

A New Jersey Property Owner's Guide to Hiring

Licensed Site Remediation Professionals



You Are A Person Responsible for Conducting Remediation - What Does That Mean?

If you own or lease a site that has been identified as being contaminated, or if you contributed to the contamination of a site, you may be considered by New Jersey law to be a "person responsible for conducting remediation" or "PRCR."

Remediation is the process of identifying contamination on a site, defining the nature and extent of the contamination, and removing and/or mitigating the contamination. A PRCR is required to hire a Licensed Site Remediation Professional ("LSRP") to conduct the remediation.

The process of hiring an LSRP is similar to the process used to hire any professional who provides a service. The Board prepared this guide to answer questions about LSRPs and their role in the remediation process and to present information to consider when hiring an LSRP.

Note that the requirement to hire an LSRP does not apply to unregulated heating oil tanks ("UHOTS") typically found on residential properties. Subsurface Evaluators handle the removal and remediation of a UHOT on a residential property. For more information on the UHOT program refer to https://www.nj.gov/dep/srp/unregulatedtanks/uhot_guidance.htm

What Is An LSRP?

An LSRP is an environmental scientist or engineer experienced in the remediation of oil and other hazardous materials. Only an individual who has been licensed by the State of New Jersey may call himself or herself an LSRP. The LSRP's role is to develop a plan and implement remediation that will satisfy the State requirements.

The New Jersey Site Remediation Professional Licensing Board ("SRPL Board") is the State entity responsible for licensing and overseeing LSRPs. Site Remediation Professionals who are qualified by education and experience and who have passed a rigorous examination designed to test their technical knowledge as well as their knowledge of statutes, regulations, and guidance governing remediation may be licensed by the SRPL Board to perform remediation independently.

LSRPs must adhere to professional standards set forth in the SRPL Board Rules. Of particular importance is the requirement that LSRPs make their highest priority the protection of public health and safety and the environment.

The SRPL Board has the authority to investigate complaints against LSRPs and discipline LSRPs who violate the Site Remediation Reform Act or the SRPL Board Rules. Information about the Board and SRPL Board Rules may be found at this link: <https://www.nj.gov/lrspboard/>

What Will The LSRP Do?

As part of the hiring process, an LSRP typically will gather and evaluate basic information about the contamination on your property. He or she will then recommend a course of action for meeting State requirements. This recommendation should be presented in the form of a written proposal and contract outlining the work to be done. More information about proposals and contracts is found below.

Proposals do not require New Jersey Department of Environmental Protection approval, so work can begin promptly. After remediation is complete, the LSRP will issue a Remedial Action Outcome (“RAO”) stating that the site has been remediated to applicable standards, or that institutional and engineering controls have been established if the applicable standards have not yet been attained.

An important responsibility of the LSRP is to communicate with the client. In particular, an LSRP must keep the client apprised of the remediation timeframes for each phase of the remediation, notify the client if those timeframes are unlikely to be met, and identify the consequences of missing timeframes.

Does The New Jersey Department Of Environmental Protection Get Involved?

The Department typically inspects and, as necessary, reviews documents submitted by LSRPs to ensure that remediation work is completed in accordance with the Department’s applicable standards and regulations. It is particularly important that all remediation timeframes are met. A site's remediation timeframes may be found using the Case Tracking Tool on the SRPL Board website. If timeframes are not met the Department may assume Direct Oversight of the remediation.

The Department bills the responsible party for remediation fees. Remediation fees are administrative fees, assessed by the Department on an annual basis, which must be paid prior to the issuance of a Remedial Action Outcome. If remediation of a site is under Department Direct Oversight, the Department may also bill the responsible party for oversight costs. Oversight costs must also be paid prior to issuance of a Remedial Action Outcome.

Considerations When Hiring An LSRP

The Department and the SRPL Board do not have authority to oversee the contract between a responsible party and an LSRP. The SRPL Board cannot mandate the terms that should be in a contract, or make a determination as to whether the terms of the contract have been met. In particular, the SRPL Board has no authority over how much an LSRP charges or when payments must be made. However, the SRPL Board has assembled the following considerations for hiring an LSRP.

Also, please consider the benefit of having an attorney review any proposals, contracts and insurance policies, particularly when the remediation is complex or anticipated to be expensive.

- Research LSRPs. Information about LSRPs may be found at this link: <https://njems.nj.gov/DataMiner/Search/SearchByCategoryisExternal=y&getCategory=y&catName=Site+Remediation>
- Interview and evaluate more than one LSRP. Obtain written scopes of work and cost estimates from more than one LSRP, asking for the following information:
 1. Applicable State requirements;
 2. Actions being proposed to meet those requirements;
 3. Proposed schedule for completing the work;
 4. Timeframes and Department fees;
 5. Deliverables, indicating all reports and documents that will be prepared; and
 6. Cost of all LSRP and related services.

Vet the LSRP:

- Check the SRPL Board website to determine if any disciplinary actions have been filed against LSRPs you are considering.
- Request a list of completed projects and the names of the LSRP's clients to help you determine if the LSRP has experience suited to your needs.
- Ask for and check references. Inquire about the scope and nature of the services provided by the LSRP and if the services were performed in a satisfactory and timely manner.
- Compare the experience and costs of the LSRPs, but do not base your selection strictly on costs.

Require A Detailed Contract:

When you hire an LSRP, it is important that you and the LSRP agree to a written contract describing the scope of work and specifying all costs. However, adjustments to the scope of work and costs in response to conditions discovered during remediation may be necessary. As such, the contract will provide only an **estimate** of the work and costs, based on the information available at the time of the estimate. After work begins, your LSRP may find that the problem is more extensive than originally anticipated. Require your LSRP to discuss any changes with you before proceeding with work.

The Contract With Your LSRP Should Include All Of The Following:

- Specific actions that will be taken to investigate and remediate the contamination.
- Clear remediation objectives.
- Proposed schedule for completing work and meeting the objectives.
- A budget, specifying:
 1. Costs, either as a lump sum or as unit prices for each item; and
 2. Items to be charged (e.g., laboratory work, equipment and materials, labor hours).
- How changes in the project will be handled.
- Specific dates or a periodic schedule for the LSRP to provide status updates.
- Specific deliverables and the dates they are due, including the final deliverable or end point.
- All applicable remediation timeframes and how you will be informed of progress toward them, notifications if the timeframes are unlikely to be met, and consequences of missing timeframes.
- Identification of the working documents and/or final reports to be provided by the LSRP should they, or you, decide to terminate the contract prior to the issuance of an RAO.
- How the LSRP will address a determination by the Department that the RAO is not protective.

Note that neither the Department nor the SRPLB Board has authority over the LSRPs' charges for their services. Be sure that the contract clearly specifies all LSRP charges and costs.

If you have any questions or concerns please call the NJ SRPL Board at 609-984-3424 or send an email to SRPLBoardContact@dep.nj.gov