Effective Collaborative Communications Committee (ECCC)

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Bureau of Remedial Action Permitting
ECCC Members

• Department Members
  • Julian Pozzi, Chair
  • Christopher Blake
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  • Rachel Farro
  • Dominik Hudyka
  • Lynne Mitchell

• Site Remediation Industry Network (SRIN) Members
  • Maureen Forlenza
  • Elenor Siebring

• LSRPs
  • Rob Fisler
  • Marlene Lindhart
  • Amy Murphy
  • Michelle Tomaszewski
ECCC's Purpose

- The purpose of this committee was to focus on the Remedial Action Permit applications that receive Notices of Technical Deficiencies (NTDs) but are ultimately still issued a permit.
- These deficient applications are contributing to the current BRAP backlog due to the back-and-forth communication required to correct the deficiencies.
  - The current metrics for Remedial Action Permits which are based on applications processed from July 1, 2021, through July 1, 2022:
    - Approximately 6% of initial applications were issued without receiving any NTD (less than 1% of initial soil applications and 12% of all initial GW applications).
    - Approximately 58% of initial applications were issued after receiving an NTD (79% of initial soil, 37% of initial GW).
    - Approximately 36% of initial applications were withdrawn/rejected (21% of initial soil, 63% of initial GW).
ECCC's Process

The process this committee used was simply having Department members present PowerPoints that show the types of deficiencies that are most commonly holding up the process of issuing a permit.

The PowerPoints focused on the following topics:

- Door-to-Door Well Search Surveys
- Common Deficiencies Related to Soil RAP Applications
- Remedial Action Report Presentation/Documentation
- Department Review Process for RAP Applications
Example of a Common Deficiency Related to Soil RAPs

• When Financial Assurance is required, an RFS/FA Form needs to be submitted with the original Financial Assurance Mechanism. Specifically, Letters & Lines of Credit from the correct model document

• Using the wrong model document from the RFS Guidance page will cause a delay in the issuance of a RAP/RAO

What are acceptable RFS and Financial Assurance (FA) mechanisms?

All RFS and FA mechanisms must comply with the format and language of the model documents found at the links below.

Remediation Funding Source (RFS)

- Remediation Trust Fund Agreement - Please see N.J.A.C. 7:26C:5.4 for specific requirements.
- Line of Credit Agreement - Please see N.J.A.C. 7:26C:5.4 for specific requirements.
- Letter of Credit - Please see N.J.A.C. 7:26C:5.7 for specific requirements.
- Environmental Insurance Policy - Please see DEP's regulatory requirements at N.J.A.C. 7:26C-5.5.
- SFAP Guarantee Application - Please see the SFAP Guarantee Application Instructions for more information and N.J.A.C. 7:26C:5.6 for specific requirements. (Not for use as Financial Assurance.)
- Loan or Grant from the Landtrust/Endangered Remnant Fund - Please see N.J.A.C. 7:26C:5.2 for specific requirements.
- Surplus Bond - Please see N.J.S.A. 58:10B-3.1 for specific requirements.

Financial Assurance (FA) - (To be used for Remedial Action Permits only)

- Remediation Trust Fund Agreement for FA - Please see N.J.A.C. 7:26C:5.4 for specific requirements.
- Line of Credit Agreement for FA - Please see N.J.A.C. 7:26C:5.4 for specific requirements.
- Letter of Credit for FA - Please see N.J.A.C. 7:26C:5.7 for specific requirements.
- Environmental Insurance Policy - Please see DEP's regulatory requirements at N.J.A.C. 7:26C-5.5.
- Surplus Bond - Please see N.J.S.A. 58:10B-3.1 for specific requirements.
Frequently Asked Questions (FAQ) Document

Based on LSRP member experiences with other helpful FAQ documents, the committee decided to create an FAQ document as a helpful tool in addressing the high deficiency rates being seen in RAP submittals.

The document includes questions and answers to the following areas related to Remedial Action Permit Submittals:

- Requirements and helpful hints for completing a Remedial Action Report
- Helpful hints for documenting professional judgment when using variances/deviations from technical requirements/Department Guidance
- Requirements and helpful hints for completing RAP Applications
- Requirements and helpful hints for completing Financial Assurance documentation
- Helpful hints for completing a proper door-to-door survey
- Communicating with the Department
Questions?