

RCRA, CERCLA and Federal Facility Sites Process for SRRRA Implementation

This is to advise you of the latest changes during the implementation of the Site Remediation Reform Act as it relates to oversight of the Resource Conservation and Recovery Act (RCRA) for both Government Performance and Results Act (GPRA) 2020 universe sites (listed at <http://www.epa.gov/epawaste/hazard/correctiveaction/pdfs/2020scc.pdf>) and non-GPRA 2020 sites, Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) sites, and other Federal Facilities.

The New Jersey Department of Environmental Protection (Department), in consultation with the U.S. Environmental Protection Agency (EPA), has determined that a Licensed Site Remediation Professional (LSRP) will not be required to be hired for these sites in certain circumstances. **A LSRP will not be required to be hired for the RCRA GPRA 2020 universe sites where EPA is the lead agency.** The Department will continue its role as support agency and conduct document reviews in the traditional manner. DEP will issue comments to EPA and the final approval document will be the EPA Approval.

At sites on EPA's RCRA GPRA 2020 universe list where the **Department is the lead agency**, the person conducting the remediation will be required **to hire a LSRP**. However, the RCRA GPRA sites will **continue to have Department staff assigned** to oversee the remediation and the remediation may not move forward without Department prior approvals. The DEP lead RCRA GPRA sites are subject to mandatory and regulatory timeframes, and the person responsible for conducting the remediation will continue to be required to pay the Department's oversight costs pursuant to N.J.A.C. 7:26C-4.7, but will not be required to pay the new annual remediation fee.

At RCRA sites **not on EPA's RCRA GPRA 2020 universe list**, a LSRP must be hired and the Department will no longer provide traditional oversight. These sites will be subject to the standard LSRP program inspections and reviews and regulatory and mandatory timeframes. LSRPs will issue response action outcomes (RAOs) and the person responsible for conducting the remediation will be required to pay the annual remediation fee.

At CERCLA sites where **EPA is the lead agency** and at **Federal Facilities** under Federal agreements a **LSRP will not be required to be hired**. At CERCLA sites where the **Department is the lead agency**, the person conducting the remediation will be required **to hire a LSRP**. CERCLA sites and Federal Facilities will undergo traditional Department oversight and the person responsible for conducting remediation will not be required to pay the annual remediation fee. If remediation at CERCLA sites is being conducted under a Federal order or agreement, they will not be required to comply with regulatory and mandatory timeframes.

However, while an RAO is not required by the Department, if a party would like a Final Remediation Document for a property sale or any other purpose after May 7, 2012, the party must obtain an RAO prepared by a LSRP.

Please see the attached chart. For more information contact Steve Maybury at 609-633-1455 or Steve.Maybury@dep.state.nj.us.

Type of Federal Case	Required to hire LSRP ¹ and comply with timeframes ⁴	DEP support or oversight	Case Manager Assigned	Fees	Final approval document
RCRA GPRA 2020 EPA lead	No	Traditional Oversight ²	Yes	None, Federal Grant	EPA Approval
RCRA GPRA 2020 DEP lead	Yes	Traditional Oversight	Yes	Oversight costs	DEP Remedial Action Approval
RCRA (not on GPRA 2020 list)	Yes	DEP inspects/reviews LSRP submittals	No	Annual Remediation Fee	RAO
CERCLA EPA lead	No	Traditional Oversight	Yes	None, Federal Grant	EPA Approval
CERCLA DEP lead –RP	Yes	Traditional Oversight	Yes	Oversight costs	DEP Remedial Action Approval
Federal Facilities ³ (i.e., DOD, FAA)	No	Traditional Oversight	Yes	DSMOA cost reimbursement	DEP Remedial Action Approval

¹If a final remediation document is desired at any site after May 7, 2012, a LSRP would have to issue an RAO subsequent to DEP/EPA approval of the remediation.

²Traditional Oversight means Department pre-approvals are required as remediation progresses.

³Federal Facilities may choose to follow the LSRP submittal inspection/review process instead of traditional oversight unless they are also RCRA or CERCLA sites as noted above.

⁴Remediation occurring under a Federal order which includes specified timeframes will not be required to comply with the mandatory and regulatory timeframes specified in SRRA.