

Hot Issue
Site Remediation and Waste Management Program
Week of December 13, 2004

Issue: The Remedial Priority System (RPS) rule is scheduled to expire on August 25, 2005.

1. Statute – A 1982 amendment of the Spill Act (N.J.S.A. 58:10-23.16) required the Department to prepare and adopt a master list for the cleanup of hazardous discharge sites and a ranking, based on criteria established by the department. The Department was directed to publish the list of sites which would be ranked in the order in which the Department intends to clean up the sites. Historically, SRWM has interpreted the statute to mean that we only have to rank the sites that we are not working on.

2. Regulation – In 1996 the Department adopted the RPS scoring system which was used to rank unassigned known and suspected contaminated sites based on an estimation of relative risk to human health and the environment. The rule was readopted in 2000 with amendments. By 2001, the awaiting assignment cases (1846 cases) had been ranked for remediation with public funds. The Department never published a complete list of ranked sites and did not use the list to select sites for public funding.

The current RPS scoring system does not adequately address some more recently identified environmental risks, such as vapor intrusion, and does not take advantage of the wide range of GIS environmental data bases that are available.

Interpretation of the statute - Currently, SRWM believes that the statute intended for the Department to rank and publish a list of all known or suspected contaminated sites.

Recommendations:

- Allow existing RPS rule and prioritization system to expire;
- Publish a notice in the N.J.R. to announce the expiration and the Department's intent to develop a new prioritization system; and
- Develop a new prioritization system for all sites through new rulemaking. New rules will take considerable time and resources.

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Action Needed: Commissioner approval for the policy direction for rulemaking. If approved, SRWM will develop a draft approach which would be presented to the Commissioner and the Management Team.