







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)

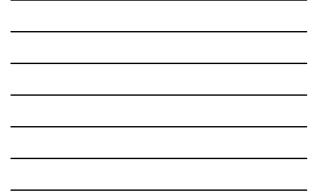


- One CEC is equivalent to 1 hour of instruction from university, college, DEP, LSRPA & other professional organizations
- Conferences Conventions Workshops 1hr = ½CEC
 Up to 8 CECs allowed within 3 year renewal cycle
 Changes to this policy are up to discretion of LSRP Board
- Webinar and On-Line Courses: 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



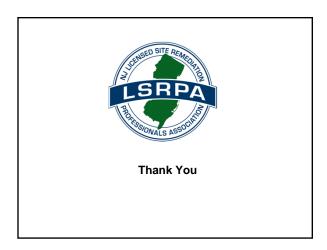
- Professional Conduct / Disciplinary Actions
- Licensure
- Continuing Education
- Audits
- Board issued draft rules / Comment period closed on 6/9

I.SRP

- + 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





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 <u>not</u> 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





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

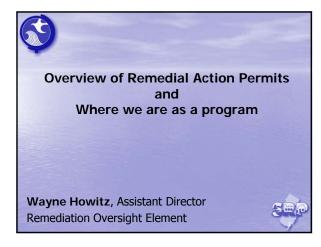
ARRCS Permit Requirements

- 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.

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- Reporting every 2 years





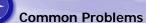




Average Processing Times for Soil Permits (before May 7, 2014)				
Soil Permit Administrative Review Time (days)	Soil Permit Technical Review Time (days)	Soil Permit Total Processing Time (days)		
28	16	45		
Processing times have increased since then				



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			



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

Permits

- LSRPsComplete and submit permit applications
- Write RAOs
- Must be Retained for the Duration of the Permit

LSRP's role in Remedial Action

- 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

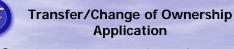


Remedial Action Permits

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.





- Current property owner A change of property owner requires a Remedial Action Permit Transfer/Change of Ownership Application (30 days <u>after</u> 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 and 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							
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·							1,540.00
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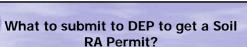
Soil Remedial Action (RA) Permits What are the basics?

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



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

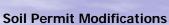
 Separate PDF file – can be on same disk
- A <u>complete</u> permit application. Original signatures. Completed Section H.5.

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)



- DN/DED man in CIC compatible format usi
- 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



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



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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?

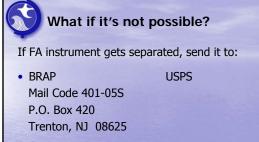
- Government entity
- Innocent Purchaser (purchased prior to 5/7/09)
- Residence
- School
- · Child Care
- Small Business

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: <u>michael.infanger@dep.state.nj.us</u>

Send original document with permit application



BRAP
 Mail Code 401-05S
 401 East State Street
 Trenton, NJ 08608

Financial Assurance Rule Issues

FOR OVERNIGHT

COURIER, ETC.

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



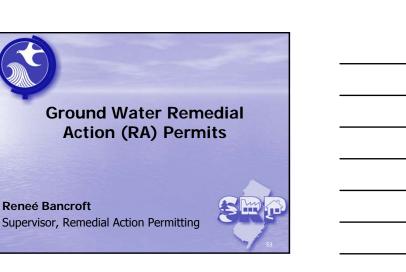
Permit Termination – Termination of Deed Notice

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







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-Permitees, 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-Permitees 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 <u>before the RAO</u> 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 <u>source area wells</u>, <u>plume fringe wells</u> and at least one clean downgradient <u>sentinel well*</u>

*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)





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

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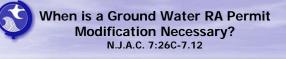
Section I. Combined Property Use & Off-Site Land Use

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



- 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



Change	ing the Primary Re Permit Complia	
A Ground Water RA Permit Modification is required when the Primary Responsibility for Permit	SECTION D. PERSON RESPONSIBLE FOR CONDUCTING TH Affiliation and Organization Fert Name of Contact: L. Tale	all Name of Contact Fac: Zip Code:
Compliance changes	SECTION E. CURRENT OWNER OF THE SITE - CO-PERIETT AltidonName II Organization Pert Name (Charles U Time Et Italian Address State Emar AddressState Emar AddressState	ant Name of Contact Facc Zip Code:

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

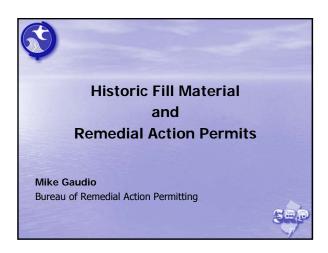
What to include with your RA Permit Application for Permit Termination

- 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





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

<u>YES</u>!

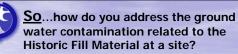
- A Soil Remedial Action Permit is required and all items as detailed before are required to be submitted
- Financial Assurance is required if there is an engineering control (unless exempted)

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<u>What if</u>...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."



- 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 <u>AND</u> Historic Fill Material related ground water contamination at a site?

Two CEAs will need to be established:

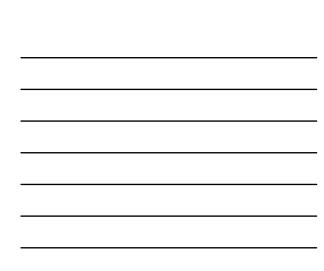
- A CEA for the site related contaminant(s), which will be the responsibility of the Permittee and will require a Ground Water Remedial Action Permit; and
- A CEA for the Historic Fill Material ground water contamination, which will be the responsibility of the Department



Submitting GIS

Deliverables for

Remedial Action Permits



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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

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.

Pl number + ", " + IC type (example: 012345, DN)



Email Submittals

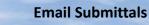
Deed Notice Email Attachments

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 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)

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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."

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• You're done.





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





