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* This is meant to be a brief overview of the remedial priority system scoring process. The applicable NJDEP rules, guidance documents and website postings should be consulted for complete information.

Overview of NJDEP's Remedial Priority Scoring (RPS) System*

What's the legal authority for the RPS?

Beginning in early May 2012, NJDEP began sending out letters and accompanying draft scoring packages to implement the remedial priority site ranking system required under an amendment to the Spill Compensation and Control Act which accompanied the Site Remediation Reform Act (SRRRA), the legislation that enacted the licensed site remediation professional (LSRP) program in 2009. Under that law, DEP must rank every site remediation case (with limited exceptions) in terms of the level of risk to the public health, safety or the environment and other factors and post those ranks on the internet. Rankings will range from 1 (lowest risk) to 5 (highest risk).

How will Sites Be Ranked?

To accomplish the ranking, DEP developed a computerized scoring system into which it will input data obtained from NJDEP's Geographic Information System (GIS) and site-specific receptor evaluations, soil, groundwater and vapor intrusion sampling data previously submitted by parties conducting remediations at each site. The computer will generate a RPS score, which is a product of two separate scores: the site condition score (type and extent of contaminants) and the receptor score (proximity of receptors based on existence of a pathway). Each of these, in turn, is made up of several sub-scoring categories. Once all sites are scored, they will be assigned to one of five categories by grouping sites of similar scores based on the Jenks Optimization statistical methodology.

Who gets the mailings?

The recent mailings are site specific and addressed to the party responsible for conducting the remediation at each site covered by the RPS (residential heating oil tanks and sites issued no further action

letters or response action outcomes are excluded).

What's in the mailings?

Included with the package are an explanation of the RPS, documentation that purports to describe the site-specific information that NJDEP will use to determine the particular site's score (but not the actual score or site rank) and a description of the process whereby corrections and new information may be submitted.

How to submit information?

Parties must first register to submit information by mid-July –registration will entitle the party to obtain additional and more detailed information on the data and extent areas for the site. They then will have until August 10 to actually make the submission. Rankings will be posted on the internet sometime this fall.

What are the consequences of a high ranking?

Aside from the direct consequences of specialized treatment of the highest scoring sites under SRRRA (full review of all submissions by NJDEP and eligibility for placement under direct NJDEP oversight), NJDEP will use the rankings in making internal resource allocations. The potential stigma associated with a higher ranking may impact public (including the local community) perceptions toward a site as well as attitudes of prospective purchasers, lenders, insurers, etc. These perceptions, in turn, may have legal implications in terms of purchase and sale and lending agreements, the scope of insurance coverage, the possibility of lawsuits from neighboring property owners and citizen suits, etc. Consequently, it is very important to carefully review and respond to the scoring packages. 