



TESTIMONY BY
THE NEW JERSEY LICENSED SITE REMEDIATION PROFESSIONALS ASSOCIATION
BEFORE THE
SENATE ENVIRONMENTAL RESOURCES & ENERGY COMMITTEE
ON
THIRD PARTY REVIEW OF PERMITS

PRESENTED BY:

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Good morning Chairmen Yaw and Yudichak and members of the Senate Environmental Resources and Energy Committee. My name is Scott Drew and I am Vice President of the Board of Trustees of the New Jersey Licensed Site Remediation Professionals Association (LSRPA) and I am joined by my fellow Vice President, Mark Pietrucha. We are honored to speak with you this morning on the subject of third-party review of permits issued under Chapters 102 and 105. It is our understanding that the Legislature may consider provisions for the modification of the program for permit approvals in the Commonwealth in the future and that there is general interest in the experience of other States where licensing of professionals to carry out environmental regulations has been successfully implemented.

The mission of the LSRPA is to further the profession created by the Site Remediation Reform Act (SRRA) which was signed into law by Governor Jon Corzine on May 7, 2009. The LSRPA provides information, education, and technical resources to LSRPs and other professionals involved in environmental remediation in the State. With more than 800 members, the LSRPA is recognized by the NJDEP as the primary representative of the profession and we provide front-line feedback to the State on site remediation issues through our participation in work groups and stakeholder committees. The SRRA was based, in part, on the experiences of the Massachusetts Licensed Site Professionals (LSP) program, established in 1993, and the Connecticut Licensed Environmental Professionals (LEP) program, which began in 1995. A common goal of all three of these regulatory programs was to ensure the remediation of sites and improve the pace at which this work was completed.

In the mid-2000s, the backlog of sites requiring investigation and remediation in New Jersey was growing. More sites were identified than could be effectively managed by NJDEP staff and the State, like many government agencies, faced mounting budget pressures. The NJDEP had identified over 20,000 known contaminated sites requiring remediation and did not have the resources to provide remediation oversight in a timely manner. In April 2008, before a joint hearing of the New Jersey Senate and Assembly environment committees, former DEP Commissioner Lisa Jackson was blunt. "Reform of the Site Remediation Program is needed. There is no doubt," she said. "The option of maintaining the status quo does not exist as the environmental, health and economic consequences are too great."

With the passage of the SRRA and its full implementation in 2012, New Jersey implemented a number of key reforms including the licensing of LSRPs, individuals contracted by the person responsible for conducting the remediation (PRCR) to oversee the remediation in accordance with NJDEP Regulations and applicable Technical Guidance. The Act made clear that, "A LSRP's highest priority in the performance of professional services shall be the protection of public health and safety and the environment". This is a fundamental requirement that LSRPs hold to closely and is echoed in the certifications that are signed by LSRPs with every submittal to NJDEP. The SRRA also established the affirmative obligation for responsible parties to remediate contaminated sites and required the NJDEP to establish mandatory timeframes for remediation.

Under this new remediation program, with very limited exceptions, the remediating party need not wait for the NJDEP's direction and pre-approvals to commence and continue cleanups. Instead, they must initiate and complete the cleanup under the direction of an LSRP, who has responsibility

for oversight of the environmental investigation and remediation. The NJDEP monitors the remediation progress and the actions of LSRPs by requiring the submittal of forms and reports as remediation milestones are reached. Now, 10 years after SRRA became law, more than 14,000 cases have completed remediation. And despite new cases being added every year, the total number of cases requiring remediation is decreasing.

In preparing for this testimony, I spoke with a number of professionals that are working in the Commonwealth under the permit programs for Chapters 102 and 105. It appears that some of the current conditions that were described to me are analogous to the NJ experience. In particular, the number of permit applications submitted to the State has risen dramatically in the past several years. The resources available to the PA Department of Environmental Protection for the permit programs have been limited. And the timeframes for permit review have been greatly extended. As the Committee begins to consider the potential for a program for third-party review and approval of permits, we thought that it would be helpful to briefly summarize some of the key elements that have made the LSRP program successful.

In general, a key element in the success of the SRRA is the continued involvement of Stakeholders in all levels of the program. The NJDEP, the regulated community, the public, and environmental professionals have all been working together in a robust process to gain consensus and compliance with the laws and regulations of the State.

Other specific provisions of the SRRA include:

- 1) LSRPs are governed by a 13-member Site Remediation Professional Licensing Board, which oversees the licensing and auditing of LSRPs. The Board also investigates complaints filed for LSRPs.
- 2) LSRPs must meet certain education and experience criteria as set forth in SRRA to sit for a proficiency exam to become licensed.
- 3) LSRPs are required to obtain 36 continuing education credit hours for courses approved by the licensing board over each 3-year licensing cycle, including credits in ethics, regulatory education, and scientific and technical education.
- 4) LSRPs must adhere to a code of conduct established by statute and codified in rule, including the protection of public health and safety and the environment.
- 5) Responsible parties and PRCRs are statutorily required to remediate their sites and performance of the remediation is still reviewed by the NJDEP. Cost for NJDEP review of performance of remediation is funded by annual remediation fees paid by the responsible parties and PRCRs.
- 6) Responsible parties are statutorily required to utilize LSRPs to remediate their sites in accordance with applicable statute and rule and in consideration of NJDEP developed guidance.

- 7) Mandatory timeframes were established within which remediation was required to be completed.
- 8) NJDEP moved from direct remediation oversight to an inspection role with a more detailed review under certain circumstances. NJDEP assumed the role of issuing remedial action permits for remediation involving the use of institutional and engineering controls.
- 9) There was commitment from NJDEP senior managers to transform the Site Remediation Program. Without this commitment, the transformational success would have been significantly hampered.
- 10) NJDEP was able to utilize resources to focus on priority concerns for public health and safety, brownfield remediation, and unregulated heating oil UST remediation for NJ homeowners.

Once again, it has been our pleasure to be with you this morning and we will be happy to provide additional detail on any of the points that I have mentioned above or to answer any questions.

Thank you.