

Overview of the Licensed Site Remediation Professional (LSRP) Program

June 2014

Site Remediation Reform Act (SRRA)

In 2009, the Site Remediation Reform Act set forth sweeping changes to the way in which sites are remediated in New Jersey. SRRA established the affirmative obligation for responsible parties to remediate contaminated sites in a timely manner. In order to achieve this goal, SRRA created a category of remediation professionals known as Licensed Site Remediation professionals (LSRP). LSRPs “step into the shoes” of the Department of Environmental Protection (Department) to oversee the remediation of contaminated sites. SRRA requires that the LSRP comply with all remediation statutes and rules and consider Department-developed guidance when making remediation decisions.

Under this new remediation paradigm, with very limited exceptions, the remediating party need not wait for the Department’s direction and pre-approvals to commence and continue cleanups. Instead, they must initiate and complete the cleanup under the direction of an LSRP, who has responsibility for oversight of the environmental investigation and remediation. The Department monitors the remediation progress and the actions of LSRPs by requiring the submittal of forms and reports as remediation milestones are reached.

Effective May 7, 2012 when the LSRP program was fully implemented, all remediating parties were required to retain an LSRP and remediate their site under the new LSRP paradigm, regardless of when the cleanup was initiated.

Roles and Responsibilities under the LSRP Program

The Department’s role in the LSRP program is to regulate responsible parties through its remediation regulations. This includes inspecting and reviewing LSRP submittals to ensure that remediation work is completed in accordance with the Department’s applicable standards and regulations, and monitoring remediation timeframes to ensure that responsible parties remediate sites in a timely manner.

The Responsible Party’s role in the LSRP program is to remediate contaminated sites in accordance with the Department’s applicable standards and regulations. Responsible parties are required to hire LSRPs that will oversee remediations and issue Response Action Outcome letters (RAO) when remediations are complete. RAOs are fully equivalent to the No Further Action (NFA) letters formerly issued by the Department.

The LSRP’s role in the LSRP program is to oversee the remediation of contaminated sites in accordance with the Department’s applicable standards and regulations for responsible parties. They are subject to a strict code of conduct established by statute and regulation and must ensure that remediations are protective of public health, safety and the environment. The conduct of LSRPs is overseen by the Site Remediation Professional Licensing Board (Board). If an LSRP’s conduct is detrimental to the public health and safety or the environment, the Board can take disciplinary actions up to and including revoking the LSRP’s license.

The Site Remediation Professional Licensing Board’s role in the LSRP program involves establishing licensing requirements for site remediation professionals and overseeing the licensing and performance of site remediation professionals. The role of the Board is to provide an effective

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licensing program for site remediation professionals that facilitates cleanup of sites in a manner that is protective of public health and safety and the environment, and ensures the competency of Licensed Site Remediation Professionals. If the Board determines that an LSRP's conduct is detrimental to the public health and safety or the environment, the Board can take disciplinary actions up to and including revoking the LSRP's license.

Highlights of the LSRP Program

Regulatory and Mandatory Timeframes are the time periods specified in the Department's rules within which all persons responsible for conducting remediation must complete specified remedial activities. Failure to comply with regulatory timeframes may result in an enforcement action by the Department. The Department works with persons responsible for conducting the remediation in order to help the person remain in compliance with the Department's remediation rules. However, if after receiving compliance assistance from the Department the person still misses a regulatory timeframe or extension thereof, the person may be exposed to enforcement actions and penalties. The violation of a mandatory timeframe will expose the remediating party to direct Department oversight.

Inspection and Review Process - Under the LSRP program, every document that is submitted by an LSRP, up to and including a Response Action Outcome (RAO), is inspected by the Department. When certain conditions exist these documents may undergo a more detailed review.

Compliance Assistance - As noted above, the Department is employing a "compliance assistance" approach. This means that in the case review process if there is any question about a report or form submitted to the Department, the inspector and/or reviewer will contact the LSRP by phone or email as needed to discuss and resolve any issue concerning the submittal. The Department has committed to working with LSRPs and persons responsible for conducting remediation to ensure that sites undergoing remediation are protective of public health and safety and the environment.

Direct Department Oversight - Sites that are not in compliance with Department regulations, or violate a mandatory timeframe are subject to direct Department oversight. Direct Department oversight requires the remediating party to establish a remediation funding source in the amount equal to the total cost of the remediation, and involves a much higher level of Department control over the remediation, which is much more onerous than for sites that are being remediated with LSRP oversight.

Remediation Funding Source and Financial Assurance - Remediation Funding Sources are Department approved financial mechanisms required to be established and maintained to secure the appropriate funding to ensure completion of the remediation at certain contaminated sites. Financial Assurance is a Department approved financial mechanism required to be established and maintained for sites that have remedial action permits that involve engineering controls (such as a cap covering soils or an ongoing ground water pumping system).

Additional Information

If you have any questions regarding the information contained in this document please contact the DEP Office of Community Relations at 609-984-3081.