

**NJDEP
Site Remediation Reform Act
Near-term Priorities Group
Meeting Record Form**



Record prepared by Tessie Fields

Date	November 21, 2011
Location	DEP HQ – 401 E. State Street, Trenton
Attendees	See meeting attendance sheet
Action Items	<p>1. Wayne Howitz provided an overview of remedial action permits for both soil and ground water.</p> <p>Remedial Action Permit (RAP) is required for any type of institutional and/or engineering control (capping, slurry wall, natural attenuation, pump/treat system, long term monitoring etc.)</p> <p>If the remedy includes the use of an engineering control, Financial Assurance (FA) must accompany the RAP in the form of:</p> <ul style="list-style-type: none"> • Environmental Insurance • Letter of Credit • Line of Credit • Remediation Trust Fund <p>*Self Guarantee not an option to meet remedial action permit FA requirement.</p> <p>Exceptions to requirement to establish FA:</p> <ul style="list-style-type: none"> • Small Business • Not a Responsible Party and owned property prior to 5/7/09 • School/Daycare • Local Government <p>Permittees on a RAP are both the RP and property owners. RP will remain a permittee unless full remediation is completed. Tenants are not typically listed as co-permittee unless in any way responsible for discharge.</p> <p>Amount of FA is based on 30 year timeframe but needs to be maintained as long as engineering control is needed.</p> <p>Historic Fill/DAP – Capping is presumptive remedy. FA for soil cap is required. Ground water contamination due solely to historic fill does not require a ground water RAP or FA. The responsible entity must submit CEA/WRA to DEP, but does not need to maintain the CEA over time. DEP will establish and maintain the</p>

CEA. No application or annual fees is required for CEAs for historic fill.

Annual fee for RAPs as follows:

Soil - \$250

Groundwater - \$750

Existing DN, DERs, CEAs w/o RAPs, will be required to submit an application for a RAP when a Biennial Certification submission is due between 2012 and 2014. This process is outlined on SRP website in the proposed ARRCs rules.

Activity	# of Documents
Total # of RA Permits Received	281
Total Number of RA Permits Issued	266
Number of Soil RA Permits Issued	181
Number of Groundwater RA Permits Issued	85
Total Number of RA Permits Pending	15
Total Number of Permit Transfers	13
Total Number of Permit Modifications	3
Total Number of Historic Fill Soil Permits	63
Total Number of CEAs established due to historic fill	13
Average processing time RA permit	8 Days
Average processing time RA Groundwater Permit	9 Days
Average processing time RA Soil Permit	3 Days

Transfer of RAPs – Property owners can transfer RAPs when they sell the property however Responsible Entity remains on the permit. A 60 day prior notification of property transfer to DEP is required.

2. Remediation Funding Sources – Jim Bono

Under the new LSRP program, an LSRP will be responsible to approve/distribute funds from a Remediation Funding Source.

Noted issues to date: many lending institutions and private party contractual language do not have provisions that allow LSRPs to distribute funds. Most financial assurance instruments still indicate that only the DEP has the authority to authorize disbursements from RFS. All existing financial docs will need to be amended – DEP needs to be “in the loop” – some banks and trustees want DEP approval.

DEP and stakeholders need to get the message out about these changes.

	3. The Near-Term Priorities Committee will meet every other month starting in January 2012. A schedule will be sent out shortly.
Decisions Made	DEP will work on the review of existing FAQs throughout the SRP website and will update information and include new information as it becomes available.
Issues for referral to Steering Comm.	None
Next Meeting Date	January 17, 2012
Topics for next meeting	<ul style="list-style-type: none">• Update on FAQ status• Enforcement• VI Guidance• SRPL Board – Licensing Exam