



Public Notification and Outreach

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Public Notification & Outreach Requirements

- Required in Administrative Requirements for the Remediation of Contaminated Sites (NJAC 7:26C-1.7)
- Originally established in the Technical Requirements for Site Remediation in 2008
- Intended to keep the public and local officials informed
- Moved from Tech. Regs. to ARRCs Rules in 2012

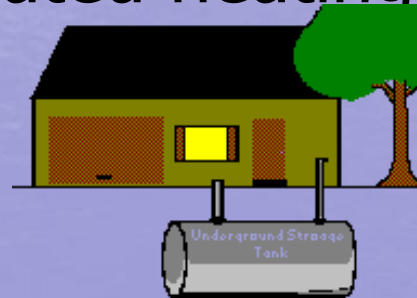




Exemptions

The following case types are exempt from the requirement to post signs or send periodic notification letters

- Remediation of an unregulated heating oil tank (UHOT) system



- Emergency response action





Overarching Changes

- Prescriptive requirements removed – **flexibility introduced**
- DEP will no longer have the most current site information in many cases
- LSRPs will be in best position to answer public inquiries
- Contractual/confidentiality issues must be resolved with RPs to be able to respond





Overarching Changes

- Signs, notification letters and fact sheets must include contact Information for the **remediating party** and the **LSRP**
- Notification signs, letters and fact sheets no longer should include contact information for DEP, Office of Community Relations

The screenshot shows a Windows Internet Explorer browser window displaying the NJDEP SRP website. The address bar shows the URL: http://www.nj.gov/dep/srp/guidance/public_notification/. The page title is "NJDEP SRP - Guidance: Guidance for Notification Signs and Letters". The website header includes the NJDEP logo and navigation links for "NJ Home", "Services A to Z", "Departments/Agencies", and "FAQs". The main content area is titled "Site Remediation Program" and contains the following sections:

- Guidance Documents** > Public Notification & Guidance
- Public Notification & Outreach Guidance**
- Background**

Early, two-way communication by parties responsible for remediations (RPs) with residents, business owners and local officials potentially affected by remediation activities can be critical to a successful investigation and cleanup. This may be especially true when future uses include public recreation or housing. With an effective outreach strategy, RPs can anticipate the needs and concerns of the community and deal with them proactively. Effective outreach creates a forum to share information and raise and address community concerns about future use early in the remediation process. This effort can save time and money and build critical community support.
- Recent Changes to the Public Notification Requirements**

For this reason, in September 2008, the New Jersey Department of Environmental Protection (Department) adopted amendments to the Technical Requirements for Site Remediation to require RPs to perform public notification and outreach beginning at the onset of the remedial investigation phase.
- Public Notification requirements now located in ARCCS**

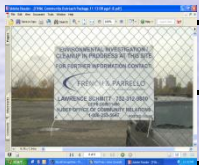
The Department has recently adopted rule amendments affecting public notification requirements to address concerns from the community. Included in these amendments is the recodifying of the public notification requirements from the Technical Requirements for Site Remediation (Technical Requirements, N.J.A.C. 7:26E-1.4) to the Administrative Requirements for the Remediation of Contaminated Sites (ARCCS, N.J.A.C. 7:26C-1.7).






Time Frames

- Within 14 days prior to commencing field activities associated with the Remedial Action (currently) – **will change back to Remedial Investigation with rule amendment package**



- Letters must be sent; or 
- Sign must be posted; and
- Required documentation must be provided to clerk and health department(s)



- Documentation must be submitted to DEP with the next applicable remedial phase report e.g., PA, SI, RA, RAO)





Sites with Off-Site Contamination

- Fact Sheet – prepare and distribute within 14 days of determining contamination migrated off-site
- Publish in newspaper within 30 days
- Update, redistribute & republish within 90 days of completed delineation unless:
 - Contamination is limited to GW & CEA is established – follow notification requirements for CEA





Retail Service Station Policy

If a release is identified during a regulated UST closure, on-site repair or maintenance activities the following activities are immediately initiated in an efficient single phase:

- Removal of the tank(s) contents
- Excavating the tank system
- Identification of the contamination
- Removal of any associated fill material and contaminated soils

DEP does not require the activity to stop in order for the public notification requirements to be initiated.

DEP established a three week window for public notification and outreach activities to commence for discharges not already known





Public Inquiries

N.J.A.C. 7:26C-1.7(o)1

RP's must respond to inquiries (new)

- **Received by the RP directly; or**
- **Received by the Department and referred to RP**
 - Since the LSRP is often most familiar with current site conditions and the status of the remediation:
 - DEP will direct telephone inquiries to the LSRP
 - DEP will contact both the LSRP and the RP when a written inquiry is received from the public, media or elected official

Failure to conduct public outreach is a minor violation and can result in a base penalty of \$10,000 **to the RP**





Resources

- **Public Notification Guidance Page**

http://www.nj.gov/dep/srp/guidance/public_notification/

- **Public Notification Form**

http://www.nj.gov/dep/srp/srra/forms/public_notification_form.pdf

- **Guidance for Posting Signs**

http://www.nj.gov/dep/srp/guidance/public_notification/signsguide.htm

- **Guidance for Sending Notification Letters**

http://www.nj.gov/dep/srp/guidance/public_notification/letters.htm

- **Public Notification Guidance for Retail Gasoline Stations**

http://www.nj.gov/dep/srp/guidance/public_notification/service_stations.htm

