Contaminated Site Cleanup

Emerging Issues in New Jersey

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Division of Enforcement, Technical & Financial Support
Site Remediation and Waste Management Program
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Topics

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

- 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

<table>
<thead>
<tr>
<th>Total Number of Active Cases</th>
<th>14,245</th>
</tr>
</thead>
<tbody>
<tr>
<td>Active LSRP Cases</td>
<td>11,030</td>
</tr>
<tr>
<td>Active Other Cases</td>
<td>2,106</td>
</tr>
<tr>
<td>Active UHOT Cases</td>
<td>1,109</td>
</tr>
</tbody>
</table>
# Active, New, and Closed Cases (2011-2015)

<table>
<thead>
<tr>
<th>Year</th>
<th>Total Active</th>
<th>Total New</th>
<th>Total Closed</th>
</tr>
</thead>
<tbody>
<tr>
<td>CY11</td>
<td>15,065</td>
<td>6,140</td>
<td>4,360</td>
</tr>
<tr>
<td>CY12</td>
<td>14,369</td>
<td>9,612</td>
<td>4,735</td>
</tr>
<tr>
<td>CY13</td>
<td>14,577</td>
<td>5,287</td>
<td>4,236</td>
</tr>
<tr>
<td>CY14</td>
<td>13,795</td>
<td>4,928</td>
<td>5,036</td>
</tr>
<tr>
<td>CY15</td>
<td>14,245</td>
<td>5,390</td>
<td>4,638</td>
</tr>
</tbody>
</table>
### Response Action Outcomes (RAOs)

<table>
<thead>
<tr>
<th>Year</th>
<th>RAOs Issued</th>
</tr>
</thead>
<tbody>
<tr>
<td>2011</td>
<td>762</td>
</tr>
<tr>
<td>2012</td>
<td>1,278</td>
</tr>
<tr>
<td>2013</td>
<td>1,750</td>
</tr>
<tr>
<td>2014</td>
<td>1,742</td>
</tr>
<tr>
<td>2015</td>
<td>1,891</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>7,249</strong></td>
</tr>
</tbody>
</table>
Remedial Action Permits (RAPs)

<table>
<thead>
<tr>
<th>Total Number of Active RAPs</th>
<th>2,277</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Number of Active Ground Water RAPs</td>
<td>930</td>
</tr>
<tr>
<td>Total Number of Active Soil RAPs</td>
<td>1,347</td>
</tr>
</tbody>
</table>

(As of March 31, 2016)

<table>
<thead>
<tr>
<th>Total Number of RAP Applications Received</th>
<th>First Quarter</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>143</td>
<td>3,341</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Total Number of RAPs Issued</th>
<th>198</th>
<th>2,685</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of Permit Applications awaiting LSRP response</td>
<td>48</td>
<td>249</td>
</tr>
</tbody>
</table>
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 ½ months

(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
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/

karen.kloo@dep.nj.gov

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