



Welcome to SRP Training

Regulatory Requirements for Remedial Action Permits





Remedial Action Permit Training

June 18, 2014



NJ Licensed Site Remediation Professionals Association

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LSRP Continuing Education Requirements



36 Continuing Education Credits (CECs) over 3 year LSRP license renewal period

First LSRPs (July 2012) Need 36 CECs by 4/2015

Minimum no. of CECs must be satisfied in these categories:

- 3 CECs Ethics
 - 10 CECs Regulatory
 - 14 CECs Technical
 - +9 CECs Discretionary
- Board can require "CORE" courses

Continuing Ed Credits (CECs)



- One CEC is equivalent to 1 hour of instruction from university, college, DEP, LSRPA & other professional organizations
- Conferences Conventions Workshops 1hr = ½CEC
 - Up to 8 CECs allowed within 3 year renewal cycle
 - Changes to this policy are up to discretion of LSRP Board
- Webinar and On-Line Courses: CEC is 1:1 but exam is required
- CECs available for presentations, publications but not 1:1 credit

Dates & Events



- June 19th LSRPA Spring Networking Event
Lambertville Station Inn 4-6 pm
- June 24th NJDEP Analytical Guidance
Training 9-11:30 am
- July 24th Impact to Ground Water Topics
DEP 3-6 pm
- Sep.16 &17 Groundwater Contamination &
Remedial Principles and Practices
Two Day Course – 13 Technical CECs

NJ LSRP Board Activities



- Board Regulates LSRPs
 - Professional Conduct / Disciplinary Actions
 - Licensure
 - Continuing Education
 - Audits
- Board issued draft rules / Comment period closed on 6/9
- LSRPA provided comments to the LSRP Board on 6/9
- Board has issued 3 new approval applications for CECs:
 - Presentation - submit application within 90 days
 - Instruction “
 - Publication of Paper “




Thank You



Overview of Presentation


Tessie Fields
SRP Training Coordinator






Presentation Outline


- Continued protectiveness – what does it mean?
- Overview of RA Permit program
- Soil RA Permits step-by-step
- GW RA Permits step-by-step
- Financial assurance
- GIS requirements
- Biennial certification
- Common errors






What we are not going to cover


- Permits By Rule (PBR) discharge to ground water (DGW) NJPDES permits
- Emergency on-scene coordinator permits (UHOT cases)
- Land use permits







What is in the handout?

- Agenda
- Copy of slides
- Quick Reference Guides
- Course Evaluation





What happens when no one is paying attention?




Sunday Star-Ledger
April 13, 2014

TOXIC HOMES
...AND NOBODY TOLD THEM




More than a dozen homes on Manufacturers Place in Newark's Ironbound have been found to be contaminated by toxic fumes.



In the Past...

Compliance with Declarations of Environmental Restrictions, Deed Notices and CEAs was a problem

- New property owners for sites were not aware of the conditions associated with the NFA
- "No Further Action" interpreted literally
- Unaware of, or ignoring restrictions and obligations






SRP Devised a Permit Program to Improve Compliance


- Permits provide a better structure for enforcement
- Require property owners to be Co-Permittees
- Annual fees act as a "reminder"
- Financial assurance ensures the funds are there for remediation
- More detailed and clear monitoring rule requirements to ensure people are not exposed to remaining contamination





What DEP rules apply to a site that received an NFA letter?

- The DEP rules that were in effect when the NFA was issued apply (Tech Rules, Oversight Rules)
- NFA letters with Deed Notices and CEAs included site specific requirements
 - Required to submit biennial certifications
 - Sampling and termination requirements etc.





Administrative Requirements for the Remediation of Contaminated Sites (ARRCS)

- The rules adopted in 2009 established the RA permit program and provided a "trigger"
- The requirement to submit a biennial certification is the trigger
- All NFA Cases must transition to a RA Permit
 - Restricted use remedial action cases
 - Limited restricted use remedial action cases

Should have applied by May 7, 2014






ARRCS Permit Requirements

- Unless the formerly contaminated soil or ground water now meets the DEP's remediation standards – the person responsible for must apply for a RA permit
- The RA Permit must comply with today's rules to be protective of human health and the environment
 - Monitoring, Vapor Intrusion controls, termination requirements, etc.
 - Reporting every 2 years







Bi. Cert. has been appropriately renamed...

Remedial Action Protectiveness/Biennial Certification

Requires the Permittee and the LSRP to certify that the remedial action remains protective


Think about...
the LSRP Code of Ethics






Overview of Remedial Action Permits and Where we are as a program


Wayne Howitz, Assistant Director
Remediation Oversight Element





Where We Started

June 2010 – The First Remedial Action Soil And Groundwater Permits Were Issued






Where We Are Now

806 – Soil Permits Issued
530 – Ground Water Permits Issued

Total of 1336 Permits Issued to Date







Average Processing Times for Soil Permits (before May 7, 2014)

Soil Permit Administrative Review Time (days)	Soil Permit Technical Review Time (days)	Soil Permit Total Processing Time (days)
28	16	45

Processing times have increased since then...







Average Processing Times for Ground Water Permits (before May 7, 2014)

Ground Water Permit Administrative Review Time (days)	Ground Water Permit Technical Review Time (days)	Ground Water Permit Total Processing Time (days)
21	23	43

Processing times have increased since then...







Common Problems

Incomplete or inaccurate permit applications cause delays in getting your permit

- The Remedial Action Report not included
- LSRPs not familiar with all documents related to the permit application – including those approved by the Department.
- No GIS compatible map







Common Problems

Incomplete or inaccurate permit applications cause delays in getting your permit


- Missing Electronic Copies of the Deed Notice
- Missing CEA Maps
- Monitoring Plans




 **LSRP's role in Remedial Action Permits**

LSRPs


- Complete and submit permit applications
- Write RAOs
- Must be Retained for the Duration of the Permit
- Ensure that permitted monitoring and maintenance is conducted
- Submit Biennial Remedial Action Protectiveness Certifications and certify that the Remedial Action remains protective




 **Where we go from here**

Via the portal


- On line Electronic filing of Remedial Action Permit Applications
- On line Electronic filing of Remedial Action Protectiveness/Biennial Certifications




 **Remedial Action (RA) Permits**

Types of Remedial Action Permits

1. Soil Remedial Action Permit
2. Ground Water Remedial Action Permit
 - Monitored Natural Attenuation
 - Active Ground Water Remediation Systems







Remedial Action Permits

Who are the Permittees?


- Responsible Entity (RE) – Business/company
 - Representative – person representing the RE, not just the company name.
- Current property owner: persons name, not just a company name.






Transfer/Change of Ownership Application

- Current property owner - A change of property owner requires a Remedial Action Permit Transfer/Change of Ownership Application (30 days after transaction)
- Responsible Entity (RE) – Business/company can never change
 - RE Representative information i.e., phone number and email address can be updated by sending a letter to BCAIN with:
 - *PI number *RAP number
 - *Case name *New contact information







Changes to Fee Billing Contact

Fee Billing Contact

- Must be a person (not just a company)
- Must include a phone number and email
- Updating the contact info can be done by sending a letter to BCAIN with:
 - PI number
 - RAP number
 - Case name
 - New contact information


All other changes are modifications to the permit - use the permit application and check modification






Permit Fees

- Notice in the NJ Register June 16, 2014 of permit fee changes
- Most fees will increase 25%
- New fees will be effective on July 1, 2014



REVISED FEES				
REMEDIAL ACTION PERMIT FEES	SOIL REMEDIAL ACTION PERMIT WITH AN ENGINEERING CONTROL	SOIL REMEDIAL ACTION PERMIT WITHOUT AN ENGINEERING CONTROL	GROUND WATER NATURAL ATTENUATION REMEDIAL ACTION PERMIT	GROUND WATER ACTIVE SYSTEM REMEDIAL ACTION PERMIT
REMEDIAL ACTION PERMIT APPLICATION FEE	\$ 770.00	\$ 770.00	\$ 1,320.00	\$ 2,340.00
ANNUAL FEE	\$ 165.00	\$ 165.00	\$ 165.00	\$ 165.00
REMEDIAL ACTION PERMIT MODIFICATION FEE	\$ 770.00	\$ 770.00	\$ 1,320.00	\$ 1,540.00
REMEDIAL ACTION PERMIT TRANSFER FEE	\$ 330.00	\$ 330.00	\$ 330.00	\$ 770.00
REMEDIAL ACTION TERMINATION FEE	\$ 770.00	\$ 770.00	\$ 770.00	\$ 1,100.00



QUESTIONS?






Soil Remedial Action (RA) Permits

Mike Infanger
Supervisor, Remedial Action Permitting



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Soil Remedial Action (RA) Permits What are the basics?

When is an RA permit for soil needed?


- Whenever soil contamination will remain above the soil remediation standards

What is the process?

- Submit a permit application with the Remedial Action Report within 30 days after the deed notice is filed
- The permit must be issued **by the Department** prior to the RAO




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What to submit to DEP to get a Soil RA Permit?

Soil Remedial Action Permit Application Form with:

- Permit application fee
- Paper and electronic copy of the Deed Notice that has been filed with the county government that shows proof of filing
 - Separate PDF file – can be on same disk
- A complete permit application. Original signatures. Completed Section H.5.





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What to submit to DEP to get a Soil RA Permit? Continued


- A copy of each No Further Action (NFA) letter the Department issued for the site or AOC (if applicable)
- If no NFA letter, RAR must be submitted with forms and electronic copy.
- Remediation Cost Review and RFS/FA form with original Financial Assurance Instrument (if applicable)






What to submit to DEP to get a RA Permit for Soil? Continued

- A GIS compatible map of the Deed Notice boundary
 - DN/DER map in GIS compatible format using:
<http://www.nj.gov/dep/srp/gis>
 - Send by email only to:
srpgis_dn@dep.state.nj.us







Soil Permit Modifications

N.J.A.C. 7:26C 7.12 Modifications of specific requirements in a remedial action permit


1. Remedial action is not adequately protective
2. Change the engineering or institutional control
3. The person modifies the remedial action
4. Lot and block changes (no longer accurate)
5. The permittee changes its address
6. Other






What do you do if there are changes in lot and block designations?

- Notify the Department of lot and block changes
 - in the next Remedial Action Protectiveness Certification (spaces provided on the form to list), or
 - With a permit modification






Presumptive and Alternative Remedies Require RAPs


Presumptive Remedies - apply to schools, child care centers and residences and when remediation is/was initiated after May 7, 2010. Presumptive remedies outline specific capping requirements.

Alternative Remedies - can be proposed in lieu of a presumptive remedy. The Department must approve the Alternative Remedy prior to its use.

Remember:

All Permit requirements including Engineering and Institutional controls are required on sites that are subject to Presumptive and Alternative Remedies.







Who is exempt from requirement to post Financial Assurance?

- Government entity
- Innocent Purchaser (purchased prior to 5/7/09)
- Residence
- School
- Child Care
- Small Business

Condo Associations only need to submit an annual budget







Financial Assurance Documents

- Use Financial Assurance model documents
 - Letter of Credit, Line of Credit, Remediation Trust Fund
- You need to change the Remediation Funding Source model documents to function as the Financial Assurance instrument
- Until posted on web site, send requests to:
michael.infanger@dep.state.nj.us

Send original document with permit application







What if it's not possible?

If FA instrument gets separated, send it to:

- BRAP USPS
Mail Code 401-05S
P.O. Box 420
Trenton, NJ 08625
- BRAP FOR OVERNIGHT COURIER, ETC.
Mail Code 401-05S
401 East State Street
Trenton, NJ 08608






Financial Assurance Rule Issues


N.J.A.C. 7:26C-5.2(f) - Incorrectly implies that says that HDSRF can be used for Financial Assurance

HDSRF funds may not be used for FA

N.J.A.C. 7:26C-7.10(f) – Incorrectly states that disbursements can be made from Financial Assurance instruments

Disbursements may not be made from FA instruments







Notice in Lieu of Deed Notice

For sites that do not have deeds (roadways, utility easements/rights of way)

- Prepare a notice and exhibits for the extent of contamination
- Provide a copy in both paper and electronic format to the head of each agency or their delegated representative
- Contact the Department for additional guidance







Permit Modification - Changes to Deed Notice

What is the process?

- Submit Termination of Deed Notice Form (from the model document) and summary of the changes to the Deed Notice
- DEP executes and returns Termination of Deed Notice Form
- File Termination and the new Deed Notice/exhibits with the county
- Submit RA Permit Application for Modification with recorded new Deed Notice and proof of the terminated deed notice (within 30 days after receiving from county)
- DEP issues an RA Permit Modification






Permit Termination – Termination of Deed Notice

What is the process?


- Submit Termination of Deed Notice Form (from the model document) and summary why the Deed Notice and permit are no longer necessary
- DEP executes and returns Termination of Deed Notice Form
- File Termination of Deed Notice Form with the county
- Submit RA Permit Application for Termination and proof of the terminated deed notice filing
- DEP issues RA Permit Termination Letter






QUESTIONS?






**Ground Water Remedial
Action (RA) Permits**

Reneé Bancroft
Supervisor, Remedial Action Permitting





**All Ground Water RA Permits have
an established CEA**


When should the CEA be established?

- With the submission of the RI Report
- With the submission of the RA Permit Application

...but always

Submit a completed CEA/Well Restriction Area (WRA)
Fact Sheet form...

Even when the CEA was already established and
there are no changes





What are the advantages of obtaining a ground water RA permit?

- A Response Action Outcome (RAO) can be issued
- Will stop/reduce the 1% surcharge for RFS mechanisms (Unless there are AOCs still being remediated)
- Will stop the annual ground water media remediation fees





What to submit to DEP to get a Ground Water RA Permit?

- A complete Ground Water Remedial Action Permit Application Form with signed certifications
- Permit application fee
- CD: RAR, Ground Water Monitoring plan, Map of site location, map of the CEA with monitoring well locations; NFA letters (if applicable)
- Original FA (if applicable)with the Cost Estimate Form
- CEA Fact Sheet Form

You will be contacted by BCAIN if anything is missing from the application






Don't forget your GIS email!


- A GIS compatible map of the CEA boundary
 - In format using:
<http://www.nj.gov/dep/srp/gis>
 - Send by email only to:
srpgis_cea@dep.state.nj.us





What is the process?

- Administratively complete permit packages are sent to the Bureau of Remedial Action Permit (BRAP)
- The Permit writer
 - Conducts a “component” review of RAR
 - Checks the GIS information, and
 - Issues the Remedial Action Permit
 - Sends copies of the permit to the Co-Permittees, the LSRP and numerous government entities






How do I know if my permit application is acceptable?

The LSRP will be contacted if the permit writer has technical questions or information is missing from the application

- Phone call
- Email
- Notice of Technical Deficiency
 - Outlines the issue(s)
 - Cites the Regulation or Rule
 - 30 days to correct







What if...

What if the technical questions aren't answered or the requested information is not provided to DEP?

- The permit application will be withdrawn by BRAP
- The LSRP and Co-Permittees will receive a letter explaining that the permit application was withdrawn and why
- Resubmission of a permit application requires payment of the permit application fee again







When to apply?

- The RA Permit Application should be submitted at the same time as the RAR
- Must be before the RAO is issued
- When a min. of 2 years of ground water data shows a decreasing trend in contaminant concentrations
 - Demonstrating MNA is taking place and the remediation is effective

OR

- When the active remedial system has been demonstrated to be effective for a min. of 1 year







Types of "Active remediation" ground water treatment

- Ground water treatment systems – long term
- Slurry walls
- Air sparging/soil vapor extraction
- Any long term injection systems*

*A RAP is not needed for a Permit By Rule







What needs to be in the Ground Water Monitoring Plan?

The ground water monitoring plan and schedule must be included in the RA Permit application in the **Ground Water Monitoring Plan Spreadsheet**

Include source area wells, plume fringe wells and at least one clean downgradient sentinel well*


*This applies to Post NFA cases too






The Ground Water Monitoring Plan cont.

- An Operation, Monitoring and Maintenance (OMM) Plan must be included for:
 - Vapor intrusion engineering control/mitigation system(s)
 - POET water treatment system(s)
- The ground water monitoring associated with a Technical Impracticability (TI) determination must ensure the protection of all potential receptors (per the Technical Rules, N.J.A.C. 7:26E-5)






Monitored Natural Attenuation Technical Guidance Document

http://www.nj.gov/dep/srp/guidance/srra/mna_guidance_v_1_1_0.pdf

**Table 4
Recommended Monitoring Well Sampling Frequency**

Situation	Performance Well Sampling Frequency	Sentinel Well Sampling Frequency	Reporting Schedule
Permit issued	Annual years 1-4 *	½ travel time to nearest receptor or annual, whichever is more frequent	With CEA Biennial Certification
After 4 years	Biennial years 5-8 *	½ travel time to nearest receptor or biennial, whichever is more frequent	With CEA Biennial Certification
After 8 years	BTEX: Every 8 years for the remainder of the permit. Contaminants other than BTEX > 10X GWQS: every 4 years Contaminants other than BTEX < 10X GWQS: every 8 years for remainder of the permit	½ travel time to nearest receptor or the same frequency as the performance wells, whichever is more frequent	With next scheduled CEA Biennial Certification

* Progression through this sampling schedule is appropriate only if contaminant degradation is occurring as predicted during each monitoring event, and the remedy remains protective of receptors. If contaminant degradation is not occurring as predicted, the applicability of the MNA remedy must be reevaluated in accordance with the MNA guidance.



Revisions to the Remedial Action Permit-GW Application

January 27, 2014

Section F. CEA info. Attach CEA Fact Sheet Form

Section G. Monitoring, maintenance and evaluation info


Question 2: Include TI information


Question 3: Always submit Biennial – no longer on form

Section I. Combined Property Use & Off-Site Land Use

Section J. Receptor Evaluation Summary- now includes VI & POET systems

Section N. Current Owner Info & Certification







Ground Water Remedial Action Permits

Remedial Action Permit Modifications
N.J.A.C. 7:26C-7.12
and
Remedial Action Permit Terminations
N.J.A.C. 7:26C-7.13

Chris Blake
Bureau of Remedial Action Permitting







When is a Ground Water RA Permit Modification Necessary?

N.J.A.C. 7:26C-7.12

1. Remedial action is not protective
2. CEA/WRA has changed or the ground water monitoring needs to be changed
3. Major changes to engineering controls (treatment system) or institutional controls (CEA)
4. The Permittee modifies the remedial action
5. The Permittee changes their address
6. "...for any other reason" N.J.A.C. 7:26C-7.12(c)







When are changes to the CEA needed?

When monitoring reveals the following:

- The attenuation rate is slower than predicted which increases the duration of the CEA
- Plume fringe or sentinel wells previously clean indicate contamination which will increase the size/shape of CEA
- Contaminants of a CEA/WRA have changed due to the increase breakdown products through degradation or other factors







Changes to the monitoring plan that require a permit modification

A permit modification is needed when the Ground Water Monitoring Plan changes:


- Monitoring wells are added or removed from the Monitoring Well Network
- Sampling parameters are changed
- Sampling frequency is changed (Unless change is part of the original Monitoring Plan)
See - Table 4 of MNA Guidance






Changes to the Remedial Action Engineering-Institutional Controls

- Moving from an Active Treatment remediation to a MNA remediation (or MNA to Active Treatment)
- Major changes to Engineering Control
 - Shutting down certain treatment systems while continuing to operate others
- Changes to Institutional Control - CEA





Changing the Primary Responsibility for Permit Compliance

A Ground Water RA Permit Modification is required when the Primary Responsibility for Permit Compliance changes

SECTION D. PERSON RESPONSIBLE FOR CONDUCTING THE REMEDIATION - CO-PERMITTEE

Attribution/Name of Organization: _____

First Name of Contact: _____ Last Name of Contact: _____

Title: _____

Phone Number: _____ Ext: _____ Fax: _____

Mailing Address: _____

City/Town: _____ State: _____ Zip Code: _____

Email Address: _____

Primary Responsibility for Permit Compliance

Remedial Action Permit Application - Ground Water
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SECTION E. CURRENT OWNER OF THE SITE - CO-PERMITTEE

Attribution/Name of Organization: _____

First Name of Contact: _____ Last Name of Contact: _____

Title: _____

Phone Number: _____ Ext: _____ Fax: _____

Mailing Address: _____

City/Town: _____ State: _____ Zip Code: _____

Email Address: _____


Primary Responsibility for Permit Compliance



When to submit your RA Permit application for Permit Modification?


Within 30 days after completing the needed changes or remedial action






What to include with your RA Permit application for Permit Modification


- A cover letter that explains why the RA Permit is being Modified
- A Revised CEA/WRA Fact Sheet Form with appropriate changes (if applicable)
 - *If size/extent/shape of CEA has changed, submit (email) a new GIS Deliverable
- A Revised Ground Water Monitoring Plan (if applicable)






What happens after the expected CEA expiration date?
N.J.A.C. 7:26C-7.9(f)

- Ground Water sampling **must** be conducted within 180 days after the CEA expiration date
 - If clean, collect a second sample accounting for seasonal fluctuations. If both rounds are clean submit Ground Water RA Permit Application for Termination
 - If still above GWQS, submit RA Permit Application for Modification






What to include with your RA Permit Application for Permit Termination


- A summary of Ground Water sampling activities and results
- A CD containing the laboratory analytical data package (no hard copy)

The Department will:

- Issue a RA Permit Termination Letter
- Lift the CEA and remove it from GIS


Note: Do not abandon monitoring wells until the permit termination letter is received






Historic Fill Material and Remedial Action Permits


Mike Gaudio
Bureau of Remedial Action Permitting





What if...there was Historic Fill Material at a site, is a Soil Remedial Action Permit needed?

- **YES!**
- A Soil Remedial Action Permit is required and all items as detailed before are required to be submitted
- Financial Assurance is required if there is an engineering control (unless exempted)





What if...the Historic Fill Material is impacting ground water at a site, is a Ground Water Remedial Action Permit needed?

- NO!

Pursuant to the ARRCs Rule, N.J.A.C. 7:26C-7.3(h):

"The ground water classification exception area established for historic fill pursuant to the Technical Requirements for Site Remediation at N.J.A.C. 7:26E-4.7(b) shall remain effective indefinitely. However, a ground water remedial action permit is not required for the ground water classification exception area."





So...how do you address the ground water contamination related to the Historic Fill Material at a site?

- Submit a completed CEA/WRA Fact Sheet Form with your RIR (or RAR if not done previously with RIR)
- No Fee required
- No Remedial Action Permit Application
- No Remedial Action Protectiveness/Biennial Certification Form
- Department will establish a CEA for the site
- Department will be responsible for the CEA (tracked as Virtual Institutional Control)






What if...there is site related ground water contamination AND Historic Fill Material related ground water contamination at a site?

Two CEAs will need to be established:

- A CEA for the site related contaminant(s), which will be the responsibility of the Permittee and will require a Ground Water Remedial Action Permit; and
- A CEA for the Historic Fill Material ground water contamination, which will be the responsibility of the Department





QUESTIONS?





Submitting GIS Deliverables for Remedial Action Permits

Andy Geary
Bureau of Information Systems
Andy.Geary@dep.state.nj.us






Submitting GIS Deliverables

Guidance on submitting GIS Deliverables for **institutional controls** is outlined in the ADMINISTRATIVE REQUIREMENTS FOR GIS DELIVERABLES guidance at:



www.nj.gov/dep/srp/gis/adminstrative_requirements_for_gis_deliverables.pdf






Email Submittals

SRP has automated the GIS process. All GIS submittals must now be sent via **email only**.





Email Submittals

CEA Emails
GIS deliverables for a CEA must be sent to srpgis_cea@dep.state.nj.us.

CEA Email Subject Line
The email subject line **must** include the **PI number** and the **institutional control (IC) type** as shown in the format below. Please note the required use of the comma in the format.

PI number + “ , ” + IC type (example: 012345, CEA)





Email Submittals


CEA Email Attachments


The email attachments required are:

- The files containing the shape of the institutional control
- ~~A CEA/Well Restriction Area (WRA) spreadsheet~~

All attachments **must** be named using the format shown below. Please note the required use of the underscore in the format.

PI number + “ _ ” + submittal date + IC type (example: 012345_061814CEA)







Email Submittals

Deed Notice Emails
GIS deliverables for a Deed Notice must be sent to srpgis_dn@dep.state.nj.us.

Deed Notice Email Subject Line
The email subject line **must** include the **PI number** and the **institutional control (IC) type** as shown in the format below. Please note the required use of the comma in the format.

PI number + “ , ” + IC type (example: 012345, DN)





Email Submittals


Deed Notice Email Attachments


The only attachment required is:

- The file(s) containing the shape of the institutional control.

All attachments **must** be named using the format shown below. Please note the required use of the underscore in the format.

PI number + “ _ ” + submittal date + IC type
(example: 012345_061814DN)






Email Submittals


Email Attachment Extensions

SRP accepts two file formats at this time; GIS shape files and CAD drawings.

For **ArcGIS users** please include the shape file extensions:

- .dbf
- .shp
- .shx






Email Submittals


For **CAD users** please include:

- The DWG files
- The CAD drawing **must** be geo-referenced; preferably to NAD 83, and in NJ state plane coordinate feet.
- Each IC layer **must** be labeled either CEA boundary or Deed Notice boundary, whichever is appropriate.

For **ArcGIS and CAD users**:


- The shape **must** be a polygon (not a polyline)






Email Body for CEAs and DNs

- Enter the required metadata
- You can **copy** the metadata field names directly from the ADMINISTRATIVE REQUIREMENTS FOR GIS DELIVERABLES guidance.
- Paste the fields into the body of the email.
- Fill in the required information.







Multiple ICs

The current email process can only handle one shape per email submittal.

- Please submit only one institutional control per email.
- If you are submitting multiple ICs for a single Program Interest, add a digit to the IC type for the **email subject line** and all **attachment names**. (i.e., CEA1, CEA2)






This again...

If you submitted a complete IC layer with the previous RAP submission:


- Check DEP GeoWeb to make sure the IC shape is still accurate.
- Review the "Remedial Action Permit Application" form.
- Check "Yes" to the question "Has the CEA or Deed Notice been accurately mapped in GeoWeb."
- **You're done.**






Questions?






Remedial Action Protectiveness Biennial Certifications

Bob Soboleski
Bureau Chief, Remedial Action Permitting







Soil RA Permit

What has to be in the protectiveness certification?

The results of the protectiveness determination including

1. Parcel, zoning or land use changes
2. Periodic site inspection
 - Excavation or disturbances at the site
 - Evaluation of engineering and institutional controls
3. Evaluation of relevant new laws and regulations
4. Keep record of how the Permittee maintained and evaluated the engineering control






Ground Water RA Permit

What has to be in the protectiveness certification?

- The results of the protectiveness determination
 1. Determine the effectiveness by evaluating the data gathered by the monitoring program
 2. Evaluation of relevant new laws and regulations
 3. Determine 25-year water use
 4. Keep record of how the Permittee maintained and evaluated the engineering control






The Certification

- The Permittee must certify that the controls are properly maintained and continue to be protective

OR

- Take actions to ensure the protectiveness of the remedial action modify remedial action permit
 - QRG says to implement the remedy and document in the permit modification







**Remedial Action Protectiveness
Biennial Certifications**

The new form requires

- Remediation Cost Review and RFS/FA Form
- Technical Impracticability (TI) Determination (status)
- GW Monitoring Data, and vapor intrusion/POET monitoring data







**Remedial Action Protectiveness
Biennial Certifications**

The new form requires

- Remediation Cost Review and RFS/FA Form
- Technical Impracticability (TI) Determination (status)
- GW Monitoring Data, and vapor intrusion/POET monitoring data
- Changes in Lot & Block







**Deed Notice: Alterations
Improvements and Disturbances**
Paragraph 7A

If the cap (engineering control) is disrupted for less than 60 days report...

- In the Remedial Action Protectiveness Certification only
- That the cap/control has been **restored to its previous condition**

Common examples: utility repairs, erosion control repairs
eMail description rather than call the Hot Line







Deed Notice – Alterations Improvements and Disturbances

Paragraph 7A

If the cap (engineering control) is disrupted for more than 60 days or if the control is no longer protective...


- Submit the following for a permit modification:
 - RA Permit Application Form
 - Remedial Action summary
 - A copy of the filed Termination of Deed Notice and the new filed Deed Notice (if necessary)
 - Permit application fee (modification)






After May 7, 2014

- Post-NFA Cases should have applied for a permit or requested their CEA be lifted
- Dataminer Report for Post-NFA and permitted sites that are out of compliance for failure to submit required Protectiveness Certification
- DEP will send enforcement letters (e.g., NOV) with fines and penalties for not submitting a Protectiveness Certification or obtaining a RA permit when required





Contacts

Wayne Howitz wayne.howitz@dep.nj.gov 609-984-1351

Mike Infanger mike.infanger@dep.nj.gov 609-984-4430

Renee Bancroft renee.bancroft@dep.nj.gov 609-984-1586

Chris Blake christopher.blake@dep.nj.gov 609-292-0494

Mike Gaudio mike.gaudio@dep.nj.gov 609-984-5868

Andy Geary andy.geary@dep.nj.gov 609-777-0103

Bob Soboleski bob.soboleski@dep.nj.gov 609-984-2990

