

May 2014 RI Deadline

Procedures for Handling Written Responses Submitted to NJDEP in Response to Its June 2013 Correspondence on the May 2014 RI Deadline (“2014 Correspondence”)

NOTE: The Department is providing the information in this document in order to assist those individuals and businesses who received the Department’s correspondence concerning the completion of the remedial investigation by May 2014. Nothing in this document, or the Department’s responses or lack thereof, may be used against the Department in an attempt to confirm the completion of the remedial investigation or to limit a person’s liability to conduct the remedial investigation or any other aspect of the remediation.

- 1) Person receiving the 2014 Correspondence provides documentation to support that the remedial investigation for the entire site is complete.

Department Response:

- a) If the Department concurs, NJEMS is updated and no contact is made. The person receiving the 2014 Correspondence can verify the Department’s concurrence with the submitted documentation via data miner wherein the “Remedial Investigation to be Completed” task will show as “Remedial Investigation Completed.”
- b) If the Department disagrees, contact will be made with the person receiving the 2014 Correspondence.

- 2) Person receiving the 2014 Correspondence provides information that indicates:

- a) The person receiving the 2014 Correspondence claims they are not or no longer liable for remediation.

Department Response: The Department will not contact this person because the Department does not make liability determinations.

- b) The person receiving the 2014 Correspondence claims they settled their liability with the Department.

Department Response: The Department will contact this person if it disagrees with their interpretation of the settlement of liability.

- c) The person receiving the 2014 Correspondence claims the correspondence was incorrectly addressed.

Department Response: The Department will not contact this person. Contact information will be updated in NJEMS as appropriate. The information provided will not be reflected in Data Miner.

- d) The person receiving the 2014 Correspondence claims they were unaware of the reported contamination.

Department Response: The Department will contact the person and provide a brief explanation of the reported contamination.

e) The person receiving the 2014 Correspondence is acknowledging the requirements.

Department Response: The Department will not contact this person. The information provided will be reflected in Data Miner.

f) Any other response.

Department Response: The Department will review each submittal to determine concurrence with the information presented.

- If the Department concurs with the information presented or the Department verifies another party is conducting the remediation and the remediation is currently compliant, no contact will be made with this person. Depending on the information provided, it may be reflected in Data Miner.
- If the Department does not concur with the information presented or the case is non-compliant, the Department will contact the person.

g) The person receiving the 2014 Correspondence claims they received it due to an error by the Department.

Department Response: The Department will correct the error and contact the correct party.

3) Person receiving the 2014 Correspondence submitted Remedial Investigation Report(s) historically, SRP never reviewed

When the Remedial Investigation Report submittal is sent to the Bureau of Inspection and Review, it will contain at a minimum a completed Remedial Investigation (RIR) Form and Case Inventory Document (CID).

a) Scenario 1: Inspection conducted of the RIR form and the CID with no additional review required (i.e., remedial investigation IS complete):

Department Response:

- Inspector completes inspection and updates NJEMS.
- No contact will be made to the LSRP (information can be obtained from Data Miner).

b) Scenario 2: Inspection of the RIR form and the CID requires additional review (i.e., remedial investigation MAY be complete):

Department Response:

- Inspector sends the RIR form and the CID to a Reviewer specifying type of review to be conducted.
- LSRP is contacted, requesting a PDF version of the file if it is readily available.
 - * If LSRP does NOT have the report, the file will be requested from DEP Archive for review.
 - * If the document specified on the form does not address the information needed for the review, the Reviewer will contact the LSRP, via phone call/email, informing them that the document is not complete and a new, complete RI report will be required in order to meet the timeframes.
 - * The person responsible for conducting the remediation is contacted when the LSRP is non-responsive.
 - * Reviewer conducts the required data entry in NJEMS and the RI phase will be shown in Data Miner as still open.