



# RUTGERS

New Jersey Agricultural  
Experiment Station

**\*\*ATTENTION ATTORNEYS\*\***

This course has been submitted for NJ, NY and PA Continuing  
Legal Education Credits.

## **NEW! Working with Your LSRP**

### **Changing Roles and Responsibilities Under the NJDEP's New Site Remediation Program**

**Monday, December 5, 2011**

If You Require the Services of an LSRP, You Need to Know About the Structure  
and Mandates of the NEW Site Remediation Program!

In this *new* one-day site remediation training program, learn the role and requirements of a LSRP and how it changes interaction among the remediating parties, attorneys, LSRP's, regulators and property owners.

#### Topics to be Discussed

This program will address the most up-to-date information about the implementation of the new site remediation program, including:

- Site Remediation Program Structure
- Contractual Relationships
- Working with LSRP's
- Redefining Roles/Responsibilities
- The LSRP's Code of Conduct
- Conducting Property Transfers and Due Diligence
- Transactions Involving Industrial or Contaminated Properties
- Long Term Obligations; Remedial Action Permits/Financial Assurance
- New Liabilities: Time Frames, Penalties and Direct Oversight
- Response Action Outcomes (RAOs) and Reopeners
- CERCLA/RCRA Sites
- Public Notification/Community Relations
- Presumptive Remedies

#### Who Should Attend?

Property Owners, Developers, Environmental Managers, Real Estate, Corporate, and Environmental Attorneys, Municipal and County Brownfield Managers, Lending Institutions, Insurance Representatives and Responsible Parties.

## **Featuring Top NJ Environmental Attorneys!**

#### Instructors/Panel Members

**Caryn Barnes** - Langan Engineering ♦ **Buddy (LeRoy) Bealer** - Shell Oil Products Co. (Invited) ♦ **Jorge Berkowitz** - Langan Engineering ♦ **Gail Conenello** - K&L Gates ♦ **Rich Conway** - Schenck, Price, et al ♦ **Rob Crespi** - Wolff Samson ♦ **Nicholas DeRose** - Langan Engineering ♦ **Rich Ericsson** - Cole, Schotz, Meisel, Forman & Leonard, PA ♦ **Larry Jacobs** - Wilentz ♦ **Susan Karp** - Farer Fersko ♦ **Lanny Kurzweil** - McCarter English ♦ **Sean Monaghan** - Drinker Biddle ♦ **John J. Morris P.E.** - Honeywell International, Inc. ♦ **Ray Papperman** - Cooper Levinson ♦ **Andy Robins** - Sills Cummis ♦ **David Roth** - Greenbaum Rowe ♦ **Steve Senior** - Riker Danzig ♦ **Norm Spindel** - Lowenstein Sandler ♦ **Cristina Stummer & Deb Shuff** - Saul Ewing ♦ **George Tyler** - Tyler Carmelli ♦ **George T. Vallone** - Hoboken Brownstone Company ♦ **Cathy Ward** - Stradley Ronan

## Course Agenda

9:00 a.m.

### **Introduction**

9:05 a.m.

### **Overview of the LSRP Program (Lecture)**

- Site Remediation Program Structure
- The LSRP's Code of Conduct

9:20 a.m.

### **The New Site Remediation Program (Lecture)**

- Roles and Responsibilities: NJDEP, LSRP, Non-LSRP Consultants, Person Responsible for Conducting Remediation, Responsible Parties and the Licensing Board (Establishing the "Standard of Care")
- The Role of Guidance, Importance and Conceptual Model
- Regulations, Guidance and Professional Judgment

9:45 a.m.

### **Formatting the Team (Panel)**

- Selecting the LSRP
- LSRP vs. non-LSRP
- LSRP as Project Manager vs. Oversight of Other
- The Attorney's Role
- Who Oversees the LSRP?
- Direct Oversight
- Contractual Relationships
- Contract Terms and Conditions
- Planning for Community Relations/Public Notification

10:30 a.m.

### **BREAK**

10:45 a.m.

### **New Liabilities: Penalties & Enforcement (Lecture)**

- Regulatory & Mandatory Timeframes/Extension Provisions
- Penalties
- Direct Oversight
- Reliance on RAOs
- Order of Magnitude Reopeners
- LSRP License Revocations & Ramifications
- Long Term Maintenance of Engineering & Institutional Controls

11:05 a.m.

### **Property Transfer in an LSRP World (Panel)**

- Conducting Property Transfers and Due Diligence
- Transactions Involving Industrial or Contaminated Properties
- When to Use an LSRP
- Clean Preliminary Assessments & Remediation in Progress Waivers
- Order of Magnitude Evaluations, Changing Standards (e.g., 2008 SRS)
- Bringing an LSRP in to Complete an Ongoing Project: The Whole Site RAO - Need for PA, Use of Prior Reports, Reliance on a NFA, NFI and Previous NJDEP Decisions
- Changes in ISRA (actual and proposed): Alternative Compliance Options, Cannot Defer RAWP Implementation, LSRP - Certified RAWP will Allow Transaction to Proceed, Remediation in Progress Waivers and New NAICS Codes

12:00 p.m.

### **LUNCH**

1:00 p.m.

### **Financial Responsibilities (Lecture)**

- Remediation Funding Sources vs. Financial Assurance
- LSRP Role in Establishing, Reviewing and Disbursements
- Treatment of Innovative Technologies
- Proposed New Fees to Include: O&M, Attorney Costs & Accountant Fees

Course Agenda (Continued)

- 1:15 p.m. Post Remediation Considerations (Panel)**
- RAOs and Reopeners: Types of RAOs (Site-Wide, AOC, ISRA Leasehold, Unrestricted Use, Limited Restricted Use, Restricted Use, Engineering & Institutional Controls, Historic Fill), NJDEP Inspection/Review, Invalidation by NJDEP, by LSRP
  - Long Term Obligations
  - Remedial Action Permits, Deed Notices and CEAs
  - Verification (CEA/MNA), Inspections, O&M
  - Biennial Certifications
  - Financial Assurance

**2:00 p.m. BREAK**

- 2:15 p.m. Other Rule Changes (Lecture)**
- CERCLA, RCRA and Federal Facility Sites
  - Proposed Changes to DPCC Requirements
  - Proposed Changes to UST Requirements, What is Coming for UHOT Cases
  - Remedial Priority System (RPS) Ranking
  - Historic Fill
  - Diffuse Anthroprogenic Pollutants
  - Clean and Alternative Fill
  - Natural Resource Damage Assessments
  - Presumptive Remedies

- 2:45 p.m. Unsolved Issues (Panel)**
- Diffuse Anthroprogenic Pollution
  - Commingled Plumes
  - Off-Site Contributions
  - Responsibilities of the Non-Responsible Party
  - Dispute Resolution: *NJDEP, Dueling LSRPs, Disagreements with the LSRP*

**3:30 p.m. Open Q&A**

**4:00 p.m. Adjourn**

Registration is Quick and Easy:

**Visit:** <http://www.cpe.rutgers.edu/courses/current/en0513ca.html>

**Email:** [ocpe@aesop.rutgers.edu](mailto:ocpe@aesop.rutgers.edu)

**Call:** (732) 932-9271

**Fax:** Fill out the form below and fax to (732) 932-1187

Name \_\_\_\_\_ Job Title \_\_\_\_\_ Employer \_\_\_\_\_

Mailing Address \_\_\_\_\_

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**Working with Your LSRP #EN0513CA12: \_\_\_\_\_ \$255 Single \_\_\_\_\_ \$235 Multiple Registrants**

- Check, money order or PO, *payable to:* Rutgers University
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Card Holder (*printed*) \_\_\_\_\_ Signature \_\_\_\_\_

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