Technical Guidance Overview

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Presentation Overview

• Technical Guidance Program, Committees
  Document Review Process and Training

• Variance from Rule and Application of
  Guidance

• Updating Technical Guidance
DEP/ SRP and LSRP Program: Laying a foundation for the future

- LSRP Program
- GUIDANCE
- RULES
Technical Guidance Committees

- **Composed of:**
  - DEP Staff and outside Stakeholders

- **Tasks:**
  - Develop Technical Guidance Document
  - Move prescriptive requirements from Tech Rules to Tech Guidance
  - Coordinate with Tech Rule Committee
  - Develop training on Guidance doc.
**Stakeholder Input**

SRRA requires the Department to involve stakeholders  *N.J.S.A. 58:10C -14c(3)*

- **But its more than that ...**
  - Provides forum for collaboration
  - Creates a process for consensus building
  - Provides more balance to guidance documents
  - Improves working relationships
  - Review process: improves document quality
  - Info exchange – training development
Review Process for Draft Technical Guidance Documents

**Internal NJ DEP review:**
- Distributed to SRP Bureau Chiefs, Assistant Directors and SRP Assistant Commissioners office
- All SRP Staff provided opportunity to review

**External Stakeholder Review:**
- Distributed to Stakeholders on each of the NJ DEP Technical Guidance Committees
- Stakeholders requested to coordinate document review within their respective Stakeholder Groups

**Steering Committee “Fatal Flaw Review”**
- Distributed to SRRA Steering Committee for “high Level” review.
Technical Guidance Documents

**FINALIZED**
- LNAPL
- Receptor Evaluation
- Presumptive Remedies
- IECs
- Alternate Fill / Clean Fill
- Historic Fill
- Ecological Investigation
- Conceptual Site Model
- Vapor Intrusion
- Linear Construction
- Soil Tech Rules [Prelim Assess]

**DRAFT**
- GW Tech Rules
- Soil Tech Rules [SI/RI/RA]
- Soil Tech Rules [UST/LF]
- Monitored Natural Atten.
- Analytical Methods
- Attainment
- Tech. Impracticability
Technical Guidance Training Schedule

- Linear Construction + CSM - Jan 30
- Vapor Intrusion - Feb 13
- PA & SI/RI/RA/Soils - Feb 29
- PA/SI/RI/RA/Groundwater + MNA - Mar 6
- PA/SI/RI for USTs and Landfills - Mar 27
- Technical Impracticability - Apr 10
- QA/QC - TBD
- Attainment - TBD

(dates may change for some sessions)
Rule Variance/Technical Guidance

Policy Paper:

“Varying from a Rule and Applying Technical Guidance” (Nov 2011)

- Posted on DEP Website at:
  [http://www.nj.gov/dep/srp/srra/training/matrix/important_messages/variance_and_bpj.pdf](http://www.nj.gov/dep/srp/srra/training/matrix/important_messages/variance_and_bpj.pdf)

- Describes current process for applying for variance and use of Technical Guidance
Variance from Regulation (Current)

In next relevant submittal, must:

• Provide applicable rule citation

• Describe how the variance differs from rule cited

• Document that the variance provides:
  – Verifiable and reproducible results;
  – Achieves the objective of the cited rule; and
  – Furthers attainment of specific remedial phase.

Current process outlined in N.J.A.C. 7:26E-1.7. (Tech Reqs)
Variance from Regulation
(Proposed Rule)

Before work is conducted, must submit:
- A “Variance Form” (new), and
- Info currently required in Rule (see previous slide)

Note:
- Department approval is not required for work to proceed
- Intent is allow the Department the option to observe work
- Since Tech Rules will be more performance based; request for variance considered important
Technical Guidance: Use of Professional Judgment

*LSRPs may use alternate guidance and/or approaches*

- If there’s no DEP Guidance, or it is not considered appropriate or necessary
- However, must explain why, and
- Document decisions are protective
  - complexity of explanation relative to site complexity
Updating Technical Guidance

Documents will be revised in response to

- Changes in Regulations and/or
- advances in Technology

Major changes:

Committee reconvenes to evaluate document revision

Minor changes:

Committee Chair will review
Feedback

It’s important to receive feedback on

- Document usability
- Problems encountered
- Suggested updates
- New topics for Guidance

Feedback Link on NJ DEP-SRP Website

nj.gov/dep/srp/srra/feedback.htm
Thank You For Your Time

QUESTIONS

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