

Site Remediation Reform Act (SRRA) Listserv Archives October 26, 2021 - [EXTERNAL]: Deficient submissions

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Subject [EXTERNAL]: Deficient submissions

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The New Jersey Department of Environmental Protection (Department) has received numerous Remedial Action Reports (RARs) and Remedial Action Permit (RAP) applications that fail to meet the most fundamental requirements of a RAR or RAP application. This marked increase in grossly deficient submissions appears to have coincided with the approach of the regulatory and mandatory timeframes for remedial action completion in May 2021. As directed by Commissioner LaTourette, the Department is implementing a zero-tolerance policy for submissions that fail to demonstrate a good faith effort to meet fundamental regulatory requirements.

Licensed Site Remediation Professionals (LSRPs) are reminded that the Site Remediation Reform Act (SRRA) redefined the relationship between environmental professionals and the Department. SRRA created the LSRP license to enable LSRPs to complete remediations without assistance or Department oversight to identify and correct errors. For this paradigm to remain effective and continue to earn the public's trust, LSRPs must be held to the highest standards of professionalism and competency. Accordingly, the Department expects that LSRPs will understand the fundamental requirements of RARs and RAP applications, refrain from submitting incomplete or non-compliant reports and applications, and independently address deficiencies identified by the Department.

Regulatory and mandatory timeframes are again approaching in May of 2022 and persons responsible for conducting the remediation (PRCRs) subject to those timeframes must complete remediations in a timely manner. If a remediation is not complete, the LSRP must notify the PRCR if a regulatory timeframe is unlikely to be met [N.J.A.C. 7:26I-6.8(b)] and both the PRCR and the Department if a mandatory or expedited site-specific timeframe is unlikely to be met [N.J.A.C. 7:26I-6.8(c)]. Additionally, provided there is a basis, the PRCR, through the LSRP, may request an extension of the regulatory or mandatory timeframe with appropriate justification.

The Department reminds all LSRPs and PRCRs that the submission of grossly deficient RARs and RAP applications, and other documents, imposes an enormous burden on the Department's limited resources that would otherwise be more productively applied to the universe of approvable RAPs, resulting in RAP processing delays for all LSRPs and their clients. As part of its responsibility to ensure that LSRPs are meeting the professional and ethical standards established by the Site Remediation Professional Licensing Board (Board), LSRPs that submit grossly deficient RARs and RAP applications may be subject to a referral to the Board.

Celebrating its 50th anniversary in 2020, the New Jersey Department of Environmental Protection is dedicated to protecting New Jersey's environment and public health. The agency prioritizes addressing climate change, protecting New Jersey's water, revitalizing its communities and managing and promoting its natural and historic resources.

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