



This Power Point presentation is part of an outreach effort intended to educate the public, the regulated community and environmental professionals about the ongoing transformation from the traditional Site Remediation Program (SRP) to the new Licensed Site Remediation Professional (LSRP) Program.

This presentation is based on a written overview of the LSRP program that is available at:

http://www.nj.gov/dep/srp/srra/l srp/l srp_program_overview.pdf

This Power Point presentation may be used by any person for educational or information purposes.





Overview of the New Jersey Department of Environmental Protection Licensed Site Remediation Professional Program





Site Remediation Reform Act (SRRRA; N.J.S.A. 58:10C)

- Enacted May 7, 2009
- Established an affirmative obligation to remediate discharges of hazardous substances
- Established temporary Licensed Site Remediation Professionals (LSRPs)
- LSRPs will “step into the Department’s shoes”
- Established the Site Remediation Professional Licensing (SRPL) Board
- Provided a 3 year phase-in





PHASE IN OF THE LSRP PROGRAM

- Interim rules adopted November 2009
 - Administrative Requirements for the Remediation of Contaminated Sites (ARRCS), N.J.A.C. 7:26C
 - Technical Requirements for the Remediation of Contaminated Sites (Tech Requirements), N.J.A.C. 7:26E
 - Also modified UST, ISRA and several other DEP rules
- The interim rules established concurrent programs
 - Traditional SRP oversight (existing cases)
 - LSRP (new and opt-in cases)





SRRA - IMPACT ON EXISTING CASES

- Existing cases - Initiated remediation before November 4, 2009
 - Notified the Department and remediated continuously
- Work with assigned DEP case manager to obtain prior DEP approval
- Pay DEP oversight costs
- DEP will issue a No Further Action letter if remediation is complete/reviewed before May 2012





SRRA - IMPACT ON NEW CASES

- New cases – Initiated remediation on or after November 4, 2009
 - New discharge, ISRA trigger or UST discharge
- Required to initiate remediation
- Must hire an LSRP within 45 days
- Proceed with the remediation without prior DEP approval





SRRA - IMPACT ON NEW CASES

- Pay annual remediation fees based on
 - Number of areas of concern
 - Media impacted (ground water, sediment, surface water)
 - Categories (i.e., UST, landfills)
- LSRP files a Response Action Outcome (RAO) with the Department when remediation is complete





OPTING-IN TO LSRP PROGRAM

- Existing cases are encouraged to opt-in to the LSRP program
- Benefits of opting-in are available on the SRP web site at http://www.nj.gov/dep/srp/srra/l srp/opt_in.htm
- Submit form and pay outstanding oversight bill
- Proceed similar to a new case without DEP prior approval





MAY 2012 DEADLINE

- All remediating parties must retain LSRP to remediate sites under the new LSRP program
- DEP will not issue any NFA letters after May 2012*

*Except unregulated heating oil tanks (UHOT)





REGULATORY AND MANDATORY TIME FRAMES

- All cases (existing, new, and opt-in) are subject to regulatory and mandatory time frames*

*Except unregulated heating oil tanks (UHOT)





REGULATORY AND MANDATORY TIME FRAMES

- What happens if a regulatory time frame is missed?
 - Remediating party is subject to fines and penalties
- What happens if a mandatory time frame is missed?
 - Remediating party is subject to direct Department oversight
 - Direct Department oversight requires posting financial assurance and the Department chooses the remedy





WHERE ARE TIME FRAMES ESTABLISHED?

- Most regulatory time frames in Technical Requirements
- Some regulatory time frames in UST and ISRA rules
- All mandatory time frames in ARRCs rules





RELATIONSHIP BETWEEN REGULATORY AND MANDATORY TIME FRAMES

- Regulatory time frame - 1 year from initiation of remediation to submit reports/forms (if applicable)
 - Preliminary Assessment/Site Investigation
 - Initial Receptor Evaluation
 - Immediate Environmental Concern (IEC) source control
 - LNAPL (free product) recovery system
- Mandatory time frame - 2 years from initiation of remediation to submit above reports/forms (if applicable)



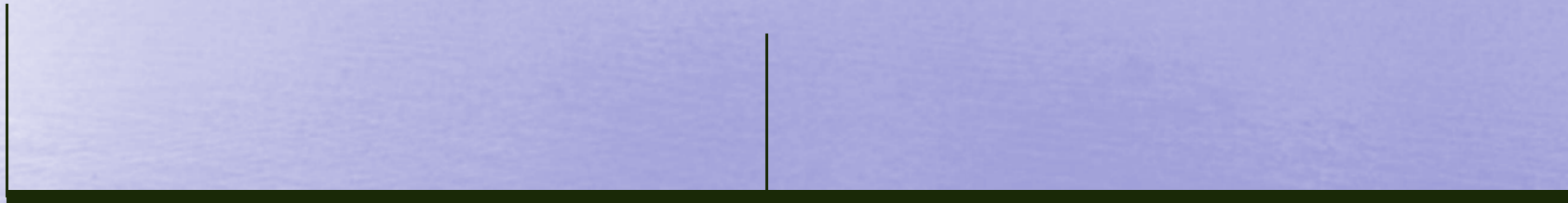


INITIAL RECEPTOR EVALUATION FOR EXISTING CASES

March 1, 2010

March 1, 2011

March 1, 2012



Regulatory
Time frame

1 year

Mandatory
Time frame

2 years





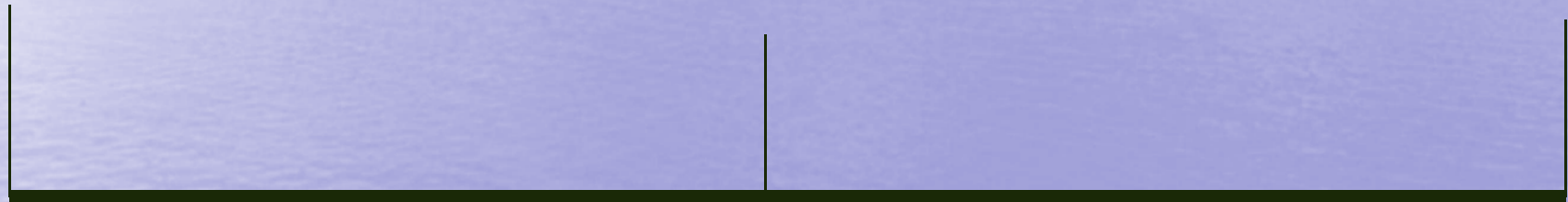
EXAMPLE INITIAL RECEPTOR EVALUATION FOR NEW CASES

New Discharge

April 10, 2011

April 10, 2012

April 10, 2013



Regulatory
Time frame

1 year

Mandatory
Time frame

2 years





EXTENSIONS OF TIME FRAMES

- Regulatory time frames
 - Submit extension request form
 - Can assume “granted” unless contacted by Department
- Mandatory time frames
 - Submit extension request form
 - Must be approved by Department on a case-by-case basis





EXPEDITED TIME FRAMES

- The Department may establish expedited site specific time frames when necessary to protect public health and safety, and the environment.





SRP WEB SITE AND TRAINING AND TOOLS PAGE

- Quick Reference Guides and Summary of Regulatory and Mandatory time frames available at:

<http://www.nj.gov/dep/srp/srra/training>

- Sign up for the SRP ListServ to receive important news and updates

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





site remediation program

[njdep home](#)



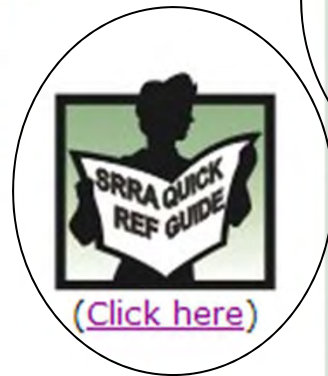
[Index of Common Topics](#)

Site Remediation Reform Act & Licensed Site Remediation Professionals Program

The Site Remediation Reform Act (SRRRA) provides sweeping changes to the way in which sites are remediated in New Jersey. SRRRA establishes a program for the licensing of Licensed Site Remediation Professionals (LSRPs) who will have responsibility for oversight of environmental investigation and cleanup.

[More information](#)

Get the Overview of the Licensed Site Remediation Professional (LSRP) Program



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What's New

- ▶ LNAPL Guidance for Operational Monitoring & Reporting [pdf] 25 Feb 2011
- ▶ ARRCs Rules 25 Feb 2011



“MILESTONE” DOCUMENTS

- Many of the required “milestone” documents (reports) are still required to be submitted to the Department
 - Preliminary Assessment (PA/SI)
 - Remedial Investigation Report (RIR)
 - Remedial Action Workplan (RAW)
 - Remedial Action Report (RAR)
- New requirement- Receptor Evaluation Report/Form
- New requirement– Remedial Action Outcome (RAO) [new/opt in cases only; only LSRP can complete]





INSPECTION OF FORMS

- All reports must be accompanied by form
- Forms are designed to provide critical information about a site and help determine if more detailed review is necessary
- Department will inspect all forms submitted by LSRPs instead of conducting detailed review of reports
- Assigned case managers are being replaced by inspectors and reviewers





REVIEW OF REPORTS

- Based on the inspection of a form the Department may conduct a more thorough review of a report
- The Department inspectors will determine the level of review needed
 - Component
 - General
 - Comprehensive
- Inspection/Review process
 - Does not stop remediation process
 - LSRP does not need prior DEP approval (except for permits)





INSPECTION AND REVIEW PROCESS

- The inspection and review process will allow transition from the DEP “command and control” to the LSRP being in charge
- Currently using “Compliance Assistance” for LSRP cases
- The Department will call the LSRP/RP to resolve questions related to a case
- The Department is committed to completing reviews in a timely manner





RESPONSE ACTION OUTCOME (RAO)

- Issued by LSRP, filed with the DEP but no DEP approval necessary
- RAO is equivalent to No Further Action letter
- Average RAO review time less than 30 days!
- As with NFA Letters, the Department can invalidate RAOs





RAO REVIEW

- The DEP is committed to reviewing RAOs in a timely manner
- DEP will work with the LSRP/RP to resolve issues
- DEP will only invalidate an RAO when
 - The remediation is not protective and
 - The remediating party will not conduct necessary work
- Similar to rescinding NFA letters – invalidation of RAOs should be an infrequent occurrence





“THREE YEAR REOPENER”

- After 3 years, DEP may only invalidate an RAO when:
 - New contamination is identified
 - The board conducts an investigation of the LSRP, or
 - The LSRP has had their licensed revoked





REMEDIATION FUNDING SOURCE (RFS)

- RFS is a financial mechanism used to secure funding for remediation of a contaminated site
- RFS must be established for:
 - ISRA cases at RAW phase or for a remediation agreement
 - Spill Act Directives
 - State Orders
 - Administrative Consent Orders
 - Court Orders
- Must pay the Department a 1% surcharge of the RFS annually until NFA or RAO issued (except self guarantees)





FINANCIAL ASSURANCE (FA)

- FA is a financial mechanism used to secure funding for the maintenance of engineering controls at a contaminated site
- FA is required to be maintained for the duration of the Remedial Action Permit that includes engineering controls
- Does not require the payment of an annual surcharge





DUE DILIGENCE

- Any person conducting due diligence is NOT required to hire an LSRP when the person:
 - Does not own the property in question
 - Conducts a PA/SI for the purpose of conducting all appropriate inquiry into previous ownership and uses of the property
 - Has not discharged a hazardous substance nor is in any way responsible for the discharge





REMEDIATION OF UNREGULATED HEATING OIL TANKS (UHOT)

- Includes above ground tanks and underground tanks that contain heating oil for on-site consumption that have a capacity of 2,000 gallons or less
- The owner of a leaking UHOT may choose to retain an LSRP or a Subsurface Evaluator to conduct the remediation
- Regulatory and Mandatory time frames DO NOT apply
- New UHOT Rules are under development
- UHOT contact Gary Sanderson – (609)633-0544





CONTACT INFORMATION

- Names and phone numbers of SRP staff by topic area are available at

http://www.nj.gov/dep/srp/srra/srra_contacts.htm

