

GUIDANCE DOCUMENT

LSRP Notifications to the Site Remediation Professional Licensing Board, the Person Responsible for Conducting the Remediation, and the New Jersey Department of Environmental Protection

Version 1.0 – December 2017

New Jersey Site Remediation Professional Licensing Board

Trenton, New Jersey

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1.0 Intended Use of Guidance Document

This guidance is designed to help the Licensed Site Remediation Professional (“LSRP”) comply with notification requirements in the Site Remediation Reform Act, N.J.S.A. 58:10C-1 et seq. (hereinafter the “SRRA”) and the Regulations of the New Jersey Site Remediation Professional Licensing Board, N.J.A.C. 7:26I-1 et seq. (hereinafter the “Board Rules”).

2.0 Purpose

It is the responsibility of LSRPs to make numerous notifications to the New Jersey Department of Environmental Protection (“Department”), the Site Remediation Professional Licensing Board (“Board”), and their clients and/or persons responsible for conducting the remediation as a function of licensing requirements and in the exercise of their professional LSRP responsibilities. This document is intended to serve as a reference guide to LSRPs by collecting in one place all of the notifications that LSRPs are responsible for making pursuant to the SRRA and the Board Rules.

NOTE: Although not always specified in the SRRA or the Board Rules, the Board recommends that LSRPs institute the practice of keeping a written record of each notification listed in Sections 4.0 and 5.0 so that the LSRP can prove when the notification was made.

3.0 Document Overview

Section 4.0 “Licensure Notifications” includes the notifications that LSRPs must make in order to be in compliance with licensure requirements.

Section 5.0 “Site Remediation Notifications” includes the notifications that LSRPs must make to fulfill their professional responsibilities as LSRPs.

In addition to the notifications set forth in this document, the SRRA and the Board Rules may specify instances when an LSRP must supply information to the Department or Board. For example, N.J.S.A. 58:10C-16.q. requires an LSRP to cooperate in an investigation by the Board or the Department, and N.J.A.C. 7:26I-6.28(a) requires that an LSRP provide data, documents, records, and information to the Department when requested. In order to make this guide simpler and more usable, it does not include instances where an LSRP is required to supply information in response to specific requests of the Department or Board. This guidance document only includes notifications that the LSRP must track and make on his or her own, without prompting from the Department or Board. It also includes only those notifications that LSRPs are responsible for making pursuant to the SRRA and the Board Rules, and does not include notifications that may be required pursuant to other statutes or rules.

4.0 Licensure Notifications

It is recommended that the LSRP keep a written record of the notifications discussed below.

4.1 Change in LSRP Contact Information

LSRPs must notify the Board and Department of a change in contact information within 15 days of the change.

Notification should be made to the Board via email at SRPLBoardContact@dep.nj.gov.

Authority: N.J.A.C. 7:26I-2.10(d)

Notification should be made to the Department via the form found on the Department website: http://www.nj.gov/dep/srp/srra/forms/site_and_contact_info_update_form.pdf?version_1_3.

4.2 Renewal of LSRP License

At least 90 days and no more than 120 days prior to his or her license expiration, an LSRP should submit an application for license renewal and the license renewal fee to the Board.

The Application form is available on the Board website at www.nj.gov/lrspboard/board/licensure/lrsp_license_renewal_application.pdf.

LSRPs whose licenses are due for renewal will be sent an invoice for the renewal application fee. Please follow the instructions on the invoice for paying the renewal application fee. LSRPs that do not receive an invoice within the application period should contact the Board at SRPLBoardContact@dep.nj.gov.

Authority: N.J.A.C. 7:26I-2.11(b) and (c)

4.3 Expiration, Suspension, or Revocation of LSRP License

Within 15 days of the date of license expiration, suspension, or revocation, an LSRP must notify his or her clients, with a copy to the Board and the Department.

Notification should be made to the Board via email to SRPLBoardContact@dep.nj.gov and via regular mail to:

New Jersey Site Remediation Professional Licensing Board
c/o New Jersey Department of Environmental Protection
Site Remediation and Waste Management Program
Office of the Assistant Commissioner
PO Box 420
Mail Code 401-06
401 East State Street
Trenton, NJ 08625-0420

LSRPs with an expired, suspended, or revoked license must also submit an Online Retention-Release Form for each contaminated site for which he or she has been retained within 15 days of the license expiration, suspension, or revocation. The Online Retention-Release Form may be accessed at www.nj.gov/dep/online/.

Authority: N.J.A.C. 7:26I-2.12(c), N.J.A.C. 7:26I-2.13(f), N.J.A.C. 7:26I-2.14(f)

4.4 Annual License Fee

LSRPs will be sent an invoice for the annual license fee on or about November 1 of each year. Please follow the instructions on the invoice for paying the annual license fee. LSRPs that do not receive an invoice by the end of November should contact the Board at SRPLBoardContact@dep.nj.gov.

Authority: N.J.A.C. 7:26I-3.5(d) and (e) and N.J.A.C. 7:26I-3.7

5.0 Site Remediation Notifications

It is recommended that the LSRP keep a written record of the notifications discussed below.

5.1 Notification of Retention and Release

LSRPs must submit an Online Retention-Release Form within 15 days of being retained as the LSRP for a site, and within 15 days of being released as the LSRP for a site or terminating his or her position as the LSRP for a site, if the release or termination occurs prior to the issuance of an RAO. The Online Retention-Release Form may be accessed at www.nj.gov/dep/online/.

If the LSRP has terminated his or her position as the LSRP for a site at his or her own volition, within 15 days the LSRP must communicate the fact of the termination directly in writing to the person responsible for conducting the remediation in addition to submitting the form.

Authority: N.J.A.C. 7:26I-6.5(a) and (b)

5.2 Correction of Deficiencies in a Document

If the Department notifies an LSRP of deficiencies in a document, the LSRP shall, in accordance with timeframes the Department establishes, correct any deficiency the Department identifies and resubmit the document to the Department. In lieu of a resubmittal the Department may deem an addendum sufficient, but this should be established through communications with the Department.

The LSRP should also establish through communications with the Department the appropriate procedure for submitting an addendum or resubmitting the entire document. Typically, deficiencies that the Department identifies in processing submittals will result in a Notice of Administrative Deficiency or Notice of Technical Deficiency. If Department personnel identify a deficiency in a document during the administrative review of the initial submission or during inspection or review, the staff from the Bureau of Case Assignment and Initial Notice or the Bureau of Inspection and Review will contact the LSRP or copy the LSRP on the Notice of Administrative Deficiency or Notice of Technical Deficiency to identify what is needed, and establish a timeframe for the LSRP to provide the information.

Authority: N.J.A.C. 7:26I-6.6

An LSRP who has taken over the responsibility for remediation of a contaminated site from another site remediation professional, licensed or not, shall correct all material deficiencies in a document submitted by the previous site remediation professional including, but not limited to, those the Department identifies, in accordance with timeframes the Department establishes.

Authority: N.J.A.C. 7:26I-6.7(b)

5.3 Correction of Reports when there are Undisclosed Material Facts, Data or Other Information

An LSRP who has taken over remediation from another site remediation professional and who learns of material facts, data, or other information that were not disclosed in a report submitted by the previous site remediation professional shall promptly notify the LSRP's client and the Department in writing of those material facts, data or other information and circumstances.

Notification should be made to the Department via regular mail to:

New Jersey Department of Environmental Protection
Site Remediation and Waste Management Program
Bureau of Case Assignment and Initial Notice
PO Box 420
Mail Code 401-05H
401 East State Street
Trenton, NJ 08625-0420

Authority: N.J.A.C. 7:26I-6.7(c)

5.4 Notification when Applicable Regulatory Timeframes Are Unlikely to be Met

An LSRP shall notify the person responsible for conducting the remediation in writing when, in his or her professional judgment based on site history, any one or more applicable regulatory timeframes referenced in N.J.A.C. 7:26C-3.2(a), and any extension thereof, are unlikely to be met.

Authority: N.J.A.C. 7:26I-6.8(b)

5.5 Notification when Applicable Mandatory or Expedited Site-Specific Timeframes Are Unlikely to be Met

An LSRP shall notify the person responsible for conducting the remediation and the Department in writing when, in his or her professional judgment based on site history, any one or more applicable mandatory or expedited site-specific timeframes referenced in N.J.A.C. 7:26C-3.3 or 3.4, respectively, and any approved extensions thereof, are unlikely to be met.

Notification should be made to the Department via the “Notice of Failure to Comply with a Mandatory or Expedited Site-specific Remediation Timeframe” form available at http://www.nj.gov/dep/srp/srra/forms/notice_to_comply_form.pdf?version_1_0. LSRPs should complete and submit the form in accordance with the instructions.

Authority: N.J.A.C. 7:26I-6.8(c)

5.6 Reporting an Immediate Environmental Concern

If an LSRP identifies a previously unreported condition at a contaminated site that in his or her independent professional judgment is an immediate environmental concern, the LSRP shall:

1. Immediately verbally advise the person responsible for conducting the remediation of the condition and of that person's duty to notify the Department of the condition; and
2. Immediately notify the Department of the condition by calling the Department's telephone hotline at 1-877-WARNDEP.

If an LSRP is unable to ascertain whether an immediate environmental concern has been previously reported, he or she should carry out the provisions of N.J.A.C. 7:26I-6.9 cited above.

Authority: N.J.A.C. 7:26I-6.9

5.7 Reporting a Discharge

If an LSRP obtains specific knowledge that a previously unreported discharge, other than of historic fill, has occurred on a contaminated site for which he or she is responsible, the LSRP shall:

1. Immediately notify the person responsible for conducting the remediation of the discharge and of that person's duty to notify the Department of the discharge;
2. Immediately notify the Department of the discharge by calling the Department's telephone hotline at 1-877-WARNDEP; and
3. Immediately notify any other LSRP that is working on the contaminated site of the discharge.

If an LSRP is unable to ascertain whether a discharge has been previously reported, he or she should carry out the provisions of N.J.A.C. 7:26I-6.10 cited above.

Authority: N.J.A.C. 7:26I-6.10

5.8 Notification of Deviation from Workplan

If an LSRP learns of a client's action or decision that results in a deviation from the remedial action workplan or other report concerning the remediation, the LSRP shall promptly notify the client and the Department, in writing, of the deviation.

Notification should be made to the Department via regular mail to:

New Jersey Department of Environmental Protection
Site Remediation and Waste Management Program
Bureau of Case Assignment and Initial Notice
PO Box 420
Mail Code 401-05H
401 East State Street
Trenton, NJ 08625-0420

Authority: N.J.A.C. 7:26I-6.11

5.9 Notification when LSRP Learns of Material Facts Concerning any Phase of Remediation Subsequent to Completion of a Report

An LSRP who learns of material facts, data, or other information subsequent to the completion of a report concerning any phase of remediation, which would result in a report with material differences from the report submitted, shall promptly notify the client and the Department in writing of those facts, data, information, and circumstances.

Notification should be made to the Department via regular mail to:

New Jersey Department of Environmental Protection
Site Remediation and Waste Management Program
Bureau of Case Assignment and Initial Notice
PO Box 420
Mail Code 401-05H
401 East State Street
Trenton, NJ 08625-0420

Authority: N.J.A.C. 7:26I-6.13

5.10 Notification of Timeframes

An LSRP shall inform a client of:

1. Each regulatory, mandatory, and expedited site-specific timeframe that the LSRP can reasonably ascertain for each contaminated site for which the client has hired the LSRP;
2. The dates by which each component of the remediation shall be completed in order to meet the timeframes; and

3. The penalties and consequences set forth in applicable statutes and regulations, if the timeframes are not met.

Authority: N.J.A.C. 7:26I-6.18

5.11 Notification of Change in Site and Contact Information

Within 15 days of a change in home or business contact information, an LSRP shall inform the Board of those changes by email to SRPLBoardContact@dep.nj.gov.

The Department must be notified of any change in site information, responsible party contact information, and LSRP contact information by completing and sending to the Department, per the instructions, the form available on the Department website at http://www.nj.gov/dep/srp/srra/forms/site_and_contact_info_update_form.pdf?version_1_3.