

## **Remedial Action Permit Requirements for RCRA GPRA 2020, CERCLA and Federal Facility Sites under Traditional DEP Oversight**

**RCRA GPRA 2020 Sites** - Remedial Action Permits are required for RCRA GPRA 2020 sites (both EPA and DEP lead). Biennial Remedial Action Protectiveness certifications submitted in accordance with the RA permit will be submitted to the case manager, and the case manager will conduct the review. The Remedial Action Permit Application fees apply but biennial certification reviews will be billed to the responsible party or EPA grant, as applicable.

**CERCLA Sites currently on National Priority List (NPL)** – Federal, state or local permits are not required for onsite CERCLA actions pursuant to 40 CFR 300.400(e). Therefore Remedial Action Permits are not required for NPL sites (both EPA and DEP lead). Deed notices and Classification Exception Areas (CEAs) will be established when necessary and biennial certifications must be completed. The biennial protectiveness certifications will be submitted to the case manager and the case manager will conduct the review. Biennial certification reviews will be billed directly to the RP or to the EPA grant, as applicable.

**CERCLA Sites that have been deleted from the NPL** – All Site Remediation Reform Act requirements apply to delisted NPL sites including the requirement to hire an LSRP and obtain Remedial Action Permits and pay applicable fees (except for Federal Facilities as noted below).

**DoD/federal facility sites owned by the federal government** – Remedial Action Permits are not required for Federal Facilities being addressed under the Defense Department and State Memorandum of Agreement (DSMOA) -Attachment A. CEAs and deed notices will be handled as follows:

CEAs - CEAs will be established when necessary and biennial certifications must be completed. The biennial certifications will be submitted to the case manager and the case manager will conduct the review. Review time will be billed to the grant.

Deed notices - At active DoD facilities, deed notices are not filed, however the soil contamination must be noted in the Base Master Plan and protectiveness certifications must be completed on a biennial basis and submitted to the case manager. Protectiveness certifications may be submitted in letter format. At federally owned properties in which deed notices can be filed, biennial certifications must be completed and submitted to the case manager for review. Review time will be billed to the grant.

**Sites that are being remediated by the DoD under the DSMOA-Attachment A, that are not currently a Federal Facility/not federal property** (i.e. Formerly Used Defense Sites or FUDs) – Remedial Action Permits are required as well as all applicable permit fees.

Please see the attached chart. For more information contact Steve Maybury at 609-633-1455 or [Steve.Maybury@dep.state.nj.us](mailto:Steve.Maybury@dep.state.nj.us).

## Remedial Action Permit Requirements for Sites with Traditional DEP Oversight

| Type of Federal Case                                | Remedial Action Permit Required | Remedial Action Permit Application Fee | Annual Remediation Fees (LSRP) | Biennial Remedial Action Protectiveness Certification Required | Annual Remedial Action Permit Fee |
|---|---------------------------------|--|--------------------------------|--|-----------------------------------|
| RCRA GPRA 2020 - EPA lead                           | Yes                             | Yes                                    | No                             | Yes  | Direct Billing <sup>4</sup>       |
| RCRA GPRA 2020 - DEP lead                           | Yes                             | Yes                                    | No                             | Yes  | Direct Billing <sup>4</sup>       |
| CERCLA EPA lead                                     | No <sup>1,2</sup>               | No                                     | No                             | Yes <sup>3</sup>   | Direct Billing <sup>4</sup>       |
| CERCLA DEP lead                                     | No <sup>1,2</sup>               | No                                     | No                             | Yes  | Direct Billing <sup>4</sup>       |
| Federal Facilities                                  | No <sup>1,2</sup>               | No                                     | No                             | Yes <sup>3</sup>   | Direct Billing <sup>4</sup>       |
| Formerly Used Defense Sites Being Remediated by DoD | Yes                             | Yes                                    | No                             | Yes  | Yes                               |

<sup>1</sup> Deed Notice or Federal Facilities Land use control/Base Master Plan, Classification Exception Area and Biennial Protectiveness Certifications are required to be filed.

<sup>2</sup> Remedial Action Permit is required at the time of deletion from NPL or a Federal Facility property transfer to private party.

<sup>3</sup> Protectiveness certifications may be submitted by letter format.

<sup>4</sup> Direct billed to Federal Grant or Responsible Party