



Contaminated Site Cleanup

Emerging Issues in New Jersey

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Site Remediation and Waste Management Program

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Topics

- Site Remediation Reform Act (SRRRA)
- Program Performance
- Initiatives
- May 7, 2016 RI Statutory
Timeframe/Direct Oversight
- Regulatory Update





Before SRRRA

- Voluntary Cleanup Program
- No enforceable deadlines
- DEP involved in every decision
 - “Enabled” unqualified contractors
 - “Assumed” responsibility by issuing NFAs
 - Obstacle to remediation and redevelopment
- Large unmanageable backlog (>20,000)





SRRA Overview

- Affirmative obligation to remediate
- Regulatory and Mandatory Timeframes
- Licensed Site Remediation Professionals
 - Oversee remediation
 - Apply professional judgement
 - Proceed without DEP approval
 - Site Remediation Professional Licensing Board oversees licensing and performance of LSRPs





Brownfield Redevelopment

- Incentives work seamlessly under SRRA
- Hazardous Discharge Site Remediation Fund
- Brownfield/Landfill Reimbursement
- Brownfield Development Areas (BDAs)





Active Cases

Total Number of Active Cases	14,245
Active LSRP Cases	11,030
Active Other Cases	2,106
Active UHOT Cases	1,109





Active, New, and Closed Cases (2011-2015)

Year	Total Active	Total New	Total Closed
<i>CY11</i>	15,065	6,140	4,360
<i>CY12</i>	14,369	9,612	4,735
<i>CY13</i>	14,577	5,287	4,236
<i>CY14</i>	13,795	4,928	5,036
<i>CY15</i>	14,245	5,390	4,638





Response Action Outcomes (RAOs)

RAOs Issued in CY 2011	762
RAOs Issued in CY 2012	1,278
RAOs Issued in CY 2013	1,750
RAOs Issued in CY 2014	1,742
RAOs Issued in CY 2015	1,891
Total RAOs as of December 31, 2015	7,249





Remedial Action Permits (RAPs)

Total Number of Active RAPs	2,277
Total Number of Active Ground Water RAPs	930
Total Number of Active Soil RAPs	1,347

(As of March 31, 2016)

	First Quarter	Total
Total Number of RAP Applications Received	143	3,341
Total Number of RAPs Issued	198	2,685
Number of Permit Applications awaiting LSRP response	48	249

(First Quarter: January 1, 2016 through March 31, 2016)





Initiatives and Ongoing Stakeholder Process

- LSRPs role to educate, inform, advise
- DEP Online
 - Fees, LSRP Retention/Release
 - RI Report (NEW)
 - Remaining Remedial Phase Reports – coming!
- 20 Technical Guidance Documents finalized
 - 7 more in development





Priority Initiative: Focus Resources on IECs & VCs

- Staff freed up to support IEC identification and response
- 594 IECs/VCs Cases Currently Active
 - 323 are LSRP, 249 publicly funded, 22 traditional oversight
- 498 IEC/VCs Cases Closed to Date
 - 277 are LSRP, 221 publicly funded
- Receptor Survey Team / Receptor Evaluation Requirements
- IECs now identified sooner and more proactively
- Unknown Source Investigations find the source of the IEC

(January 28, 2016)





Vapor Control Remediation

IEC Unit – 609-530-2461





Compliance Assistance and Enforcement

- Compliance Assistance
 - Extensive Outreach - 74% compliance (2013-2016)
 - Over 75,000 phone calls and emails (2009 to present)
 - 5,574 cases processed; 1,084 progressed to Enforcement
- Traditional Enforcement
 - 417 cases brought into compliance w/o enforcement action
 - Enforcement actions issued: 130
 - Almost \$5 Million in penalties assessed

(as of April, 30, 2016)





Ticketing Initiative

If a remediation deadline is missed:

- A compliance officer files a summons
- Municipal court issues the summons and sets a court appearance date.
- DAG sends a letter to the defendant offering to settle the violation
- If a settlement cannot be reached, the case goes to trial in municipal court.
- Municipal judge can assess penalties, but no injunctive relief





Municipal Ticketing Program Stats

Tickets

- 41 Issued
- \$136,200 in penalties
- Average 5 1/2 months

COURT ID: _____ PREP: _____ COMPLAINT NUMBER: _____

The State of New Jersey

Process Print: _____

Defendant's Name: First _____ Initial _____ Last _____

Address _____ City _____

State _____ Zip Code _____ Telephone _____

Birth Date: _____ Sex _____ Eyes _____ Weight _____ Height _____ Restrictions _____

Driver's Lic. No. _____ Exp. Date _____ State _____

STATE OF NEW JERSEY COUNTY OF _____ ss: _____

Complaining Witness: _____ (Print) _____ (Identify Dept./Agency Represented) (Badge No.) _____

I, _____, residing at _____, do hereby certify, under oath, that to the best of my knowledge and belief, the named defendant on or about the _____ day _____ month _____ year _____ time _____ in the _____ County of _____ did commit the following offense: _____

In violation of (one charge only) _____ (Statute, Regulation or Ordinance Number)

LOCATION OF OFFENSE _____ Describe Location _____

OATH: Subscribed and sworn to before me this _____ day of _____, yr. _____

CERTIFICATION: I certify that the foregoing statements made by me are true and I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

OR

(Signature of Complaining Witness) _____ (Date) _____

(Signature of Person Administering Oath) _____ (Signature of Complaining Witness) _____

PROBABLE CAUSE DETERMINATION FOR ISSUANCE OF PROCESS:

COURT USE ONLY: Probable cause is found for the issuance of this Complaint-Summons. (Yes) _____ (Signature of Judicial Officer) _____ (Date) _____

LAW/ENFORCEMENT USE ONLY: The complaining witness is a law enforcement officer or a code enforcement officer with territorial and subject matter jurisdiction and a judicial probable cause determination is not required prior to the issuance of this Complaint-Summons. (Yes) _____

SUMMONS

YOU ARE HEREBY SUMMONED TO APPEAR BEFORE THIS COURT TO ANSWER THIS COMPLAINT. IF YOU FAIL TO APPEAR ON THE DATE AND AT THE TIME STATED, A WARRANT MAY BE ISSUED FOR YOUR ARREST.

NOTICE TO APPEAR

COURT APPEARANCE REQUIRED: COURT DATE: _____ Month _____ Day _____ Year _____ Time _____ AM/PM

(Date Summons Issued) _____ (Signature of Person Issuing Summons) _____ SF (September, 200)

Court's Copy _____

(as of April 30, 2016)





Other Enforcement Initiatives

NOVs for other SRRA Violations

- 147 Issued
- Automating process
- Roll into ticketing initiative

(October 1, 2015 to April 30, 2016)





May 2016 Remedial Investigation Statutory Timeframe

- RI report due May 7, 2014 for contamination identified before May 1999
- 2-year extension to May 7, 2016
- 1,149 cases granted extensions
- 958 RI reports submitted (83%)
- All RI reports and forms were submitted through the DEP Online Portal.





Direct Oversight Requirements

N.J.A.C. 7:26C-14.2

- Remediate as DEP directs, using an LSRP
- Feasibility study - DEP selects remedy
- Submit public participation plan (30 days)
- Submit remediation cost review (60 days)
- Establish Remediation Trust Fund (90 days)





Regulatory Update

- Site Remediation Professional Licensing Board Rules – Adopted in January 2016
- Heating Oil Tank System Remediation Rules (Chapter 26F) – Proposal in late 2016
- Amendments to ARRCs, Tech Regs, NJPDES and UST rules - Proposal in later 2016
- Remediation Standards – Readopt w/o change April 2015; Amendments - Proposal in fall 2016
- Legacy Landfill Law – Proposal August 2016





Recent Change - SRP is now SRWMP

DSHW Responsibilities Include:

- Solid and Hazardous Waste Management
- Landfill Closure and Redevelopment
- Recycling Rates, Facilities and District Planning
- Solid Waste Utility Control and A901
- Emergency Debris Management





DSHW Oversees Landfill Redevelopment

- Solar Installation
 - 14 completed projects = 35.7 megawatts
 - 6 other projects approved but not yet constructed = 29.7 megawatts
- Recreation
- Roads/parking lots
- DPW and recycling sites





For More Information....

Listservs for updated guidance, new/revised forms, training, stakeholder input, etc.

Visit the SRP Website at

www.nj.gov/dep/srp/
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