



Licensed Site Remediation Professionals Association

October 24, 2012



NJ Licensed Site Remediation Professionals Association

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LSRPA Future Events

- Oct. 30 - LSRPA Exam Review Course
- Nov 15 - 3rd LSRP Exam
- Dec. 5 – Business Practice Seminar
LSRP Liability, Insurance & Contract Language
- Jan. 3 – LSRPA Exam Review Course
- Jan. 17 - 4th LSRP Exam
- Jan. 10 – LSRPA Annual Meeting
- Planning Technical Courses for LSRP credit in 2013



Thank you for your support!

Integrating Land Use Regulation and Site Remediation in New Jersey

Mark J. Pedersen - Director, Division of Land Use Regulation

Suzanne Dietrick – Manager, Office of Dredging and Sediment
Technology



STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF LAND USE REGULATION



Goals of Land Use Regulation

- Protect the air, waters, land, and natural and historic resources of the State
- Ensure continue use and public benefit of valuable resources of the State
- Align with the Department and State strategic and economic goals
- Protect the citizens of New Jersey

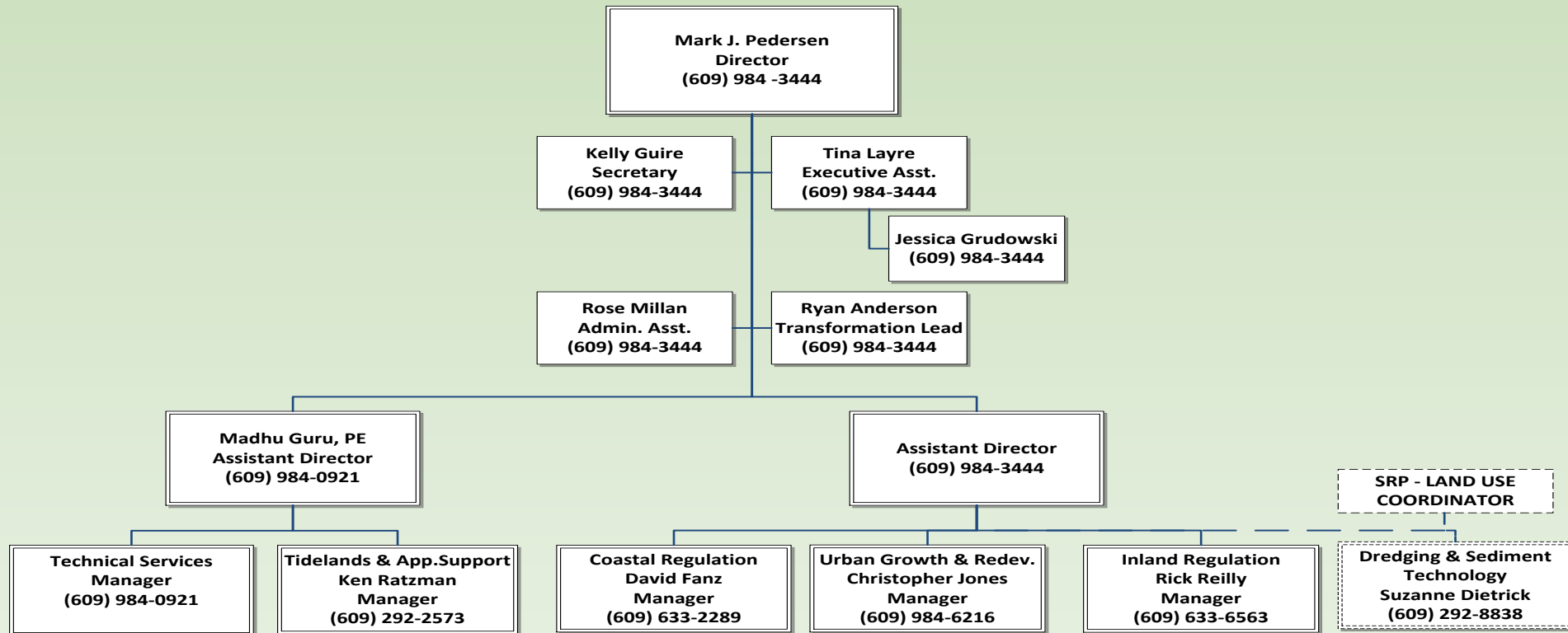
*Land Use and Site Remediation
Working Together*

Site Remediation + Land Use =

Remediation of sites while
protecting regulated resources

Land Use Regulation Organization

Division of Land Use Regulation Director's Office



Land Use Statutes and Regulations

➤ Freshwater Wetlands Protection Act

- N.J.S.A. 13:9B
- N.J.A.C. 7:7A

➤ Flood Hazard Area Control Act

- N.J.S.A. 58:16A
- N.J.A.C. 7:13

Land Use Statutes and Regulations

- Coastal Area Facility Review Act (CAFRA)
 - N.J.S.A. 13:19
 - N.J.A.C. 7:7 and N.J.A.C. 7:7E
- Waterfront Development Act
 - N.J.S.A. 12:5-3
 - N.J.A.C. 7:7 and N.J.A.C. 7:7E

Land Use Statutes and Regulations

- **Tidelands Act**
 - N.J.S.A. 12:3
 - No Corresponding Regulations
- **Highlands Water Protection and Planning Act**
 - N.J.S.A. 13:20
 - N.J.A.C. 7:38
- **Wetlands Act of 1970**
 - N.J.S.A. 13:9A
 - N.J.A.C. 7:7 and N.J.A.C. 7:7E

Land Use Statutes and Regulations

Rule Proposals

Coastal Rules: N.J.A.C. 7:7 and N.J.A.C. 7:7E

~ December 2012

Flood Hazard Rules: N.J.A.C. 7:13

~ January 2013

Land Use in the Process

- **BEFORE:**
 - Investigation Phase
 - Remedial Selection
 - Remedy implementation
 - Redevelopment
- **IDENTIFY Resource or Jurisdictional Area**

Land Use in the Process

❖ What is available?

- Jurisdictional/Applicability determinations
- Pre-application Meetings
- Web site

Land Use in the Process

Jurisdictional Determinations

➤ Freshwater Wetlands

❖ Letters of Interpretation (LOI)

- Four types
 - Basic Presence or Absence (P/A)
 - P/A @ proposed Footprint(s) of Disturbance
 - Delineation on property < 1 acre in size
 - Line Verification
- All types valid for a period of five years
 - One five year re-issuance (extension)

Land Use in the Process

Jurisdictional Determinations

➤ Flood Hazard Area

- ❖ Applicability Determination

➤ Waterfront Development/CAFRA

- ❖ Jurisdictional Determination

Land Use in the Process

❖ Pre-application Meetings

- Redevelopment projects
 - Being prepared and working together
 - Project specific considerations
 - Mitigation: From Zero Net Fill/Riparian Zone Mitigation under Flood Hazard to wetland impacts under FWW all have a cost
 - Foundation: Avoid, Minimize then Mitigate
 - Time is money

Land Use Tools and Permits

**NEW AND IMPROVED
WEB SITE
October 2012**

<http://www.nj.gov/dep/landuse/>

List Serve: available

Land Use Regulation Website

Governor Chris Christie • Lt. Governor Kim Guadagno

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Welcome to the Division of Land Use Regulation

The management of New Jersey's lands plays an important role in the DEP's overall environmental protection strategy. What we do to our land is intimately tied to the health and quality of our streams, estuaries, coastal waters, wetlands, wildlife habitat and our drinking water.

The New Jersey legislature has charged the Department of Environmental Protection with the responsibility to regulate activities proposed in the Highlands, the State's coastal areas, wetlands, floodplains and other environmentally sensitive, "special areas". The Division of Land Use Regulation, through rules promulgated to support the statutes, regulates these areas for the benefit of the citizens of New Jersey. In order to balance environmental concerns with development needs, the Division has a process for issuing permits within these special areas for projects which meet the environmental criteria for approval.

At any time, if you have questions regarding the Division or its programs, please use our [contact page](#) to get in touch with us.

For questions, comments or suggestions regarding this website, please contact our webmaster using [this form](#).

For information on the Waiver Rule, please see their [website](#).

Quick Links



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Remediation of Contaminated Sites and Land Fills

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Hazardous waste from previous site uses such as landfills and industrial sites may persist in the environment and warrant investigation, mitigation, and clean up. Activities are permitted in wetlands, transition areas, and State open waters for the investigation and clean up of hazardous waste. Sites containing hazardous waste are administered by either the Department's [Division of Solid and Hazardous Waste](#) or the [Site Remediation Program](#).

Depending upon what [special areas](#) your project may be impacting, different approvals for the Department may be needed. If you don't know what special areas are on your site, please check out the [before you buy, before you build](#) section of this website for guidance on determining if your site has one of these regulated special areas on it. If you know of, or have an idea of what special areas your proposed project will impact, you can click on any of the tabs above for more information.

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LSRP Engaging Land Use

Question: WHEN should an LSRP engage Land Use - the Office of Dredging & Sediment Technology (ODST) - in the site remediation process??

Answer: EARLY = As Soon As Possible!

Especially: Redevelopment Projects

LSRP Engaging Land Use

- ✓ Engage ODST EARLY
- ✓ Identify Resources EARLY
- ✓ Select Remedy with limited to no impact to resources
- ✓ Remember Avoid, Minimize, Mitigate
- ✓ Engage ODST EARLY



Land Use Permitting

Land Use Permitting
Through
Office of Dredging and Sediment Technology



Office of Dredging and Sediment Technology *(“ODST”)*

- Introduction to ODST
- Effective February 1, 2011, ODST was charged with handling all Land Use permits submitted to the NJDEP for purposes of investigation, remediation, closure and redevelopment of a property under the purview of the Site Remediation Program or the Division of Solid and Hazardous Waste.
- 02/1/2011 – 10/1/2012 Actions – 111 permits issued

Type of Land Use Permits for Remediation Projects

Remedial Investigations (RI)

Freshwater Wetlands/Transition Areas and State Open Waters

FWW GP#12 – Soil Borings (Hand auger/Machine/Veg. Clearing for Survey Lines)

FWW GP#14 – Temporary Monitoring Wells – Blanket approval if necessary

OR

FWW GP#4 – Investigation Work – Scope of Work beyond GP12/14

Waterfront Development/CAFRA Permit

CAFRA GP#15 – Investigation Work above MHWL

CAFRA GP#27 – Geotechnical Soil Borings –In-Water – *new regs. PBR*

Flood Hazard Area

Individual Flood Hazard Area Permit – *depends on extent of clearing of vegetation in regulated area (floodway, floodfringe, riparian zone)*

Type of Land Use Permits for Remediation Projects

Remedial Action

Freshwater Wetlands

FWW GP#4 – Hazardous Site Investigation and cleanup

FWW GP#5 – Landfill Closures

FWW Individual Freshwater Wetland Permit – Federal Agency Involvement (>5 acres trigger)

Waterfront Development/CAFRA

CAFRA GP#15 – above MHWL

Individual Waterfront Development/CAFRA Permit –In-water/Upland

Flood Hazard Area Permit

Individual Flood Hazard Area Permit

Cleanup Riparian Zone Compensation Ratios

New Regulations – GP for cleanups

“Approval” Condition of FWW/Coastal GPs – LSRP Role

GP#4 - *“which are undertaken by the Department or expressly approved pursuant to the Administrative Requirements for the Remediation of Contaminated Sites, N.J.A.C. 7:26C, for the investigation, cleanup or removal of:*

- *Hazardous substances as defined in the Department's rules governing hazardous substances at N.J.A.C. 7:1E, Appendix A; or*
- *Pollutants, as defined in the New Jersey Water Pollution Control Act implementing rules at N.J.A.C. 7:14A.*

GP#5/CAFRA GP#15 – Similar language

Remedial Investigation Case Study

Project: 10-15 Hand Auger Soil borings(>3 feet diameter)/temporary wells in wetlands adjacent to an AOC to determine the extent vertical and horizontal soil/groundwater contamination – *minimum disturbance*

Authorized under GP#12 and GP#14

LSRP Information for applications – RI workplan depicting the location of the borings/well location

Remedial Investigation Case Study

Project: 25-30 soil borings dug by machine in wetlands, cutting of vegetation, temporary access road into wetlands and across a stream, installation of temporary wells - *did not qualify for GP #12 and GP#14*

Authorized under a FWW GP#4/Individual FHA permit

LSRP Info for application:

- RI plan depicting location of borings/request for blanket approval - wells
- Letter from LSRP “approving” the RI Workplan

Other application requirements:

- Restoration plan for wetlands and riparian zone impacts

Remedial Action - Remediation Only

Project: The remediation and restoration of a section of an unnamed tributary. The remediation consisted of the excavation and off-site removal of contaminated soils from within the tributary, along the banks of the tributary and adjacent upland areas.

- Temporary disturbance of 1,219 square feet (0.03 acres) of freshwater wetlands and the temporary disturbance of 7,840 square feet 0.0.18 acres of freshwater wetlands transition area.
- Permanent disturbance to 0.016 acres of scrub-shrub and temporary disturbance to 1.01 acres of grassed riparian zone.

Authorized under a FWW GP#4/Individual FHA permit

LSRP Application Info:

- Documentation of submission of RAWP Certification to NJDEP
- Compliance ARARs and TRSR - applicable submission of pre-RAWP filings
- “Development Plan” – depicts FWW/FHA impacts to implement remedy

Other application requirements: Mitigation/Restoration plan for wetlands and riparian zone impacts

Remedial Action – Remediation and Redevelopment

Project: The remediation and redevelopment of the former industrial landfill (not registered with DSHW). The remediation of the landfill consisted of installation of a cap consisting over the entire landfill and the filling and capping of state open waters. Final development – warehouse. A storm water management plan for the final development was also required.

Pending Land Use Applications: FWW GP#4, still evaluating FHA jurisdiction

- Application submitted without RAWP Certification Form
- Incomplete RI Investigation (No BEE or Ecological Receptor Evaluation)
- Existing Limited Sediment Data in State Open Water does not appear to justify the proposed filling and cap remedy
- No FHA JD prior to submission of application
- Did not address Storm water Management Regulations (N.J.A.C. 7:8) in application

Remedial Action – Remediation and Green Development

Project: The remediation of a 190-acre former industrial facility. The approved remedial strategy calls for; the installation of a hydraulic containment system and surface cap; excavation of contaminated soil with consolidation within the hydraulic containment system or off-site disposal; capping of contaminated sediments from an on-site pond; and installation of the groundwater extraction and treatment system. The construction of a public access area within the mitigation area which will consist of a pedestrian trail/boardwalk system, gathering areas, bird blinds, vehicle access and parking,

- Filling of 6.0 acres of State open waters; Filling of 25.1 acres of emergent freshwater wetlands (23.8 acres of intermediate resource value and 1.3 acres of exceptional resource value)
- Filling of 1.6 acres of upland riparian zone
- Excavation of 1.1 acres of riparian zone to final elevation below mean low water to create tidal wetlands
- Temporary Disturbances wetlands/riparian zone

Authorized under FWW Individual Permit, FHA IP, other GPs for public access activities

On-site Mitigation Plan

LSRP Application/Project Involvement:

- SRP RAWP Approval – LSRP Remedy Selection Technical Discussion w/ Federal Agencies for Permit Issuance
- Developed the Material Acceptance Plan
- Oversight in fill import for remedy and mitigation site

Remedial Action – Remediation and Redevelopment

Project: The remediation and redevelopment of the former sanitary landfill. The remediation of the landfill consisted of compaction of on-site soils, re-grading of the site and the installation of a cap consisting of an asphalt parking lot surface over the entire landfill. A drainage and stormwater management system is also included as part of the closure of the landfill and the redevelopment plan.

-Permanent impact of 7,726 square feet (0.2 acres) and the temporary disturbance of 2,804 square feet (0.1 acres) of freshwater wetlands.

-Permanent impact of 28,483 square feet (0.6 acres) and the temporary disturbance of 2,856 square feet (0.1 acres) of freshwater wetlands transition area disturbance.

Authorized Under a FWW GP#5

LSRP Application Info:

- Same as RA only

Other Application Information/Permit Requirement:

- Landfill Disruption/Closure Plan Approval/RAWP
- Threatened and Endangered Species Timing Restriction

LSRP – Roles/Responsibilities

- LSRP – Responsible for remedial activities and regulatory compliance
- Proper/Timely Filing of ARRCs Documentation
- Be Prepared to Answer Questions/Comments
- Mitigation vs. Remedial Strategy

Land Use / Site Remediation Contacts

Office of Dredging and Sediment Technology

Site Remediation Program

P.O. Box 420, Mail Code 401-04P

Trenton, NJ 08625-0420

(609) 633-6801

ODST County Assignments

Suzanne Dietrick – Manager (609) 292-8838

David Risilia – (609)292-9342

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Cumberland County
Salem County
Gloucester County
Camden County
Burlington County
Mercer County

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Ocean County
Warren County
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Morris County

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Gary Nickerson – (609)292-3304

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Q&A

Questions and Answers

