

NJDEP & LSRPA Meeting – June 26, 2012

ATT: David Sweeney (NJDEP)
David Haymes (NJDEP)
Ken Goldstein (LSRPA)
Nick DeRose (LSRPA)
Sue Boyle (LSRPA)
Stephen Posten (LSRPA)
Bill Call (LSRPA)

1. Recap of exam results

218 of 278 passed (78%). 93% of the exam takers who passed in May attended the LSRAP prep. class in April. All SRPLB members passed. Caviart plans to re-score all failed exams due to mixup in names on email to applicants.

AC Sweeney asked the Association to review the draft rule chapter on Licensure when posted on the SRPLB website to assure a next generation of LSRPs and how they obtain and document their experience; one suggestion was something similar to the EIT process, but perhaps not as formalized.

Also discussed that the Association start looking at and defining what is the standard of professional practice, especially when adhering to the regulations may not yield a sensible final outcome.

2. Recap of Committee hearing

LSRPA testified at a NJ legislative hearing on 6/14/12. Ken Goldstein and Sue Boyle attended. The SRS will not be changing without a legislative amendment to the 10⁻⁶ health risk standard. Some regulatory updates upcoming with the UHOT rule will include RAW not required to be submitted w/in 60 days of RA, confirmation that LSRP variances will not need pre-approval, public notification at RI stage, etc. DEP wants to avoid any implication that they are reviewing and approving LSRPs' submittals before LSRP moves forward: that is clearly counter to SRRA and the entire LSRP program.

3. LSRP and OPRA

According to D. Sweeney, the DEP and AG offices' position is that LSRPs are not government entities and therefore not subject to OPRA. However, any reports/key documents submitted to DEP are obtainable through OPRA. ARRCs rule covers public outreach – remember it only takes 25 interested persons signing a petition to trigger 'substantial public interest' in a site. It is in the RP's and LSRP's best interests to maintain good community outreach and relations. DEP's position is that the RP and LSRP need to work out which entity will cover responses to public inquiries.

4. Clean Fill Guidance

For now...NJDEP is not rescinding or modifying the Dec 2011 fill guidance. W. Call related the LSRPA's 5/30/12 letter requesting the NJDEP leave the guidance as is. If NJDEP had relaxed sampling requirements for clean/incoming fill, the LSRP would have no data to rely on certifying

fill as clean. As such, during a potential future site acquisition, the previously un-sampled fill could be considered a non-indigenous fill AOC by a subsequent buyer or LSRP.

W. Call also related his personal opinion that the quarries, in selling a defined commercial product in NJ, should be responsible for their own QA/QC to make sure that product meets appropriate State of NJ standards. Everyone in the meeting concurred. D. Sweeney will be meeting the quarries again soon where he will bring up this issue.

S. Posten noted that the Department has previously developed and posted technical documentation regarding the range of natural background concentrations for inorganic constituents in NJ (referenced in the IGW FAQ). It was suggested that it would be logical to use these data as a basis to define clean fill for these constituents (for example, acceptable concentration < 90th percentile natural background concentration).

5. New Guidance Document Committees

Several new guidance document suggestions have been received by the stakeholder committee and ~10 new guidance documents are expected (George Nicholas – NJDEP).

6. NFA Paper: Status

In Progress - D. Sweeney requested that we resend S. Senior and A. Robins latest draft.

7. Pending VI revisions (PCE, etc.)

In Progress; Department wants to insure “holistic” and consistent approach regarding use of risk equations, exposure factors, input parameters, etc. for all pathways. Document undergoing further internal review as part of DEP-wide effort to standardize how these types of #s are generated. Office of Science and research involved.

8. 2014 RI deadline

For pre May 7, 1999 cases, covered in SRRA statute so NJDEP has little flexibility on extending the May 2014 RI completion timeframe. There is no DEP sympathy for those cases that have been recalcitrant, but there may be some cases that need flexibility (for example, actively operating facilities?) Concern that the off-site contamination be known by the deadline. Discussed an alternative to full delineation by 2014 for cases where enough information is available to design a conceptual remedy and when remediation deadline will be met (must document that there are no receptors and commit to meeting RA timeframes). Discussion that sites like those with chlorinated compounds in fractured bedrock (and/or with multiple RPs) will have difficulty meeting the deadline. Are there certain sites where it is technically impracticable to meet 2014?

9. Other

S. Posten discussion of evolving (final?) requirements for certified laboratory analysis that require: (1) reporting of TICs for TO-15 vapor analysis, and (2) reporting of ground water analytical data for all constituents in terms of ppb (even those that have always historically been reported in terms of ppm; i.e., metals and “wet chemistry”). Relative to (1), it was noted that after vigorous debate among stakeholders, both MA and CT determined that TICs should not be reported for TO-15. It was requested that SRP provide some management review of these

pending (final?) revisions; it is unclear what benefit either these revisions will have on streamlining the remedial process and achieving timely site closure. D. Sweeney promised to look into issues.