

Industrial Site Recovery Act (ISRA) What Every Practitioner Needs to Know

January 29, 2018

Tess Fields, NJDEP
SRWMP Training Committee
Tessie.Fields2@dep.nj.gov



Welcome

- In-Person Attendees
- Webinar Attendees



Continuing Education Credits (CECs)

SRP Licensing Board has **approved**
2.5 Regulatory CEC
for this Training Class

Attendance Requirements:

- **In-Person Attendance:** Must sign-in / sign-out: May not miss more than 45 minutes of the training
- **Webinar participants:** must be logged-in for entire session and answer 3 out of 4 test questions (randomly inserted in the presentation)



CECs: What's the Process?

If the SRPL Board HAS Approved CECs for the course...

- DEP compiles a list of "in-person" and "webinar" participants eligible for CECs
- DEP will email eligible participants a "Link" to a LSRPA webpage with certificate access instructions
- Certificates are issued by the LSRPA after paying a *\$25 processing fee*



CECs: What's the Process?

If the SRPL Board Has NOT Approved CECs
for the course...

The certificate process will occur **AFTER** the course
has been approved by the SRPL Board

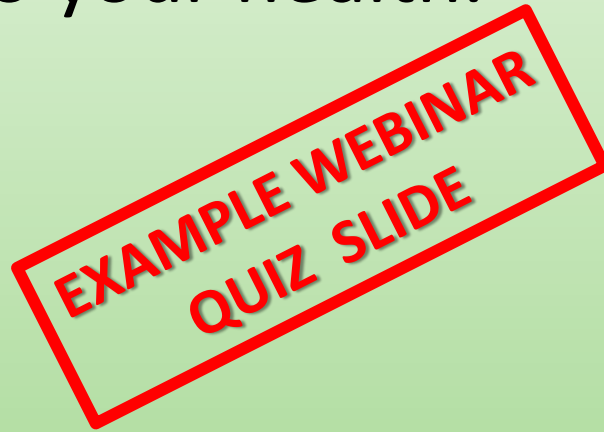


Test Your Knowledge

Sky diving without a parachute may be hazardous to your health.

A. True

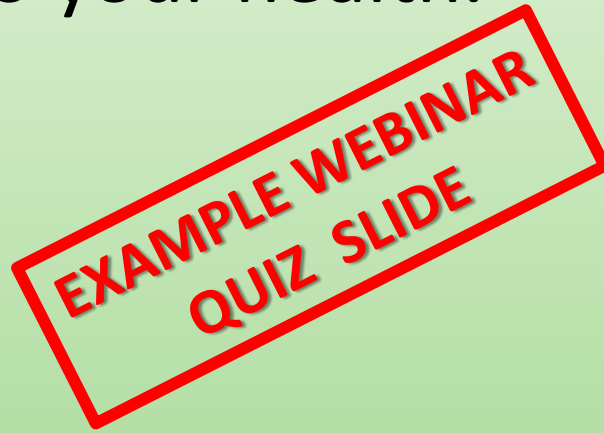
B. False



Test Your Knowledge

Sky diving without a parachute may be hazardous to your health.

A.True



Important reminders

- **Please mute cell phones**
- **Phone calls / conversations**
 - Please take outside of the meeting room
- **Question/Answers**
 - At times specified during the presentation
 - Please wait for the microphone
 - Webinar participants, wait for question period to “open up” and can then type in question



Remember!

**Remember to sign in and out
for credit**

Please fill out Evaluation Form





**NJDEP Training Workshop
ISRA, What Every Practitioner Needs to Know
January 29, 2018**



NJ Licensed Site Remediation Professionals Association

Thank You To Our Partners

Diamond Partners



Professional Contractors in Site Remediation,
Decontamination and Waste Management



Lancaster Laboratories
Environmental



ACCUTEST



Platinum Partners



Academic Institution Partner



Gold Partners



Silver Partners



36 Continuing Education Credits (CECs) over 3 year LSRP license renewal period

Minimum CECs must be satisfied in these categories:

- 3 CECs Ethics*
- 10 CECs Regulatory
- 14 CECs Technical
- 9 CECs Discretionary

LSRP Continuing Education Requirements



- The LSRPA offers, and will continue to offer, a 3 credit Ethics course **six (6) times** during each 3 year license period
- Twice a year - usually in March and September of each year
- Held throughout the state: 2x in Northern NJ, Central and Southern NJ
- The LSRPA offers the original, longest continuously running LSRP Ethics Course.

Ethics Continuing Education Requirements



Public Service Announcement from the LSRP Licensing Board

- Carefully track CECs for each renewal cycle
- Most common issue is timing
- Renewal app is due 90 days prior to license expiration date
- CECs must be completed at time of application submission
- There are several on-line CEC options if time is tight - except for Ethics!!
- Pay renewal fees on time



Upcoming LSRPA Courses & Events

- **February 28 & March 1, 2018** - *Fundamental Contaminant Chemistry in Soil and Groundwater* (Meadowlands Environmental Research Institute, Lyndhurst, NJ) (13 Tech. CECs)
- **March 7 & 8, 2018** - *New Approaches in Remediation of Contaminated Sediments* (Meadowlands Environmental Research Institute, Lyndhurst, NJ) (13 Tech. CECs)

Visit LSRPA.org for details and registration



Recent LSRPA Initiatives

- **Member Breakfasts**, held throughout the state: Check lsrpa.org for locations.
- **Monitoring Wells - Lost, But Not Forgotten:** – Now on the LSRPA website
- On the LSRPA website:
 - **LSRPA Comments on Changes to Mandated LSRP Audit Procedure**
 - **Historic Fill Whitepaper for LSRPs**
- LSRPA initiating a Sounding Board for local environmental commissions (ANJEC).

Visit LSRPA.org - *Member Services* for details

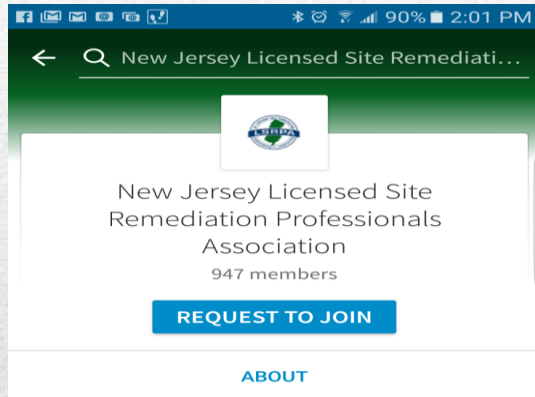


- **CE Tracking Spreadsheet Tool** – Go to the CEC button on the LSRPA website - Plug in your classes as you go and it keeps track for you
- **Dispute resolution** - LSRPA listing of members willing to serve as a technical arbitrator/mediator in disputes between LSRPs / adversarial parties
- **Sounding Board** - Provides a forum for complex questions / concerns related to regulation or guidance; Responses based on collaborative input from the Sounding Board Subcommittee and are verbal / non-binding; Legal disclaimer agreement required and confidentiality is maintained

Visit LSRPA.org - *Member Services* for details

Recent LSRPA Initiatives





@NJLSRP
A



NJ LSRPA
Licensed Site
Remediation
Prof Assoc
@NJLSRPA

SOCIAL MEDIA IS NOT JUST FOR KIDS...

It is an important way to connect our membership with the community



GET INVOLVED !

- **LSRPA Committees**

Governance (incl. Bylaws)

Continuing Education

Membership/Next Generation

Risk Management/Loss Prevention

Mentoring

Regulatory Outreach

Sponsorship

Sounding Board (NEW!)

Communications

College Outreach

Finance

Legal/Legislative

Nominating

SRRA 2.0

WANTED - VOLUNTEERS





Thank You!



Background of the ISRA law and ISRA Liability

Joshua Gradwohl, NJDEP

Joshua.Gradwohl@dep.nj.gov



ECRA to ISRA History

- State vs Ventron
- 1983 ECRA, a discovery law
- Full Site Investigation
- Owner and Operator responsible without regard to fault



Purpose of the new ECRA Law

- Identify and remediate contamination with private funds by responsible parties
- Early detection of environmental problems
- Prevent the abandonment of contaminated sites
- Encourage proper environmental business practices
- Protect buyers



ECRA to ISRA History

- DEP did not anticipate the case load ECRA would create (900-1300 cases a year)
- ECRA was amended to ISRA in 1993
- ISRA Goals
 - To promote certainty
 - Reduce redundancy through the creation of the alternate compliance options
 - Privatized certain aspects of the law



ISRA Cleanup Liability

Both the owner and operator are strictly liable without regard to fault, for compliance with ISRA.

ISRA remediation requires an investigation back to predevelopment.



The transfer ownership or operations may not proceed until...

- An LSRP issues a Response Action Outcome (RAO)
- An LSRP certifies a Remedial Action Workplan (RAW) with a Remediation Funding Source (RFS)
- The Owner/Operator has executed a Remediation Certification (RC) with RFS, **or**
- The Department has issued an authorization letter (alternative compliance options)



Essential Components of ISRA

Jim Bono, NJDEP

Jim.Bono@dep.nj.gov



What are the essential components of ISRA?

- Defining the Industrial Establishment
 - NAICS codes
 - Hazardous Substances
- Regulated Transactions



Defining an Industrial Establishment

- A place of business or real property where a business is conducted...
- The business has a primary North American Industrial Classification System (NAICS) number appearing in Appendix C of the ISRA rule; and
- Hazardous substances/wastes are used in the operations of the business.

ISRA Rules N.J.A.C. 7:26B-1.4



North American Industry Classification System (NAICS)

- A system that groups establishments into industries based on primary activity
- Created by the Feds to collect economic **not** environmental data
- Replaces the Standard Industrial Classification System (SIC)



Regulated NAICS Numbers

- In 2003, Legislature mandated the use of the 2002 NAICS manual
- Found @ Appendix C of ISRA rule
- Only NAICS numbers found in “**C**” are subject to ISRA
- Exceptions and Limitations are the result of the conversion from SIC to NAICS



ISRA Rules - Appendix C

Example

Code	NAICS Description	Exceptions or Limitations
212325	Clay and Ceramic and Refractory Minerals Mining	Limited to grinding, washing, separating, etc. of clay, ceramic and refractory minerals not in conjunction with mining operations
221	Utilities	Except Water Supply, Irrigation Systems (NAICS Industry 221310) and Sewerage Systems (NAICS Industry 221320), Hydroelectric Power Generation (NAICS Industry 221111), and Other Electric Power Generation (NAICS Industry 221119)
324	Petroleum and Coal Products Manufacturing	No exceptions or limitations

Finding 2002 NAICS Numbers resources...

- www.census.gov/eos/www/naics/
- 2002 NAICS Search
- Reference Files



North American Industry Classification System

[Main](#)[History](#)[Development
Partners](#)[Federal
Register Notices](#)[NAPCS](#)[FAQs](#)

NAICS Search:

Enter keyword or 2-6 digit code

Enter keyword or 2-6 digit code

Enter keyword or 2-6 digit code

Reference Files

- [2017 NAICS](#)
- [2012 NAICS](#)
- [2007 NAICS](#)
- [2002 NAICS](#)
- [1997 NAICS](#)
- [Concordances](#)
- [Downloadable Files](#)
- [NAICS Update Process Fact Sheet \[PDF, 37KB\]](#)

Contact Us

Email Us: naics@census.gov

Introduction

The North American Industry Classification System (NAICS) is the primary purpose of collecting, analyzing, and reporting economic data.

NAICS was developed under the authority of the [Statistical System \(SIC\) system](#). It was developed by the [Bureau of Economic Analysis](#) and the [Estadística y Geografía](#) of the [Government of Canada](#).

This official U.S. Government website provides additional information on the NAICS system.

2017 NAICS Manual

NORTH AMERICAN INDUSTRY CLASSIFICATION SYSTEM

United States, 2017

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET

[PDF, 7.5MB]

Reference Files

- [2017 NAICS](#)
- [2012 NAICS](#)
- [2007 NAICS](#)
- [2002 NAICS](#)
- [1997 NAICS](#)
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- [Downloadable Files](#)
- [NAICS Update Process Fact Sheet \[PDF, 37KB\]](#)

Statistical agencies in classification systems.

and adopted in 1997 to replace the [Economic Classification \(EPC\)](#), [Statistics Canada](#) and the North American countries.

visions, as well as access to the [NAICS](#) section of this Web site.

North American Industry Classification System

Main

History

Development
Partners

R

NAICS Search:

NAICS Search:

Enter keyword or 2-6 digit code

2017 NAICS Search

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Introduct

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United States, 2017

EXECUTIVE OFFICE OF THE PRESIDENT
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2012 NAICS Search

Enter keyword or 2-6 digit code

2007 NAICS Search

by Federal statistical agencies in classifying the
business economy.

get (OMB), and adopted in 1997 to replace the
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the [History](#) section of this Web site.

North American Industry Classification System

[Main](#)[History](#)[Development
Partners](#)[Federal
Register Notices](#)[NAPCS](#)[FAQs](#)

NAICS Search:

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2017 NAICS Search

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2012 NAICS Search

Enter keyword or 2-6 digit code

2007 NAICS Search

Reference Files

- [2017 NAICS](#)
- [2012 NAICS](#)
- [2007 NAICS](#)
- [2002 NAICS](#)

2012 NAICS Key Word Search

Search results for: electric power

Number of records found: 30

- [221111](#) **Electric power** generation, hydroelectric
- [221112](#) **Electric power** generation, fossil fuel (e.g., coal, oil, gas)
- [221113](#) **Electric power** generation, nuclear
- [221114](#) **Electric power** generation, solar
- [221115](#) **Electric power** generation, wind
- [221116](#) Geothermal **electric power** generation
- [221116](#) **Electric power** generation, geothermal
- [221117](#) **Electric power** generation, biomass
- [221117](#) Biomass **electric power** generation
- [221118](#) **Electric power** generation, tidal
- [221121](#) **Electric power** control



221114 Solar Electric Power Generation

This U.S. industry comprises establishments primarily engaged in operating solar electric facilities. These facilities use energy from the sun to produce electric energy. The electric energy produced by these establishments is provided to electric power transmission systems or to electric power distribution systems.

**2002
NAICS**

221119

221119

221119

**2007
NAICS**

221119

221119

221119

**2012
NAICS**

221114

221114

221114

**Corresponding Index
Entries**

Electric power generation, solar

Power generation, solar electric

Solar farms



NAICS/Appendix C Common Applicability Questions

- Warehousing
- R&D
- Heating Oil Dealers



Warehousing

- NAICS Numbers: 493 - - -
- “Limited to establishments storing raw materials for other establishments of the same enterprise”



R&D

- Research and Development in the Physical, Engineering, and Life Sciences
- NAICS Number: 541710
- “Except for commercial physical, engineering and biological research and development on a contract or fee basis and noncommercial research organizations (physical, engineering, and life sciences)”



Heating Oil Dealers

- NAICS Number: 454311
- “Limited to operations selling heating oil primarily to industrial, commercial or institutional customers (business customers), and not to members of the general public”



Hazardous Substances

Any substance defined by N.J.A.C. 7:1E-1.7 and includes

- Petroleum and petroleum products
- Dusts of certain Metals
- All substances listed in the Spill Act N.J.A.C. 7:1E, Appendix A

There is no minimum threshold quantity

http://www.nj.gov/dep/enforcement/dp/downloads/appendices_2018.pdf



Defining the boundaries of an Industrial Establishment

For owner occupied properties or properties leased to a single tenant includes:

- All the lots and blocks on which the business operates
- Any contiguous lots and blocks which are vacant land



Defining the boundaries of an Industrial Establishment

For multi-tenant leased properties:

- The area defined by the lease
- Any unit connected to that area used to store hazardous substances
 - e.g., USTs or ASTs



ISRA Regulated Transactions

Change of Ownership

Closing Operations

Transfer of Operations



Change of Ownership

- The sale of the business of an industrial establishment or any of its real property
- The sale a general partnership interest in a general or limited partnership
- The reorganization of a partnership into a corporation or limited liability company



Change of Ownership

- The sale or transfer of stock in a corporation resulting in a merger or consolidation
- The sale or transfer of stock of a corporation resulting a change in the person holding the controlling interest of the corporation



Closing Operations

- Cessation of operations resulting in at least a 90% reduction in the total value of product output
- A temporary cessation >2 years
- Chapter 7 bankruptcy or Chapter 11 bankruptcy if it results in a liquidation
- Change of operations resulting in the conversion to an non-ISRA subject NAICS number



Transfer of Ownership or Operations

- The sale or transfer of more than 50% of the assets excluding real property
- The execution of a lease for a period of 99 years or more
- The dissolution of an entity that is the owner of an industrial establishment
- A transfer of an industrial establishment to a trust



Transactions Not Subject to ISRA

1. The transfer of stock and/or assets among corporations under common ownership if the transaction will not result in the diminution of net worth of the corporation that owns the facility by more than 10%



Transactions Not Subject to ISRA

2. A transfer of the indirect owner's interest where the assets of the indirect owner would not have been available for remediating the site
3. Intra-family transfers
4. Transfers by devise or intestate succession
5. The granting or terminating of an easement



The Gray area of ISRA Applicability

The former ISRA Applicability rules (N.J.A.C. 7:26B-2.2(b), (c) and (d)) are available in guidance

- Indirect Owner Asset Test
- Corporate Reorganization
 - Controlling Interest

http://www.nj.gov/dep/srp/isra/isra_applicability.htm



Questions?



Initial ISRA Submission Process

Bill Goodman, NJDEP

Bill.Goodman@dep.nj.gov

609-292-6296



Overview of the ISRA Submission Process

- **Within 5 days** after the triggering event the owner or operator must file a GIN with the Department
- **Within 45 days** after the triggering event the owner or operator shall retain an LSRP
 - LSRP notifies the Department of their retention
- **Within 45 days** after Retention, LSRP submits ARFF
- **Within 1 year** submit PA/SI and form, CID, and either RAO and form, or IRE
- **Additional 3 years** for RIR
- **Additional 3 years** for RAR and RAO



General Information Notice (GIN)

- Submit the GIN through the portal, or
- Continue to submit a paper GIN form

Training on this topic:

How to Submit a CDN or ISRA GIN Online

at

<http://www.nj.gov/dep/srp/srra/training/>

and

New Training Coming Soon!



When Do You Have to File the GIN?

For the sale the business or property of an industrial establishment

- Before the actual change of ownership
- A typical triggering event is the signing of an agreement to sell the business or property



When Do You Have to File the GIN?

For the closing of operations

- Within 5 days of the public notice of the decision to close

or

- Within 5 days of the actual closing if a public notice is not made



When Do You Have to File the GIN?

**All other triggering events can be found
at N.J.A.C. 7:26B-3.2**

*Remember!
The GIN is due within 5 days
after the Triggering Event!*



Common Errors and Issues with the GIN

- Incorrect info can create problems for other submissions
 - Case Name = Industrial Establishment Name
 - Block & Lot: don't mix them up!
 - Site address: Municipal tax address
 - Contacts: Mailing address
 - RP's are Owner or Operator, not Purchaser!
 - Multiple tenants = multiple GINs



Preliminary Assessment (PA)

When no potentially contaminated AOCs are identified, submit:

- PA Report and form
- Case Inventory Document (CID), and
- RAO document and form

Commonly referred to as a “Clean PA”



PA/Site Investigation (SI)

If potentially contaminated AOCs are identified in the PA, conduct an SI.

If no exceedances are identified, submit:

- PA/SI Report and form
- A CID
- RAO and form

Within 1 year of the triggering event



PA/ Site Investigation (SI)

If exceedances are identified, submit:

- PA/SI Report and form
- A CID
- **Initial Receptor Evaluation**
- **Conduct a Remedial Investigation (RI)**
pursuant to N.J.A.C. 7:26E-4

Within 1 year of the triggering event



ISRA or RFS Questions?

Call (609) 292-6296



Forms, Guidance documents and Regulations

<http://www.state.nj.us/dep/srp>

ISRA Applicability Guidance

http://www.state.nj.us/dep/srp/isra/isra_applicability.htm



Questions?



Alternate Compliance Options

De Minimis Quantity Exemption

“Rip” Waiver

Regulated UST Only Waiver

Certificate of Limited Conveyance

Joshua Gradwohl, NJDEP

Joshua.Gradwohl@dep.nj.gov



ISRA Alternate Compliance Options

De Minimis Quantity Exemption

- The Industrial Establishment must never have exceeded the storage or use of (at any one time):
 - 220 gallons of lube or hydraulic oils, or
 - 55 gallons or 500 pounds of other hazardous substances or hazardous wastes

Hazardous substances as defined by N.J.A.C. 7:1E



ISRA Alternate Compliance Options

De Minimis Quantity Exemption

- LSRP is NOT required
- Submit a De Minimis Quantity Exemption Application
- \$300 fee

If the De Minimis Quantity Exemption is denied by the Department a GIN must be submitted



ISRA Alternate Compliance Options

De Minimis Quantity Exemption

- Only acceptable exemption
 - If a unregulated heating oil tank (UHOT) has been removed AND has a DEP No Further Action Letter (NFA) approval or RAO issued by LSRP
- Submit
 - De Minimis Quantity Exemption Application
 - Copy of the NFA
 - \$300 fee



ISRA Alternate Compliance Options

Remediation in Progress Waiver

- Authorizes a subsequent transaction, when the site is already undergoing ISRA remediation.
- **Conditions:**
 - RFS posted for 1st case
 - LSRP certifies PA/SI report confirming no discharges by current operation, or that any discharges have been remediated and an RAO-A was issued

RAO-A = Area of Concern RAO



ISRA Alternate Compliance Options

Remediation in Progress Waiver

- **Additional Conditions:**

- Submit an ISRA Alternate Compliance Option form
- DEP issues a waiver authorization
- No RAO-E may be issued for the site
- The remediation of the 1st case continues until the LSRP issues an RAO-E

RAO-E = RAO for the entire site



ISRA Alternate Compliance Options

Remediation in Progress Waiver

A word of warning:

The waiver does not relieve the applicant of its responsibility to remediate should the 1st case cease remediation of the industrial establishment.

Remember: Owner and Operator Responsible without regard to fault



ISRA Alternate Compliance Options

Remediation in Progress Waiver

Potential Problems

- Comingled discharge
- Inadequate funding source
- 1st case non-compliant with remediation timeframes



ISRA Alternate Compliance Options

Regulated UST Only Waiver

Authorizes the completion of an ISRA regulated transaction without, or prior to, completing a remediation if:

- The only AOC is a regulated Underground Storage Tank (UST), or
- The only discharges at the site are from regulated UST's.



ISRA Alternate Compliance Options

Regulated UST Only Waiver

Conditions

- LSRP certifies a PA report documenting the only AOC is compliant regulated UST, **or**
- LSRP certifies a PA/SI report documenting the only discharge is from a compliant regulated UST, and
- A ISRA Alternate Compliance Option form and fee is submitted



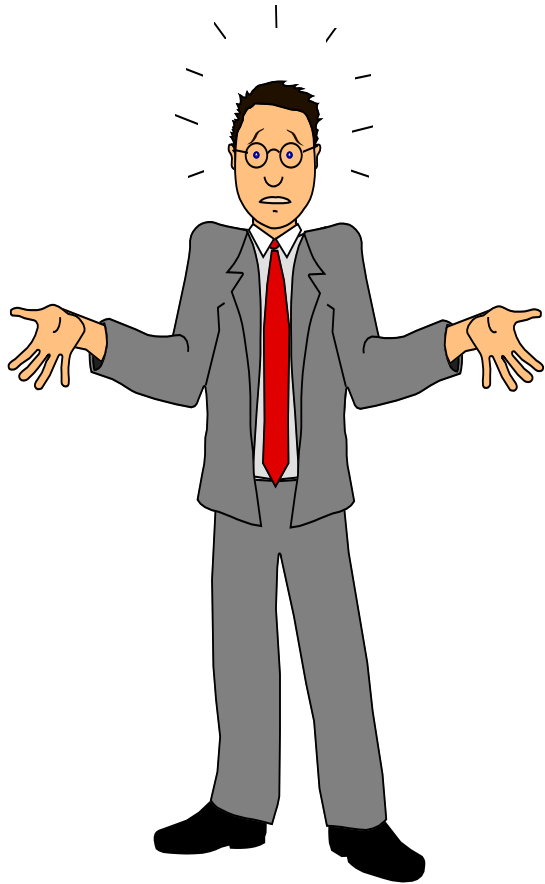
ISRA Alternate Compliance Options

Regulated UST Only Waiver

Additional Conditions

- The Department must approve the waiver
- The remediation continues under the existing UST case until the LSRP issues an RAO





I want to sell part of my industrial establishment to the town to put up a ball field. Does ISRA need to review the whole place?

THE
CERTIFICATE
OF
LIMITED
CONVEYANCE



ISRA Alternate Compliance Options

Certificate of Limited Conveyance

Conditions

- Allows an industrial establishment to convey up to 1/3 of the appraised value of the facility without triggering ISRA for the portion retained
- Requires an appraisal to establish values
 - Appraisal of entire Industrial establishment
 - Appraisal of real property to be transferred
 - Appraisal of remaining real property if conveyance approved



ISRA Alternate Compliance Options

Certificate of Limited Conveyance

Additional Conditions

- Requires a Limited Conveyance application
- \$600 fee
- Requires an RAO for the portion conveyed



Questions?



ISRA Remediation Certifications and Remediation Funding Source

Atwood Davis, NJDEP

Atwood.Davis@dep.nj.gov

609-777-1398



Remediation Certification (RC)

What is it?

RC is a mechanism that allows an ISRA transaction to proceed before a RAW or RAO is issued.

- Replaced ISRA Remediation Agreements
- Owner/Operator/RP certifies that they are liable for ISRA compliance
- Requires posting of a Remediation Funding Source (RFS)



Remediation Certification

Who can be responsible?

- Owner, operator, buyer, developer, parent corporation, etc. who accepts liability and responsibility to conduct remediation under ISRA and SRRA
- ISRA subject owner/operator is never released from liability



Remediation Certification Submission

Prior to the transaction/closing a complete package must be submitted and include:

- Remediation Certification form
- Remediation Cost Review and RFS/FA form
- **Original** Remediation Funding Source (RFS) instrument
- 1% surcharge check (not for Self-Guarantees)



Remediation Funding Sources

- **WHAT?**

- Guarantee to the State and the public that funds are available to complete the remediation

- **For ISRA, When to Establish?**

- With submission of a Remediation Certification to DEP; or

- Within 14 days after LSRP certifies RAW



RFS - Types of Instruments

- **Remediation Trust Fund** - cash held in escrow
- **Line of Credit** - open line of cash available
- **Letter of Credit** - promise of cash to a beneficiary (DEP)



RFS - Types of Instruments

- **Environmental Insurance** - claims based available funds to DEP
- **Self Guarantee** - proof of financial viability through submission of audited financial statements and financial tangible net worth and cash flow tests

TEMPLATES ON

<http://www.state.nj.us/dep/srp/rfs/>



Initial RFS Amount

- IF PA/SI is not complete, a surrogate may be used:
 - \$100,000 if **NO** contaminant information known
 - \$250,000 if ground water contamination is known
- Surrogate amount **must** be certified by LSRP
- Surrogate amount **must** be updated with first annual cost review

OR



Initial RFS Amount (Cont'd)

- Initial RFS amount can be established in an amount supported by a site-specific cost estimate.
- The LSRP provides a certified detailed remediation cost estimate documenting all remediation costs, including:
 - All remediation phases for all areas of concern and media
 - Costs associated with operation, maintenance, and inspection of engineering controls; and
 - Department fees and oversight costs



RFS Annual Requirements

- Remediation Cost Review
 - Provides for costs of remediation spent and ESTIMATED future costs (i.e., detailed cost estimate)
- Line of Credit, Remediation Trust Fund and Environmental Insurance
 - Renewal verifications of amount and that mechanism is still valid
- Self Guarantee
 - Requires a NEW application each year based on current FY End Audited financials
- 1% Surcharge Annual Fee



RFS Assistance

- Detailed Remediation Cost Estimate Guidance
 - Checklist
 - Example Detailed Cost Estimate
 - FAQ's
- Exemption Guidance Document
- Active RFS Data Miner Report

<http://www.nj.gov/dep/srp/rfs/>



Questions?

Hot Topic Coming Soon!





Presented by:
Kathleen Stetser, LSRP
Vice President / Industrial Leader

ISRA - LSRP CONSIDERATIONS

January 29, 2018

ISRA TRIGGER AND FORMS CONSIDERATIONS

APPLICABILITY

Help clients understand:

- ❖ What triggers ISRA
- ❖ Initial Submissions Timeframes

Applicability Determinations

- ❖ Made by client or counsel
- ❖ LSRPs can assist

FEES AND EXTENSIONS

Certify Annual Fee within 45 Days

- ❖ Make sure that client gets the invoice and pays it (or pays online)
- ❖ Often best to do it when you retain yourself
- ❖ Remember to update fee form if you add or remove AOCs

Get your extension requests in on time

- ❖ If you are not sure, just submit it.
- ❖ Better safe than sorry.

PRELIMINARY ASSESSMENT CONSIDERATIONS

RELIANCE ON PRIOR NFA/RAO

- ❖ Review all work done and confirm it is in general compliance with current Rules and Guidance
- ❖ May need to conduct additional sampling to confirm the remedy was protective

SITE HISTORY REVIEW

Site History means ALL history

- ❖ All operations/AOCs back to the time the site was undeveloped
 - Unless multi-tenant building
- ❖ Search all available avenues of information
- ❖ Saying “you don’t know” is not a justification for no further evaluation.
- ❖ The less you know the more you sample (TCL/TAL)

TRANSFORMERS

Non-PCB containing does not mean no PCBs

- ❖ If sticker is present it means that the oil contains <50ppm PCBs

Saying “it’s owned by someone else” is not a justification for no sampling.

- ❖ If only services your facility – it is considered an AOC that may require sampling

SAMPLING BEDROCK

Bedrock is not a reason to stop sampling

- ❖ Mobile contaminants with older discharges and shallow bedrock
- ❖ Immobile contaminants sitting on bedrock
- ❖ Immobile contaminants with a co-solvent discharge
- ❖ Rock Matrix sampling may be needed

PROFESSIONAL JUDGMENT

- ❖ Must be your own judgement unless relying on an expert
- ❖ Multiple lines of evidence are recommended
- ❖ Present professional judgement in reports clearly and with detail
- ❖ Professional Judgement must be based on **SCIENCE**

QUESTIONS/DISCUSSION

Thank You!

