

RPII Committee Meeting

November 2, 2023



RPII Update

Three workgroups were formed to address issues raised by the RPII stakeholder group

1. A process for discussing CSRR comments/deficiency letters and technical disagreements
2. Developing guidance/training for LSRPs on the importance of documentation and the avoidance of common mistakes
3. Evaluating CSRR's current processes and criteria for conducting additional reviews

RPII Update- Workgroup

Evaluating CSRR's current processes and criteria for conducting additional reviews

- Bureau of Inspection and Review's current process
 - All documents are required to be inspected per SRRA; inspection conducted by inspectors; inspectors make determination as to whether additional review is needed
 - Majority of documents do not have additional review conducted
 - Majority reviewed are component only reviews – e.g., ecological review
- Workgroup determined that it would be helpful to develop flowcharts showing the inspection and review process in the Bureau of Inspection and Review
- DEP currently drafting flowcharts to share with the workgroup in early November; when final will be shared publicly
- Workgroup also discussed criteria for conducting additional reviews

RPII Update- Workgroup

Developing guidance/training for LSRPs on the importance of documentation and the avoidance of common mistakes

- Workgroup identified topics for training
- Two upcoming training sessions
 1. Tracking Areas of Concern and presentation of data
 2. Remedial action permit applications, remedial action reports, and receptor evaluations

RPII Update- Workgroup

A process for discussing CSRR comments/deficiency letters and technical disagreements

- Process currently in place:
 - Comment letters and Notices of Incomplete document/remedial action permit application are reviewed by a DEP supervisor
 - LSRPs and PRCRs should discuss technical disagreements with the DEP staff person first, then the supervisor, then the bureau chief
- Re-establishing the Technical Review Panel (TRP) to help resolve technical disputes between DEP and LSRPs

Remedial Action Permit (RAP) Application Backlog Strategy

Assistant Commissioner David Haymes

Director Gwen Zervas



RAP Application Backlog Strategy



- Developed new certification for Initial RAP Applications – to be signed by LSRP
 - If a complete certification is received, CSRR will issue the permit
- New soil certification will be posted first, followed by new ground water certification
- PRCR and LSRP will receive an email from CSRR outlining the new certification process
- Applications that have received an NOI should resolve outstanding issues and submit new certification within 60-day response time

New LSRP Certification



LSRP will certify certain conditions exist at a site based on specific questions, for example:

- I certify that all contamination has been delineated vertically and horizontally in <specific media> to the applicable standard with no variances
- I certify that all contamination exceeding the non-residential direct contact remediation standards has been capped
- I certify that all contamination exceeding the migration to ground water standard has been removed, treated, or capped with a non-permeable cap
- I certify that all known and potential impacts to receptors have been properly investigated and remediated, and that the remedial action is protective of public health and safety and of the environment
- Deed notice issued/CEA established

RAP Application Backlog Strategy: CSRR Process



- CSRR will audit a percentage of issued RAPs as part of the biennial protectiveness certification review or as part of the RAR/RAO inspection and review process of BIR
- Prioritize enforcement
- Prioritize SRPL Board referrals

Audits



- Audit may consist of inspection and additional review of the following documents depending on site specific circumstances:
 - RAP Application
 - RAR
 - Biennial protectiveness certification submittal
- Audits will be performed on the “shalls” as well as a number of randomly selected applications

RAP Application Backlog: If new certification is not received



- If certification is not received:
 - CSRR will conduct inspection on those RAP Applications
 - If inspection reveals that the RAP Application does not meet review triggers, then no additional review will be necessary
 - If inspection reveals that the RAP Application meets review triggers, CSRR will conduct review(s) (e.g., potential receptor issues)

New RAP applications



- New RAP Applications will be required to be submitted using the new certification
- CSRR is investigating including "permit by certification" as part of the future online RAP service

Questions?



RPII email address:

remediation.process@dep.nj.gov



Thank You for Joining Us!

