

How's Your RAP?

By Mark D. Fisher, CHMM, LSRP, Managing Partner of The ELM Group, Inc. and Past President of the LSRPA

Any environmental remediation that incorporates an engineering control (such as a cap) or institutional control (such as a deed notice) into its remedy must first obtain a Remedial Action Permit (RAP) from the NJDEP.

At times, the RAP has meant delays. However, the NJDEP is working with LSRPs to streamline the process.

A RAP is one of few formal approvals that an LSRP must obtain from the NJDEP as part of the remediation process, and typically occurs near the end of the process when the site is ready for regulatory case closure.

In the past, the regulated community has raised concerns about processing times for RAP, which can exceed six months, and the frequency of technical comments from the NJDEP. As part of the continuing effort to improve the Site Remediation Program, members of the LSRPA began meeting with NJDEP on a quarterly basis in 2016. These meetings have resulted in positive changes, but there is more work to do.

To reduce processing time, NJDEP added additional staff and improved workload allocation. A "first in, first out" approach is still applied, but NJDEP staff now attempt to streamline "easy" applications. To minimize administrative deficiencies that cause delays, the NJDEP also has developed checklists and "Helpful Hints" to assist LSRPs in preparing the RAP applications. RAP training held by LSRPA and CCNJ, with NJDEP instructors, has resulted in improved submittals.

The NJDEP also encourages LSRPs to promptly respond to questions and be clear if more time is needed. While RAP review and approval times have significantly improved, there are still instances when it may take over six months to obtain a RAP.

A NJDEP challenge to the LSRP's conclusions can often protract the resolution process. The NJDEP encourages the use of cover letters or a phone call to explain technical details and rationale for decisions prior to submission.

In the future, the NJDEP will continue to refine its process with the goal of further improvements on permit processing times and will develop updated guidance documents for both soil and groundwater RAPs. This guidance will address applications, permit compliance, modifications, transfers and terminations.