

Importance of Stakeholder-Developed Technical Guidance in the Successful Implementation of the New Jersey Site Remediation Reform Act

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Background/Objectives. The New Jersey Site Remediation Reform Act (SRRA), which became law in May 2009, fundamentally changed the paradigm under which sites are remediated in the state. SRRA established the affirmative obligation for responsible parties to remediate contaminated sites in a timely manner. In order to achieve this goal, SRRA created a category of remediation professionals known as Licensed Site Remediation Professionals (LSRP) to “step into the shoes” of the Department of Environmental Protection (Department) to oversee the remediation of contaminated sites. Leading up to the enactment of SRRA, numerous stakeholder groups met with the legislature to craft the language of the Act; one of the most important of these included the scientists and engineers who would ultimately become certified as LSRPs. One priority of these experienced remediation practitioners was the incorporation of professional judgment into the selection of current and best technical practices to achieve site cleanup. In support of this objective, the legislature clarified the final language of SRRA to state that “...the Department shall provide interested parties the opportunity to participate in the development and review of technical guidelines issued for the remediation of contaminated sites...” [58:10C-14c(3)].

Approach/Activities. . In response to the requirements of SRRA, the Department created a process to develop topic-specific technical guidance committees, comprised of all interested parties, to provide recommendations, approaches, and technical issues to be considered in the remediation of contaminated sites. These guidance documents would become part of a hierarchy of technical guidelines available to the LSRP for making decisions and for applying professional judgment. The selection of topics for which guidance would be developed was a collaborative process, and 15 stakeholder committees were initially identified to address both short-term priority (e.g., vapor intrusion) and long-term priority (e.g., technical impracticability) topics. An additional six technical guidance committees were subsequently created several years into the process, following successful completion of the short-term priorities. This presentation will provide a history of the process, and highlight a limited cross-section of specific technical guidance documents that have advanced the state of the remediation practice in New Jersey. Examples include: (1) the “Technical Guidance for the Attainment of Remediation Standards and Site-Specific Criteria”, which incorporated the concept of an exposure point concentration for a site or Area of Concern (AOC), along with the application of various forms of numerical or spatial averaging, as alternative methods to achieve compliance with remediation standards and criteria; and (2) the “Monitored Natural Attenuation Technical Guidance” which evaluated the findings of comprehensive long-term monitoring programs in terms of temporal variability and data usability to provide practical and effective recommendations for MNA monitoring frequency.

Results/Lessons Learned. Development of guidance documents across a broad range of technical topics has advanced the state of the remediation practice in New Jersey through incorporation of current and best practices. In addition, the extensive, multi-year collaboration between stakeholders (the Department, the regulated community and remedial scientists and engineers) has resulted in enhanced communication and an increased level of respect between participants in the regulatory process.