

Agenda/Minutes - Meeting with NJDEP Review Team March 3, 2016

Attendees: Myrna Campion, Erick Kinsel, Matt Turner, Caryn Barnes, David Morris, Mark Pietrucha

New Items

☐ In light of the upcoming 2016 RI complete/RIR submittal statutory timeframe and the Board rule requirement for LSRPs to notify the PRCR and NJDEP when the LSRP anticipates that a mandatory timeframe will be missed, we would like to discuss the process in which a LSRP notifies the Department. We discussed this briefly at the last meeting but it was tabled as it may not be a BIR issue.

1200+ cases May 2016 RI complete cases on Department's radar. BIR not the audience for this. Suggest bringing it up at the SRAG meeting. BIR team did not think that there are many sites that obtained extension that will not meet timeframe.

☐ Anticipated issuance date of the November 2015 Interim GWQS policy statement?

Haymes working diligently on the policy statement. Currently under review – doing everything they can to get it out the door. Will provide an update at the SRAG meeting.

☐ An LSRP issued an unconditional, site-wide RAO for a property that was intended to become a school facility. Certain construction activities had begun prior to issuing the RAO and construction is still ongoing. The LSRP was asked to withdraw their RAO, and the only reason NJDEP provided was because the school construction was not complete. As the RAO was a full-site, unconditional RAO and not contingent upon any engineering controls or future uses, why would the timing of the construction be cause for withdrawing the RAO?

For child care facility needs to be constructed before RAO is issued – particularly for playground. For school need to contact Yacoub Yacoub in Northern Field Office. NJDEP BIR can't answer this question – it's outside their jurisdiction. Perhaps there is concern that there could be discharges at the site after RAO but before school is actually constructed.

☐ An LSRP got the call from Code Enforcement requesting PASI documents from 2013 that were previously submitted to the NJDEP. The LSRP was released 12 months prior. The LSRP complied, but isn't this request somewhere in between OPRA and "complying and cooperating" with the NJDEP? Apparently Code Enforcement was going after the PRCR for non-compliance.

This is not a BIR item. No answer provided. Suggest looking at rules and statute to see what PRCR and LSRP obligations are for public inquiries and information requests.

☐ On a CCC PAR, an LSRP was called by the NJDEP twice 6-months apart asking the exact same questions. When the LSRP asked why they were requesting the same information, the NJDEP stated that the first response submitted was not logged in. This occurred almost a year after the RAO was written. While LSRPs are cooperating, is there a "cut-off" point where LSRPs do not have to provide requested information? Particularly if we are no longer the LSRP of record and are not contracted to do any more work?

RAO may still have a “pending” status – question on RAO, CID, etc. that has not been answered. Those issues need to be resolved before the “pending” status can be changed to “complete”. BCAIN staff are uploading electronic documents into NJDEP records when received. NJDEP recommendations for file naming forthcoming.

Other New Items

RAO guidance is in the works – could be out tomorrow/Friday.

HAP RAO Notice – should we be able to use this notice for a RAO-A?

Rescinding NFA – what is the process? There is a committee that is reviewing and discussing these. When there is a RAP, RAP Termination application submitted to BCAIN then goes to BRAP for review. BRAP takes it to the committee.

Old Items

☐ Any updates on Accutest issue and LSRP reliance of past data?

Not a BIR item. Suggested discussion for quarterly meeting with Pedersen.

☐ Any updates on phase-in for the new 1,4-dioxane GW standard?

See answer to November 2015 Interim GWQS question above.

☐ Any updates on ability to submit "incomplete" RI Report using NJDEP Online service? Based on what we've heard, if you answer a "form" question indicating the RI is not complete you will not be able to submit/upload the document. Will we be able to submit AOC specific RIRs on sites where LSRP scope of remediation is entire site?

Increase in submittals being made using RI online service. Discussed RIR submittals for AOC when RI has not been completed for other AOCs. Service will allow for it – does not prohibit from submitting “partial” RIR. Portal questions include provision of date that RI is complete. Check instructions for online submittal of RIR on Forms webpage for hints, pointers, etc. before deadline. Will not be able to go back in online service without losing some of the data already entered.

Design and build of RAW and RAR online service is far along. Testing those services next week.

Preliminary design on RAO online service is complete. Sent to vendor. Online service intended to lock in RAO types – RAO – A/E, Unrestricted, Limited Restricted, Restricted, etc. Will not be able to upload RAO until outstanding NJDEP bills are paid.

DEP Items

Responding to BIR inquiries – The issue is with “people who drop of a cliff”. Usual response or acknowledgement from NJDEP is often timely. LSRPs should identify timing within which they will get back to BIR during the initial contact. RAO is LSRPs product. Department will stop reviewing draft RAOs. Trying to limit to one RAO amendment only.

Professional judgment – Sometimes incomplete, instances of guidance documents not followed with no professional judgment provided. Specific example provided – LSRP making argument that sediment sampling not needed in presentation in response to component review, but information was not presented in the report so DEP technical advisor/lead did not know about it until the meeting. Department requested that report be revised to include the technical justification.

IGW evaluation – Can't use today's ground water concentrations to certify that remediation is complete. Need to address potential future impacts to ground water. Clean ground water does not necessarily waive requirement to remediate IGWSSL exceedances.

Form errors/incorrect entries – typically trigger general review/component review.

Offsite source of GW contamination – Once off-site source is verified first call case number goes into RAO heading, second case number goes into notice.