

Site Remediation Reform Act (SRRA) Listserv Archives

November 14, 2019 - [SRRA]: Regulatory, Mandatory and Expedited Site-specific Timeframe Notification Requirements for Licensed Site Remediation Professionals (REVISED)

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Subject [SRRA]: Regulatory, Mandatory and Expedited Site-specific Timeframe Notification Requirements for Licensed Site Remediation Professionals (REVISED)

[SRRA]: Regulatory, Mandatory and Expedited Site-specific Timeframe Notification Requirements for Licensed Site Remediation Professionals (REVISED)

Note: The listserv issued November 12, 2019 has been revised and is being reissued this date, November 14, 2019, to clarify that compliance with remediation timeframes is the responsibility of the PRCR. One role of the LSRP is to offer guidance to the PRCR in attaining compliance with remediation timeframes. The language in the first two sentences of the second-to-last paragraph has been modified to reflect this.

The purpose of this listserv is to remind licensed site remediation professionals (LSRPs) of their obligation to comply with the Regulations of the New Jersey Site Remediation Professional Licensing Board (Board) at N.J.A.C. 7:26I-6.8(b) and (c) regarding notification to the Department of Environmental Protection (DEP) and the person responsible for conducting remediation (PRCR) when remediation timeframes are unlikely to be met. The Board evaluates compliance with these requirements, and when LSRPs have failed to comply with this provision, the Board has initiated disciplinary action. The Board recently took disciplinary action on five LSRPs in violation of this requirement.

N.J.A.C. 7:26I-6.8(b) and (c) require LSRPs to do the following:

- (b) Notify the person responsible for conducting remediation in writing when in his or her professional judgment based on site history any one or more applicable regulatory timeframes referenced in the Administrative Requirements for the Remediation of Contaminated Sites (ARRCS) at N.J.A.C. 7:26C-3.2 is unlikely to be met; and,
- (c) Notify the person responsible for conducting remediation and the Department of Environmental Protection in writing when in his or her professional judgment based on site history any one or more applicable mandatory or expedited site-specific timeframes referenced in ARRCS at N.J.A.C. 7:26C-3.3 or 3.4 is unlikely to be met.

The LSRP may be in communication with the DEP and PRCR regarding compliance with timeframes; however, written notification to the DEP is still required prior to the due date for mandatory and expedited site-specific timeframes, using the form posted on the Site Remediation Program website:

https://www.nj.gov/dep/srp/srra/forms/notice_to_comply_form.pdf?version_1_0. If these timeframes have already been missed and notification not provided, submission of the form to the DEP is unnecessary. The LSRP shall still notify the PRCR in writing of missed timeframes, consequences of non-compliance and provide guidance to help achieve compliance. The Board evaluates compliance of notification requirements through its role in overseeing the performance and conduct of LSRPs.

One of the LSRP's roles is to have knowledge of, to ensure the PRCR is aware of, and to offer guidance to the PRCR in attaining compliance with, all remediation timeframes. In order to determine remediation timeframes, LSRPs are advised to run the Data Miner "Case Tracking Tool by LSRP" report for their license number. This report, found under the Site Remediation Category, is generated directly from the most current data recorded in the DEP database and lists each site (PI) for which the LSRP is retained with the associated regulatory timeframe due dates:

<https://www13.state.nj.us/DataMiner/Search/SearchByCategory?isExternal=y&getCategory=y&catName=Site+Remediation>.

Based on the regulatory timeframes listed in the report and detailed in the Technical Requirements for Site Remediation, N.J.A.C. 7:26E, the mandatory timeframes may be determined per the ARRCs, N.J.A.C. 7:26C, as summarized on the DEP SRP website at: https://www.nj.gov/dep/srp/srra/training/matrix/new_responsibilities/timeframe_req.pdf. Any suspected data errors in the "Case Tracking Tool by LSRP" report should be brought to the attention of the Bureau of Case Assignment and Initial Notice duty officer at 609-292-2943. Any discussion concerning non-compliance with timeframes should be brought to the attention of the Compliance Assistance duty officer at 609-633-1480.

SRP Site Remediation Reform Act (SRRRA) Web site: www.nj.gov/dep/srp/

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