs will be in best position to answer public inquiries

• Contractual/confidentiality issues must be resolved with RPs to be able to respond
Overarching Changes

• Signs, notification letters and fact sheets must include contact Information for the remediating party and the LSRP

• Notification signs, letters and fact sheets no longer should include contact information for DEP, Office of Community Relations
Time Frames

• Within 14 days prior to commencing field activities associated with the Remedial Action (currently) – will change back to Remedial Investigation with rule amendment package

- Letters must be sent; or
- Sign must be posted; and
- Required documentation must be provided to clerk and health department(s)

• Documentation must be submitted to DEP with the next applicable remedial phase report e.g., PA, SI, RA, RAO)
Sites with Off-Site Contamination

- Fact Sheet – prepare and distribute within 14 days of determining contamination migrated off-site

- Publish in newspaper within 30 days

- Update, redistribute & republish within 90 days of completed delineation unless:
  
  - Contamination is limited to GW & CEA is established – follow notification requirements for CEA
If a release is identified during a regulated UST closure, on-site repair or maintenance activities the following activities are immediately initiated in an efficient single phase:

- Removal of the tank(s) contents
- Excavating the tank system
- Identification of the contamination
- Removal of any associated fill material and contaminated soils

DEP does not require the activity to stop in order for the public notification requirements to be initiated.

DEP established a three week window for public notification and outreach activities to commence for discharges not already known.
Public Inquiries
N.J.A.C. 7:26C-1.7(o)1

RPs must respond to inquiries (new)

- Received by the RP directly; or
- Received by the Department and referred to RP
  - Since the LSRP is often most familiar with current site conditions and the status of the remediation:
    - DEP will direct telephone inquiries to the LSRP
    - DEP will contact both the LSRP and the RP when a written inquiry is received from the public, media or elected official

Failure to conduct public outreach is a minor violation and can result in a base penalty of $10,000 to the RP
Resources

• Public Notification Guidance Page
  http://www.nj.gov/dep/srp/guidance/public_notification/

• Public Notification Form

• Guidance for Posting Signs

• Guidance for Sending Notification Letters

• Public Notification Guidance for Retail Gasoline Stations