

NJDEP Technical Guidance: Response to Comments

Document: *"Technical Guidance for Investigating Child Care Centers and Educational Facilities"*

Committee Chairperson: Alphonse Inserra

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The Department appreciates the time and effort taken by the commenters. While all comments are important to the success and preparation of this document, comments that were primarily editorial in nature are not referenced below. Many, but not all, editorial changes were made to the document as a result of those comments. The comments below are those received that involve technical issues.

Page	Section	Subsection	COMMENT	Committee Response
6	2	Limitations	Should read; "If inconsistencies exist between this technical guidance and any statutes, regulations or policy determinations UPON WHICH THIS GUIDANCE IS BASED, the requirements of the statutes, regulations or policy determinations will overrule." [This guidance is based on statutes, not the other way around.]	The guidance committee believes that the proposed language change, is essentially how it is written, however, the capitalized language provided in the comment may make the statement clearer. Furthermore, this section was substantially altered by the Dept. of Law upon their review. Please see the amended guidance document for the amended Section 2.0.
8	3.2	para 3	The second sentence in the paragraph states that indoor air sample(s) are required to be collected for CCCs that are co-located with a dry cleaner or nail salon. In many instances, CCCs may not be co-located but are located in groundwater contamination areas due to known or unknown sources. In these cases seasonal overburden groundwater contamination at the CCC and fluctuations of groundwater levels due to operation of supply and/or production wells in the area also need to be evaluated for VI impact.	This section has been substantially modified. However, the point made, from a technical standpoint, is valid. The identification of such plumes are addressed in Section 6.0 of the Child Care Guidance Document. Furthermore, The Vapor Intrusion Technical Guidance should be consulted when vapor intrusion is suspected and all sampling recommendations should be followed.
8	3.2, 3.3		Suggest providing more detail in these section, especially the applicable CCC/EF types per DCF.	This section was substantially modified from the draft version. It was determined, however, by the Dept. of Law, that less detail should be provided, rather than more detail. Please refer to the final guidance document for the added detail.
8	3.4		Suggest clarifying the DCF rules use six (6) Use and Occupancy Classifications triggers per Madden, and although the DOH rules only cite 4 (B, S, F, and H) they do consider the other two (M, and A).	This section of the final guidance has been substantially modified. Use and Occupancy triggers A,B,F,H,M,S are all included in the final version.
9	4	4.1	For Child Care Center license renewals, an LSRP should be retained to evaluate any changes of use for adjacent leaseholds and neighboring properties, and to assess whether soil sampling of the Play Area should be conducted so that children are equally protected regardless whether the CCC is new or existing. The LSRP would submit a report or form to DCF prior to license renewal. It is inconsistent to require Play Area sampling or indoor air sampling based on nearby tenants for new or relocating CCCs, but not have the same requirements for an existing CCC. The potential exposure risk is the same, whether the CCC is new or existing.	The guidance committee disagrees with the suggested proposed change in language and regulatory process. If a CCC existed the entire time since its last DCF-OOL license was issued, no new concerns would be present, as no hazardous operations would have been conducted at the site. The process that is used has been agreed upon by NJDEP and NJDCF, and therefore, the use of the "Attestation Form", to document no change in use, will continue. Unlike NFA's, CCFA's and RAO's the safe building interior certification has an expiration date and is only valid for 3 years from the issuance date. Therefore if a CCC was required to obtain a safe building interior certification from the NJDOH for any reason (including VI), the CCC owner/operator is required to ensure that a current NJDOH certificate be obtained, kept on file and submitted to NJDCF every 3 years.
9	4.1	para 1	This paragraph does not address the fact that a CCC located in a close proximity of contaminated ground water or an industrial/commercial area can renew its license without evaluating VI impact from groundwater contamination.	Although a CCC may be required to evaluate indoor air for VI, in an area of industrial/commercial use, it is not a requirement. Refer to Section 8.0 of the Child Care Guidance Document for scenarios when indoor air is required to be evaluated, as well ss the Vapor Intrusion Technical Guidance Document located on the NJDEP website.

9	4.2	para 2	This paragraph contradicts the first paragraph. The 2nd paragraph permits expansion of a CCC without evaluating the environmental impact.	The committee does not feel that the paragraphs conflict, however, does see where it may be confusing to the reader. The seeming contradiction stems from the word "expansion" without specifying construction. The guidance should distinguish between a "shovel in the ground" expansion vs an "occupy some more existing rooms" expansion. The "shovel in the ground" expansion definitely needs a new RAO whereas the "occupy some more existing rooms" expansion may not. Please see the final guidance for amended language.
9	4.2	para 3	This paragraph states that an RAO <u>may be</u> needed if CCC is acquiring additional buildings or play ground areas. It does not state that a VI impact evaluation is needed particularly if the CCC is located on or in proximity of contaminated groundwater or other environmental hazards.	The issue of whether or not a VI investigation is needed is covered separately in Section 8 (EVALUATION OF INDOOR ENVIRONMENTS) of the guidance.
9	4.3	para 1	The historic use must be evaluated BY WHOM before they decide that they are Madden Subject and therefore need to hire an LSRP? Who has the knowledge/resources to properly determine this -- the owner? The operator? Very tempting for the applicant to determine "no historic use" by themselves, and save money. If they hire a consultant (non-LSRP) first, what are the required qualifications for this consultant? Any code of conduct? There's a giant loophole here. The least qualified people are deciding whether an LSRP is needed. If they decide "Yes, Madden", they lose the job to an LSRP. And if they decide "no Madden; no LSRP" in error, do they have anything to lose? No consequences?	The committee does not disagree with this assessment. However, the NJDEP no longer oversees the remediation process and will no longer issue the former CCFA letters for CCCs. Therefore, the LSRP is the one that must make that determination and an LSRP is required for approval (RAO issuance) for every CCC. Therefore, the answer is, the "LSRP" is responsible, and an LSRP will be making that determination from this point forward. This document cannot be responsible for fixing any "loophole" that exists in the LSRP program. Perhaps this comment can be brought to the LSRP Board for consideration.
9	4.3	para 1	This paragraph should also address evaluation of overburden groundwater contamination for a newly proposed or relocating CCC particularly in areas where the source of groundwater contamination is from off-site.	This is not intended to be a technical section. Therefore the committee disagree with the commenter that the section should include language regarding the evaluation of groundwater. However, the committee agrees to add a section that speaks to groundwater or a statement up front that states if a groundwater investigation is triggered then it needs to be conducted in accordance with the guidance document at: http://www.nj.gov/dep/srp/guidance/srra/gw_inv_si_ri_ra.pdf Please see the final guidance for added language in Section 8.0 of the final guidance.
10	5	1	The last sentence of the 1st paragraph should be more clear to include that a PA needs to be conducted for every lot and block that the CCC utilizes by including some examples; If a portion of the bldg. falls on a separate lot that entire lot needs to be investigated or if the play area is on a different lot that lot needs to have a full PA conducted. I don't think it is strong enough as it is currently written. In addition, a statement that any past history/documents used in the PA need to be provided in full to the DEP.	The committee feels that underlining the language was sufficient and will also embolden it, to make the reader understand its importance. However, the language is certainly clear enough. ALL lots that are included in the property MUST be addressed. It is up to the investigator to review the regulations and referenced PA guidance, to determine what they must do for a PA. This guidance has been criticized for going beyond its scope, after the draft was released, adding more specificity is not the direction that most comments wanted it to go in, therefore, 5.1 will not be expanded with more examples.
11	5	1.1	A Letter of Prior Use might not be available from the municipality if a building didn't previously existed in the location that the CCC is or will be located.	The guidance committee acknowledges the comment. If a building didn't exist then that would be the response to providing a "A Letter of Prior Use". The issuance of a letter of prior use may not be required to gain a RAO, however, it is part of the Madden legislation, therefore DCF requires that the CCC owner obtain and submit a letter of prior use as part of a new center or relocation application, as per their "Amendments to the Manual of Requirements for Child Care Centers". In cases where a building did not previously exist in the location that the CCC is or will be located, a "Letter of Prior Use" will indicate that there are no prior uses as no physical building existed on the property. No new language is required for this section.

11	5	1.1	2nd bullet: You should elaborate/expand the examples in the 4th sentence to also include dry cleaners, gas station, etc. Currently only funeral home and printing operations are listed.	The NJUCC Codes noted in this section include dry cleaners and gasoline stations. Funeral homes as well. Printing operations are mentioned as they are not covered by the NJUCC codes, funeral homes should not have been added here as the sentence was supposed to address other types of operations not listed in the NJUCC examples. Therefore, the sentence will omit funeral homes and be revised to make the reader understand there are other types of operations besides the NJUCC listings. Refer to the amended guidance for the noted revision.
12	5	2	There should be a section to say that Sanborn maps should be utilized.	The guidance committee agrees with the commenter that Sanborn Maps should be mentioned as a useful tool in the investigation of historic operations. Refer to the amended guidance for the addition of a section that mentions Sanborn Maps.
13	5	5.3.5	Universal Waste should only be discussed when there is a specific environmental or exposure concern. For example, the mere presence of lighting components will not exclude the facility from being a CCC. Also, the title is a misnomer as these items are not "waste" unless the building is being demolished. The title could be changed to "Lighting Ballasts and Thermostats" with the text changed to "The presence of leaking light ballasts and/or leaking mercury-switch thermostats should be noted and addressed." Any insulation or tiles (which are examples listed in the draft) are not Utilities (which is the heading for Section 5.3) and should be excluded from this section.	The committee agrees with the commenter and will revise the term ' "Universal Waste". The committee will also review the document for placement of the issues noted. Refer to the amended guidance for the revised language on this section.
14	5	5.4.1	References to climbing equipment should be omitted. The presence of climbing equipment in the Play Area is not an environmental concern. Climbing equipment is a safety concern already overseen by DCF as part of their inspections.	Originally this requirement was asked to be included in this guidance document, as NJDCF had concerns regarding climbing equipment and a map of the play area is required to be attached to the RAO, therefore, if climbing equipment was to be removed by the requirements of NDCF, it would affect that map. However, NJDCF no longer requires their inspector's to evaluate climbing equipment because it is not part of the investigator's job to ensure compliance with the NJDCF's "Manual of Requirements for Child Care Centers" and therefore, that sentence will be removed from the guidance. Refer to the amended guidance for the revised language.
16	5	5	Last bullet discusses Documentation that safe drinking water is being provided. It should include (See Section 7.0) Notification of Safe Drinking Water) to direct people to the appropriate Section	The guidance committee agrees with the commenter that Section 7.0 should be referenced. See the amended guidance for the addition of the suggested language.
10	5.1	para 2	Suggest using the active voice, not passive voice: "IT IS CRITICAL TO understand what buildings the children (sensitive population) will occupy and where the play area(s) will be located in reference to past operations at the site, ..."	The guidance committee agrees with the suggested change in language. Please refer to the amended guidance for that revision.
11	5.1.1	bullet 1	Is there any difference between a CCC owner and a CCC operator? The term "owner" is key when discussing (SITE) PROPERTY ownership. In this paragraph, wouldn't CCC operator (or CCC applicant) suffice?	DCF-OOL actually uses the term sponsor which is usually not understood by the general public to mean the "owner", therefore DCF-OOL simplified it to owner. The committee appreciates the suggestion, however, feels that the terminology afforded is appropriate.
15	5.4	bullet list	Consider adding to the list: "location of transit pathways between CCC and play area(s)". These areas are often overlooked as part of the functional footprint of the CCC facility.	The committee agrees with the suggestion regarding transit pathways. That was included in Section 11.6, therefore, the document does address that issue.
14	5.4.1	NA	The third sentence in the third paragraph states the investigator should determine if an off-site play area is a potential "threat" to the CCC population. Any guidance or reference as to what criteria/considerations should be used to identify a threat would be helpful here.	The "potential threat", would be whatever may be identified by NJDEP's KCSL. Therefore, no additional language will be added to purport what may be a concern, the KCSL either lists one or it doesn't.

14	5.4.1	para 1	Is the safety of the climbing equipment in the play area really part of the investigator's job here? I don't know.	When this guidance document was first being assembled, language to include climbing equipment to be evaluated, was inserted. However, upon query of DCF-OOL, that office concurs that there is no reason to include language regarding climbing equipment because it is not part of the DCF-OOL investigator's job to ensure compliance with their "Manual of Requirements for Child Care Centers", and therefore, the information is not required. The last sentence of the first paragraph will be deleted.
15	5.5	NA	The fourth bullet in this section refers to exceedence of the applicable remediation standards. Screening levels (the vapor intrusion screening levels) are also available to evaluate whether the VI pathway may be of concern at a site.	The committee acknowledges that screening levels are also available to help with a determination for indoor vapors. However, since the indoor air is a NJDOH lead for the regulation of CCCs (and EFs when applicable) the addition of the suggested language is not necessary in the PA section. Section 8.0 of the document addresses NJDOH & NJDEP requirements. A web link for NJDEP guidance will be provided in that section.
15	5.5	bullet 4	Subbullet 2: The area of concern is not suspected to contain contaminants above the applicable remediation standards and no further investigation or remediation is required (and PROVIDE the rationale behind that determination) .	The guidance committee accepts the proposed edit. Please refer to the amended guidance document for the proposed edit.
17	6	2.2	Directions should be provided to find the correct xy coordinates using Geoweb.	Since all Preliminary Assessments will be performed by a LSRP, as of September 2015, the committee feels that the additional suggested directions are unnecessary. The LSRP should understand how to use the referenced electronic information system. Specific directions relating to NJDEP's electronic systems should be referenced at the appropriate DEP guidance document.
17	6	6.3	It does not seem appropriate that the investigator should be required to provide separate, written notification to NJDOH/DCF of "any" potential sources of contamination identified within 400' of CCC if the investigator has made a determination that no further investigation is required for some or all of the sites. If a list of these sites are provided to these agencies without additional information, how are the agencies going to evaluate these sites. It would be more appropriate for NJDOH/DCF to review the PAR and determine if NJDOH/DCF disagrees with LSRP's determinations. It is also of concern that the NJDOH/DCF review may cause issues with the issuance/validity of the RAOs.	Although the guidance committee is aware that the guidance document is a NJDEP guidance document and is geared towards the acquisition of a LSRP RAO, there are four Departments that require information to be accrued for their assessment of a CCC/EF. Members of the committee that represent NJDOH and NJDCF, requested that the noted information be provided to their respective Departments, for their purview as well, as they are as much or more so involved in the regulatory process of CCC/EFs. Since this is a multi-Departmental venture, the language "recommending" that NJDOH and NJDCF be provided the noted documentation, will stand.
17	6.1	NA	The last sentence in the paragraph should indicate that the "...investigator evaluate any site of "potential" concern until.....	The guidance committee agrees with the proposed change. Please refer to the amended guidance document for the revised language.
17	6.2.1	bullet list	No web addresses for these?	Please see the amended guidance for the addition of the suggested website.
17	6.2.2	para 2	By "main entrance" you mean the main door to the street, or the door to the leasehold (which might be in a hallway, inside the building)?	Yes, that is correct, the front door of the building which houses the CCC/EF. Since all Preliminary Assessments will be performed by a LSRP, as of September 2015, the committee feels that the LSRP should understand how to reference the electronic information system. Specific directions relating to NJDEP's electronic systems should be referenced at the appropriate DEP guidance document. The web link was provided as per the commenter's comment for 6.2.1, to add web address.
17	7	0	The paperwork for the drinking water certification should be submitted in the front (or back) of the submittal. If you would specify a specific place for this information to be included it would speed up the inspections of the documents.	This document is Child Care Guidance. Submittal of documentation as per the LSRP program should be referenced in the appropriate guidance document.
18	7.1 & 7.2		Water Supply figure is located at back of document (Appendix B & C) -- reference it early here. Most people have no idea about these terms, without your help.	The guidance committee agrees that the Appendices can be referenced in this section. Please refer to the amended guidance for the suggested addition.

20	7.3.1		The paragraph that begins with "Conversely..." should be changed to something like "If contamination is suspected to be from an off-site source, refer to the Department's <i>Off-Site Source Ground Water Investigation Technical Guidance</i> ."	The committee agrees with a language edit, however, not the specific language provided. The off-site ground water guidance link was added as suggested. Refer to the final guidance for the amended language.
20	7.3.1	final para	This statement does not conform with current SRP practice -- "Conversely if the investigator has reviewed the PA and is confident current or past site operations are not the cause of the well contamination, the NJDEP's Hotline (1-877-WARN-DEP) should be notified and the matter reported as an "unknown, off-site source" of contamination." According to the Off-Site Source Ground Water Investigation Technical Guidance document , the correct procedure is as follows: With only a PA to rely on, the correct call to the hotline would be "PCE (or some other contaminant) in drinking water" -- not mentioning a hypothetical offsite source. Before calling in an unknown off-site source, a background investigation per Tech Rules 3.9 is required. A PA alone is not sufficient to make that determination.	The guidance committee agrees with the commenter on this subject. Language will be added that requires the investigator to perform all requirements of N.J.A.C. 7:26E-3.9. In addition, language will be added to 7.3.1 that advises the person calling the hotline, to record the communication center number for use when performing an off-site groundwater investigation to prove off-site source. Refer to the amended guidance for the additional language.
21	8	0	I feel like this Section is confusing. It doesn't clearly explain when a Indoor Environmental Health Assessment is or is not required. Section 8.1 discusses why it is required but I don't feel as though they do a good job explaining when it is required. I pulled the following right from DOH's Website. I think this should be included in that section. It clearly explains how they determine who must conduct an IEHA. This is the link where I took the info from http://www.state.nj.us/health/eohap/childcare/childcare_faq.shtml#3 Who Must Obtain Approval from the Department of Health (DOH)? Child care centers and educational facilities must obtain an approval letter from the NJ Department of Health (DOH) if the facility meets any one of the following criteria: • The center or educational facility is in a building constructed prior to 1979. • The prior or current use of the building and/or property was/is used for industrial, storage, or other high hazard purpose. This includes being used as a nail salon, a dry cleaner or a gas station. These categories may be is classified as Groups B, S, F and H as defined by the Uniform Construction Code (UCC). • The location is on a contaminated site or on a property where contamination is suspected. • The center or educational facility is referred to the Department of Health (DOH) by the Department of Environmental Protection	This comment was directed to the Dept. of Health. DOH feels that the section is mostly correct and in-line with their own regulations and guidance. The commenter is directed to the final technical guidance for any changes that DOH determined were necessary.
22	8.2	para 4	This paragraph mentions USEPA Method TO-15 for VOC analysis. NJDEP currently recommends the NJDEP Low Level Method TO-15.	The guidance committee acknowledges the technical correction. Please refer to the amended guidance document for the corrected language.
22	8.2	para 7	This paragraph and section should address situations where CCC is impacted by off-site groundwater contamination. RAO may not address the off-site groundwater contamination impacting the CCC. One time collection of sub slab soil gas samples and indoor air samples may not be sufficient to ensure ongoing protection due to vapor intrusion without evaluating the overburden groundwater contamination and a VI monitoring plan at the CCC if groundwater contamination is confirmed.	The Dept. of Health provided the language for the referenced section and has determined that their regulations and guidance has been properly conveyed in this section. Therefore, it is their determination that the level of protectiveness is within their regulatory authority. The commenter is referred to NJDOH regulations and to contact that Dept. if further clarification is needed on this subject.

22	8.2	NA	The second sentence in the 6th paragraph and throughout the document references the NJDEP indoor air screening levels. While that is currently appropriate, the guidance committee should be aware that it is anticipated that indoor air remediation standards will be included with the proposed remediation standards that are anticipated to be proposed in Dec 2015 and potentially promulgated in 2016.	The child care guidance committee acknowledges that the comment was made for informational purposes. The promulgation of indoor air standards is fine for CCC/EFs that will use them if NJDEP becomes involved with a vapor investigation, however, NJDOH is the lead on indoor air at CCC/EFs and as Section 8.0 notes, they generate site specific criteria for each individual site under their purview. The committee anticipates that this guidance document will be finalized prior to the vapor guidance, therefore, reference to criteria instead of standards, is appropriate at this time.
	8.3		As a LSRP is required to be hired, the LSRP should determine if a Vapor Intrusion study is necessary. Mandating a Vapor Intrusion study after an RAO is issued will add uncertainty and time to a project resulting in unnecessary costs to the owner/operator.	The committee agrees with the evaluation. However, an RAO can be issued prior to the indoor air evaluation being conducted in conjunction with NJDOH, as indoor air is the purview of the NJDOH at a CCC, and not NJDEP's. Although an RAO is issued, DCF-OOL will not issue a CCC license without the NJDOH evaluation of the site. Therefore, since instances may occur where an RAO is issued and the indoor air evaluation is not completed, the stipulation needs to be stated. The language will remain.
23	8.3	NA	It may be helpful to refer to the Department's Vapor Intrusion Technical guidance document here along with the VI website.	The guidance committee agrees with the suggestion. Please refer to the amended language in the final guidance document. The guidance has been referenced and a web link added in Section 8.0 of the final guidance, please see amended language.
21	8, 8.1	para 3 and 1	In addition to indoor air sampling requirement for a CCC co-located with a dry cleaner and/or nail salon, seasonal overburden groundwater contamination for VI impact also need to be evaluated for a CCC located in close proximity of regional or unknown or known source(s) of groundwater contamination.	The commenter is directed to the Vapor Intrusion Technical Guidance for all technical guidance related to VI sampling, along with NJDOH regulations, which can be found using the web links provided in the Child Care Technical Guidance.
23	9	1	If the guidance recommends or requires certain samples but the LSRP does not feel they are necessary a statement should be in the report stating why in their professional judgment they did not sample.	How an LSRP submits their findings is not the purview of this guidance document. LSRP reporting should be referenced in the appropriate LSRP submittal guidance.
24	9	1.4	It should be reinforced that the entire lot and block that the CCC falls on must be evaluated.	Section 5.1 is to be amended for the suggested additional clarification for this section (9.1.4). Refer to the amended guidance for the added language.
26	9	6	In the draft pesticide guidance document we do not require or recommend the analysis of thf mercury. This should be removed from your guidance.	Mercury will be removed as a sampling parameter from the CCC guidance, as requested by the NJDEP Child Care Unit now residing in BFO-N Field Office, as a standard pesticide parameter. However, mercury must be sampled for if identified as a contaminant of concern during the PA phase, including the use of fungicides during any agricultural application of such a pesticide.
23	9	9.1	The document should recommend the LSRP discuss any sampling with the property owner and explain to the property owner what his/her reporting and remediation obligations will be if contamination is detected. The LSRP should also obtain the property owner's permission before collecting any samples.	The committee understands the difficulty that an LSRP may have requiring sampling at a CCC/EF, especially due to the financial means that that entity may be dealing with. However, sampling is required by regulation and the regulated entity must understand that it is necessary by law. Although this guidance document is intended to help the regulated public understand the process, it is not the place of this document to discuss the process that the LSRP has with its clients. No language will be afforded regarding this issue.
24	9	9.1.1	The guidance states that "Sampling should be conducted to determine presence or absence of contamination" at exposed play areas. Is this implying that the investigator should, in all cases, collect samples from exposed play areas even if there is no reason to believe that these areas have been impacted?	The guidance document establishes a bias for sampling, but not a mandate. Given that the guidance document is for the evaluation of a facility to be used by a sensitive population (children), the Department believes that a conservative approach to these evaluations is justified. If an LSRP believes that enough information exists to justify foregoing sampling, then that justification shall be provided upon report submittal. However, the LSRP must provide the rationale, in detail, including all existing information that allowed them to reach that conclusion. The LSRP may not use the lack of information as a basis to forego sampling.

24	9	9.1.1	<p>Re sampling the Play Area, the sampling requirements in the draft document are not clear and could result in incorrect, improper and inconstant sampling. Either allow LSRPs to use the Preliminary Assessment findings and professional judgment to determine whether sampling should be conducted and what analysis should be performed, or simply require two TCL/TAL+30 soil samples for every uncovered or uncapped Play Area. For example, the draft document states in Section 9.1.1 that for exposed Play Areas, sampling should be conducted, regardless of the site history and presence of AOCs, and without stating what analysis should be performed. Later, in Section 9.2, the document states that if the complete site history cannot be determined, that sampling of the Play Area must be conducted for TCL/TAL+30 analysis (for both covered and uncovered Play Areas? The document is unclear). Section 9.2 also states that sampling should be performed in the Play Area based on the presence of AOCs at or adjacent to the Play Area. So, for AOCs in or adjacent to the Play Area, the sample analysis only needs to include the compounds related to the AOC, but if a complete history of the site is known and there are no AOCs in or adjacent to the Play Area but the Play Area is grass, two samples for TCL/TAL+30 analysis must be collected? Re sampling of the Play Area, the document should state either "The LSRP should use the Preliminary Assessment findings and professional judgment to evaluate the site history and the presence of AOCs in or adjacent to the Play Area when determining whether soil sampling in the Play Area should be conducted and</p>	<p>The committee agrees with many of the points mentioned in this comment. Many changes have been made to the referenced section of final technical guidance regarding sampling of the Play Area. The commenter is directed to Section 9.0 of the final technical guidance document for the changes and edits suggested.</p>
24	9	9.1.2	<p>Recovered Play Areas, the document should state for mulch cover, since children are in direct contact with the mulch (and likely more so than the underlying soil), the mulch should be sampled for PAHs, PCBs and TAL Metals unless the mulch is Certified Playground Mulch (virgin hardwood mulch). Mulch from undocumented sources could contain contaminants. It is inconsistent to require sampling of the Play Area soil but not the mulch used to cover the soil.</p>	<p>Comment suggests to sample mulch for direct contact as well as soil – Playground surface and construction materials such as turf, mulch, rubber, etc. are part of DCA jurisdiction under the UCC for playground construction and DCF's jurisdiction. Playground is defined as surfacing among other aspects noted. The soil quality beneath the playground from history of the site use is part of the environmental evaluation of the site under NJDEP/SRP jurisdiction. Since this is a NJDEP/SRP guidance document, it will only address media that NJDEP is required to address under its regulations.</p>
25	9	9.2	<p>Re collection of VOC samples in Play Areas, the VOC sample should be collected from the initial 6 inches of soil, not the potential depths described in the Field Sampling Procedures Manual. The purpose of the Play Area sampling is to determine whether children are in direct contact with contamination. Based on the FSPM, VOC samples could be collected from 10 feet below surface, which not only would be an inappropriate depth to determine whether children are in contact with VOCs, but would require the use of a Geoprobe or similar drilling equipment, which would significantly increase the cost of the sampling. Also, see Section 9.3.1, which states samples should be collected from the initial 6 inches of soil. Samples depths should only be referenced once in the document to avoid contradictory guidance.</p>	<p>The NJDEP Child Care Office was moved to the BFO-N Field Office in December 2015. Sampling policy was revised by that office. The final Child Care Technical Guidance has been modified for sampling requirements. The commenter is directed to the revised Section 9.0 for all revised sampling requirements.</p>
25	9	9.3.2 and 9.3.3	<p>The document should state for off-site Play Areas, the LSRP should obtain a copy of the DCF's courtesy inspection results to confirm DCF has approved the use of the off-site Play Area.</p>	<p>The guidance committee does not wholly disagree with the commenter's suggested language. However, the inspection of the play area by NJDCF usually occurs after the RAO is issued and is geared more toward ensuring the children's safety in route to the play area focusing on such things as proximity to the CCC, and access to bathroom facilities. Environmentally, NJDCF has no input and their inspection would not dictate any sampling that may be necessary. Therefore, since this section (SI) is geared toward sampling contaminants already known, language including DCF is not necessary. Although NJDCF does highly recommend courtesy inspections they are not required by NJDCF at this time.</p>

25	9	9.4	The document requires an investigation of all USTs at the property, regardless where the UST is located at the property. An UST investigation should only be required if the existing or former UST system is in or adjacent to the Play Area or if the LSRP determines the UST should be investigated based on professional judgment. Existing or former USTs located far from the CCC without a reasonable risk to the CCC should not be required to be investigated.	The committee agrees with the commenter and all references to USTs have been removed from Section 9.0. Refer to Section 5.0 of the final technical guidance for all remaining recommendations regarding USTs.
28	9	9.10.2	The document should state for leasehold scenarios, the LSRP is retained only for the leasehold portion of the property, and has no reporting requirements for non-IEC discharges observed on the non-leasehold portions of the property that will not affect the Child Care Center leasehold. The LSRP is often not retained by the property owner and should have no reporting requirements for the non-CCC portions of the property.	The reporting requirements for an LSRP will be addressed in Regulations of the New Jersey Site Remediation Professional Licensing Board N.J.A.C. 7:26I. As such the guidance document will defer to the regulation.
24	9.1.2		This paragraph is similar to the discussion in Section 9.2 and it should be moved to that section.	The commenter states that the discussion is similar to section 9.2 and recommends that it be moved to that section. Section 9.1 identifies particular situations and scenarios to consider. While the commenter is correct that there is some overlap in these two sections, the committee is aware of the redundancy. The committee feels that redundancy in this circumstance is warranted as it emphasizes the need for sampling in a play area when there is a historic AOC involved. The comment is certainly valid, however, the language will remain in its respective sections as written.
	9.1.2		Sampling should not be required for capped playground areas because there is no potential for "direct contact" or "vapor intrusion" concerns impacting a child or children utilizing the play area.	The commenter states that no sampling should occur for capped play areas because no direct contact or vapor intrusion concerns are present. The language cannot be changed, as that is not the current policy that is followed when assessing a child care center for a DCF license. An assessment of the play area regardless of surface is needed when an AOC is identified at or near play area, in order for an LSRP to issue a RAO (entire site or leasehold). The rationale for this is that, if the area is contaminated and the contamination is not assessed, the cap may be removed at any time in the future, since it is not regulated by any regulatory authority (i.e. institutional control, engineering control) and any capping material may be removed at the center's discretion, exposing the children to any un-assessed contamination that may be present. Remediation or presumptive remedies would be required as per N.J.A.C. 7:26E, if contamination is determined to be present and thus an SI is needed.
24	9.1.4		The following section is rearranged. Blue text was added. 9.1.4 Leasehold Scenarios vs. Entire Site Scenarios When the investigator identifies an AOC located off of the CCC/EF site or beyond the leasehold portion of the CCC/EF site, they should determine if the property with the AOC is listed on the State's KCSL by checking the NJDEP "Data Miner" report listed on the SRP website: http://www.state.nj.us/dep/srp/kcsnj If the property is listed on the KCSL, the investigator should request any/all files for the site from the NJDEP's Office of Open Public Records (www.nj.gov/dep/opra) and evaluate if the AOC poses a potential impact to the CCC/EF. If the off-site AOC(s) are not on a property listed on the KCSL after checking "Data Miner", the investigator should collect samples (e.g., soil, water, etc.) at the CCC/EF site if needed, to determine potential impacts to the CCC/EF. Conduct an SI at AOCs on the leasehold portion of the property, and evaluate any AOCs off of the leasehold that could reasonably impact CCC/EF leaseholds and outdoor play areas. If the entire property is utilized as the CCC/EF or the owner of the property is also the operator of the CCC/EF, conduct an SI at all AOCs on the entire property and evaluate any off-site AOCs that could reasonably impact the CCC/EF and play areas.	The commenter's suggested revision (aside from combining sections 9.1.4 and 9.1.5) is to insert language that specifies if the CCC operator is the owner of the property then they must conduct an SI of all AOCs and strive towards an entire site RAO. That point is stated later in the document in section 11.2 & 11.6. The committee believes that the commenter's suggested organization of the section actually blurs the lines between entire site vs leasehold. Therefore, the committee has decided to leave the sections separated and the language as stated. Please refer to sections 11.2 & 11.6 for clarification regarding Child Care Facility vs. Entire Site RAOs, which has been amended as well.

28	9.10.2	NA	The 3rd paragraph refers to NJAC 7:26E-1.15(g) and the Health Department Notification Levels that are no longer updated and maintained in the NJDEP VISL tables. Reference to these values should either be removed or preferably the guidance should clarify that the values are no longer used with all indoor air data provided to the NJDEP and NJDOH for evaluation. Notification requirements for VI-IEC cases (in NJAC 7:26E-1.15(f)) could be referenced here.	The committee acknowledges that the notification levels are no longer being updated, however, the NJDOH notification levels still exist and their notification is appropriate. Therefore, reference to that section is still appropriate even if the levels are no longer being updated, they still exist and can be found elsewhere. A caveat will be included that states they are no longer being updated and where to find them.
28	9.10.2	para 1	If they call the Hotline, they also have to submit the CDN form afterwards? You might want to say this explicitly. These are two separate tasks.	The guidance committee agrees that it should be explained that the CDN should be submitted as well as calling the hotline. Refer to the amended guidance document for the suggested revision.
	9.3.1		Prior to this document proposal, two soil samplings were required for most play areas. Additional samplings are unnecessary and will add cost - especially if a sample is required every 350 square feet.	The sampling frequency has been modified in the final version of the Child Care Guidance Document. Samples are recommended to be collected at a frequency of one soil sample for play areas up to 350 square feet in size. Additional soil samples should be collected at a frequency of one sample for every additional 500 square feet of play area. Refer to the final guidance for sampling recommendations.
25	9.3.2	NA	The second paragraph states that soil sampling is required to verify there is "no direct contact exposure pathway to any potential contamination." The wording is unclear. Does the guidance intend to include some statement in terms of no exposure above the applicable standards/criteria?	The commenter feels the language is unclear. The committee respectfully disagrees and feels that every potential issue that may trigger sampling, was included. However, it appears that the commenter feels that standards/criteria should be referenced. Reference to soil standards will be inserted in item 9.2 of the guidance, which should suffice for all of Section 9.0. Please refer to the final guidance for amended language.
26	9.7		This discusses historic fill delineation. May want to add that you don't have to delineate beyond the property boundary.	Section 9.7 was substantially revised and reduced. There will be less language added here, not more. For any determination on delineation, the guidance will refer the reader to the appropriate regulation and guidance and it will be for the investigator to determine what is necessary based on their review.
	9.7		Historic Fill is quite prevalent in large geographic and urban areas in NJ. Sampling this fill when there is no potential for direct contact by a child or children will increase costs and cause time delays.	Comment states that due to large amounts of historic fill in urban areas and no potential direct contact no sampling due to cost and time delays. The health of the child population is more of a concern than the amount of money that it takes to protect them, therefore, since Historic Fill is an AOC by definition in Tech Regs and DEP's guidance is in place on how to manage historic fill in all scenarios – residential, commercial, industrial, etc. (remediation or presumptive remedy w/DN/Cap)
29	10	2	You should delete the quoted section from SRRA regarding the requirement for a Presumptive Remedy and instead reference the Tech Rules 7:26E-5.3(a) For any remediation initiated on or after May 7, 2010, when new construction of, or a change in use to, a residence, a school, or child care center will occur, the person responsible for conducting remediation shall implement at that area of concern: 1. An unrestricted use remedial action; 2. A presumptive remedy consistent with (b) below, and Table 5-1 below; or 3. An alternative remedy.	Agreed that change should be made as per the commenter's suggestion to reference/ Tech Regs. Please see the amended guidance for the revised language.
29	10	2	I would also recommend that you remove the reference to when they can apply for an alternative remedy. Just refer them to the guidance document.	The committee believes that the alternative remedy language should remain as written, since the "approval" must be requested from the NJDEP. This allows the remedy to be looked at prior to its implementation and there can be no mistakes made.
29	10	2.1	You might need to remove historic pesticides from your statement requiring that it is not necessary to call in a discharge for contamination observed. Please contact the Historic Pesticide committee before going final with your document.	Historic pesticide guidance, states that historic pesticides are considered a discharge. The commenter is referred to the Historic Pesticide Guidance document regarding NJDEP hotline notification.

29	10	10.2.1	Remove "(property owner)" from this section. The property owner is not always the Person Responsible for Conducting the Remediation.	The reason the committee included "property owner", was to make clear that the property owner, not the child care operator, is responsible for a remediation on their property. Although they can be one in the same, when they are not, it is the "property owner", that is responsible under regulation, and since that is regulation, the language will stand.
29	10.2.1	para 1	You mention some special exceptions -- "contamination related to naturally occurring elements, historic fill, DAP and/or historic pesticides" then follow with subsections 10.2.2 and 10.2.3 and 10.2.4 -- but you don't have a separate paragraph for historic pesticides. Do you need one? Are there particular requirements for historic pesticides?	Addressing historic pesticides is addressed in Section 9.0 and is fairly straight forward, since the pesticide may be present via historic or regular application in time and the contamination discovered is regulated if it exceeds RDCSCS. The other scenarios (i.e. historic fill, DAP, naturally occurring elements) are more complicated and warranted an explanation in Section 10.0. The commenter is, however, correct in that historic pesticides should have had its own paragraph and one would have been entered. However, the historic pesticide guidance document was finalized after the draft Child Care Guidance document was released, and the decision since that time, is that historic pesticides are NOW considered a discharge. Therefore, all mention of historic pesticides will be deleted from Section 10.2 as contaminants that are not discharges and anywhere else in the Child Care Guidance referencing them as "not being a discharge". Therefore, no language will be added, some may be deleted, however, in referring to historic pesticides.
29	10.2.2		Usually the Deed Notice is filed with the County.	The guidance committee acknowledges that Deed Notices are filed with the county. Refer to the amended guidance for the corrected language.
29-30	10.2.3 and 10.2.4	para 1	Natural background contamination (or DAP) may exist at a CCC site, but NJDEP does not regulate it (and only recommends action). But what will NJDCF-OOL require in order to get/renew a license? [This is touched on in 10.2 (end of para 2), but should be stressed -- <i>The difference for CCCs is that regardless of whether the NJDEP regulates the contamination detected or not, the elevated contaminants must still be addressed to protect the sensitive population of a CCC.</i>] This is worth repeating, so they don't get the wrong idea. Even if the NJDEP doesn't regulate it, OOL will require either remediation (removal) or a barrier (per Section 10.2.5), or they won't get their license. Correct?	Actually, DCF-OOL does not require remediation or the presence of a barrier. DCF-OOL has declined any responsibility in the environmental regulation of a CCC, as it is not their purview to do so. Therefore, the NJDEP recommends the removal or placement of a barrier to protect the occupants. It is with that recommendation, the NJDEP hopes that any LSRP issuing a RAO, will see to it, that DAP is addressed properly. A DCF-OOL license will NOT depend on a remedial action of DAP.
30	11	1	3rd paragraph states the NJDEP may still issue their CCFA Letter. As per the e-mail from Mike Justiniano the DEP is no longer issuing CCFA Letters. This should be amended.	The CCFA is no longer going to be issued as of September 2015, therefore, the guidance was amended. The guidance will no longer mention issuance of CCFA, only an RAO.
31	11	2	5th paragraph should be reworded or bolded to make it clearer that RAO's should not be issued for proposed sites. I think the last sentence is lost in the paragraph. I think it need to stand out more.	This section is to be re-worked and better clarity will be provided. Refer to the amended final technical guidance.
31	11	2	6th paragraph should be reworded, it is very confusing. It could be simplified. If the CCC and play area are not constructed a non-child care RAO may be issued. Once the CCC and play area are constructed the site should be evaluated and a Child Care RAO must be issued.	Agreed. This section was reworded for clarity. Refer to amended guidance for new language.
31	11	2	So when do I issue an RAO A? This should be clarified.	Agreed with comments that this section should be reworded for clarity. Refer to amended guidance for new language.
32	11	5	This paragraph seems very passive and confusing. It should be reworded to say "The only document required for submittal is a "Child Care Center/Educational Facility Remediation Form". This form can be downloaded from http://www.nj.gov/dep/srp/srra/forms . No other forms are required.	The commenter's suggestion is accepted and the guidance document will require only the Child Care Center/Educational Facility Remediation Form be submitted with the RAO.

32	11	6	3rd paragraph after 2nd sentence that states "Note: A PA Report must be prepared for the entire site The following should be included: (including all lots that the CCC utilizes)	The definition for "entire site" is included in Appendices. The definition for "Child Care Center Site" is actually an "entire" site definition. "Entire site" will be changed to Child Care Center Site in this section, so that the reader can go to the definition in the appendices to determine what areas need to be addressed.
31	11.2	5th Paragraph	"...prior to issuance of a childcare RAO by an LSRP."	Agree with comments regarding rewording this section, except the term will be "Child Care Facility RAO". Refer to amended guidance for new language.
31	11.2	6th Paragraph	Rearranged the wording in the 2nd sentence. If the CCC building(s) and play area(s) have not been constructed and a RAO is desired for the property prior to construction , then an "Entire Site" (non-child care) RAO may be issued to the property owner.	Agree with comments regarding rewording this section. Refer to amended guidance for new language.
32	11.3		The number of RAO Notice inserts may change.	The comment states, "the number of RAO Notice inserts may change." The draft guidance states, "there are currently fifteen (15) "notices" listed in the RAO shell document... There appears to be no need to change this section as it does not speak to what may happen in the future, only what exists in the present. This guidance can be revised if necessary.
32	11.3	"Note"	This doesn't agree with current SRP practice: Limited Restricted Use= institutional control only (CEA or DN); Restricted Use = Inst & Engineering controls (DN & cap for soils; CEA & gw treatment system). [There are other less common possibilities I won't go into.] The overall rule is that subsequent RAO's must be "equally as restrictive" as the most restrictive prior RAO for the site, until such time as the cause for the original restriction is removed. Therefore, the current LSRP for the current CCC might be issuing either a UNRESTRICTED, LIM RESTR or a RESTRICTED RAO, depending on what his predecessor issued. (If you choose to vary from this convention, there is going to be confusion).	Section 11.3 speaks to the inserts listed in the RAO shell model included in N.J.A.C. 7:26C. This section does not vary from the definition of Restricted, Limited Restricted or Unrestricted Use, it does not speak to their definition at all, therefore, no amendments along that pathway are necessary.^
32	11.6	para 3	"if AOCs and/or contamination identified on certain portions of the site" -- the phrase "certain portions" is not defined -- what does it mean?	The guidance committee agrees with the commenter, "certain portions" is a vague term. The intent of "certain portions" was for an area out of the leasehold. The document will be revised to make clear that was the intent of the statement. Refer to the final guidance document for the revised language.
8	Amendments	3.2	Document referenced is no longer an amendment, it is their rules.	Duly noted. Refer to the final Child Care Technical Guidance document fo the revision.
36	Appendix A	Flow Chart	The Flow Chart, in the bottom-most red box, states the investigator calls the NJDEP Hotline. However, other persons, including the property owner and the Person Responsible for Conducting the Remediation (if different from the property owner) also have the responsibility to call the Hotline. The text should be changed to "The NJDEP Hotline is called."	The committee appreciates the suggestion, however, this flow chart is to be removed from the final guidance.
36	Appendix A	Flow Chart	The Flow Chart, in the bottom-most blue box, states the "LSRP conducts RI & RA". However, the Person Responsible for Conducting the Remediation conducts remediation, not the LSRP. The text should be changed accordingly.	The committee appreciates the suggestion, however, this flow chart is to be removed from the final guidance.
36	Appendix A	Flow Chart	The line from the bottom-most blue box to the green box on the left (LSRP Issues RAO) should have an arrow head below the green box to show the action flows from the blue box to the green box.	The committee appreciates the suggestion, however, this flow chart is to be removed from the final guidance.
36	Apenndix A		Madden Applicability and LSRP Requirements – The flow chart needs to be amended as per e-mail DEP no longer issues CCFA letter 3rd column 5th box down.	Agreed. The chart showing CCFA vs RAO will be removed in the final version.

39	Appendix D		This appendix provides a list of RAO notices for CCC with building interior not evaluated or soil or groundwater contamination remaining at the site. Contamination needs to be fully delineated in all media and remediated. In all these cases, a VI monitoring plan should be established for the CCC. A three year cycle for inspection and indoor air sampling may not be protective enough.	Appendix D has been removed from the final Child Care Guidance Document. The comment, is therefore, moot.
40	Appendix E		Suggest the glossary includes supplemental definitions used by the NJDOH and NJDCF that are appropriate. The definitions in the document are dissimilar to the terms used by the other agencies.	The committee has determined that the definitions, which were necessary to be generated specifically for this document, due to its all-encompassing, four departmental ambitions, is appropriate. The definitions were only slightly modified.
40	Appendix E		Definition is confusing : "Child Care Center Site" "...either property owned by or leased by CCC..." but since the functional area also includes "offsite play areas" which the CCC may not own, plus traverse/access areas the CCC may not own, it seems to me that ownership or leasing is kind of irrelevant for this definition. Perhaps you could use the idea of "functional area"? They are held accountable for addressing risks within the functional area, not just the leasehold.	The guidance committee spent quite a bit of time attempting to formulate definitions that can be both broad and at the same time, as specific as possible. The arrival of the definitions provided was based on many factors. The comment to use "functional area" is a reasonable request, however, the amount of time and effort for an agreement throughout the committee was daunting. No matter what definition is provided, it will ultimately not meet everyone's concurrence, however, it is the best that can be afforded at this juncture. The definitions may be amended in the next version of the guidance document, based on future input.
40	Appendix E		Remove "on" from defn of "Property – Property means the land [on] which a CCC/EF occupies,". Also, by "property" do you mean the entire Lot (or contiguous Lots) which the property owner owns? or the Leased Lot (the whole thing is leased by CCC)? or the Leasehold portion (part of a Lot is leased by CCC)? or the functional area of CCC (where kids may go)? It's less confusing to be specific about which pieces of ground are important, and for what reasons.	The guidance committee accepts the proposed deletion of the word "on" (unnecessary adverb). Please refer to the amended guidance for the proposed revision. As noted in the previous Appendix E comment and as the commenter basically demonstrates in this comment, the definition of these terms is very difficult to encapsulate in any one statement. The committee saw fit to provide a definition that it feels is as complete as possible for the purpose of this document. The definitions will stand as written.
	Appendix		A flow chart for all of the aspects (different departments/entities) of getting a Child Care license would be helpful.	Since Appendix A no longer applies regarding LSRP issued RAOs or NJDEP issued CCFA Letters, it will be removed. The committee agrees that a chart that explains all of the Department's requirements be added, reference the final guidance for the new Appendix A.
8	DCF	3.2	Suggest adding that the NJDCF require a Preliminary Assessment if the building is older than 1977.	Section 3.0 will be substantially revised and reduced, therefore, the requirement of PA for DCF, is not necessary. This is essentially a NJDEP guidance document and a PA is required for all sites and buildings on a site, in order to acquire an RAO. If DCF decides to require PA's for CCC/EFs under their purview, they will require it under their own regulatory authority. Please see the amended guidance for the revision to this section.
33	Figure		Figure and text should discuss fencing and hedges, etc., how pedestrian traffic is prevented from direct-contact with a suspected contaminated area - which may or may not be an engineering control.	This figure was meant to be a simplistic depiction of additional areas that may need to be addressed, outside of a leasehold scenario, it was not meant to depict specific controls to prevent exposure to any contaminants.
36	Flow Chart		Disagree that non-LSRPs may perform Preliminary Assessments that are knowingly intended for NJDEP submission, which is in derogation of the SRRA and ARRCs concept and intent.	The referenced flow chart is deleted from the document, therefore, the comment is moot.
36	Flow Chart		Disagree that only if AOCs are identified does an LSRP need to be retained.	The referenced flow chart is deleted from the document, therefore, the comment is moot.
36	Flow Chart		Suggest that the flow chart be enhanced, or more charts added to include (1) the barrier vs. engineering control (cap) scenarios (2) clarify leasehold vs. entire-site scenarios, and (3) tenant vs. property owner procedures.	The referenced flow chart is deleted from the document, therefore, the comment is moot.

7	last sentence		Consider changing the order in the second half. "A CO must be acquired from the local construction official AND an "entire site" final remediation document under the jurisdiction of the NJDEP is required if the location was previously used for ..."	Section 3.0 of the guidance document has been substantially altered after input from the Dept. of Law was provided and the referenced language no longer exists. Please see the amended guidance for the amended Section 3.0.
8	Non-DEP Agencies	3.2, 3.3	Suggest providing an abstract of DCF and DOH requirements, especially DOH as their rules differ from the web-site. Suggest covering the web-sites of these agencies, explaining relevant content.	That suggestion is far too ambitious to be covered in an NJDEP guidance document. This document only interjects those agencies requirements as they pertain to acquiring a DCF-OOL license, and therefore, the commenter is directed to the DCF and DOH websites and regulations for any other requirements pertaining to regulation of a CCC, from their perspective.
8	Non-DEP/DCF/DOH Agencies		Suggest the other agencies involved are better explained, the DCA and the DOE.	DOE is mainly involved only when DEP is evaluating an educational facility, and their role in this guidance is minor. Appendix A has been replaced to explain the roles of the four major agencies involved in the regulation of Child Care Centers and Educational Facilities, the commenter is directed to Appendix A in the final technical guidance document.
28	Notification		§ 9.10.2, 2nd paragraph, will the guidance clarify whether the completion an filing of a CDN form is required, even though the hotline call is not? (CHFM, HAP, B/G, or DAP).	The committee has attempted to better clarify when a CDN form is required. The commenter is directed to Section 9.5 of the final technical guidance for that clarification.
25	Off-Site Public Play Area		Disagree with premise that publicly-owned land does not need SI testing (sampling and analysis). Not scientific or logical, guidance contradicts itself stating how a play area is an AOC for direct-contact, yet depending on who owns it, an investigator needs to do no testing. Section 9.3.3 should mirror 9.3.2.	The commenter has issues with current policy of the NJDEP. Since this guidance document only reflects current policy or current regulations, it is not the place for this guidance to change that policy. Policy questions should be taken up with the appropriate Departmental office.
10	Preliminary Assessment		Suggest referring to other technical guidance, such as "Off-Site Source Ground Water Investigation Technical Guidance", section 3, Tables, and Appendices that have technical assistance tools.	The guidance committee agrees with this comment. Language and a hyperlink to other DEP guidance documents shall be added to the introduction of this section. Please refer to the amended guidance document for the inclusion of the amendments.
4	Renewal Attestation	4.1	Disagree that LSRPs are not required for renewals. At renewal, non-DEP, non-LSRP people appear to be adjudicating on whether environmental conditions have changed, with the "Attestation Form" (not in guidance).	The committee agrees that that section of the draft guidance was not clear. The commenter is directed to the final technical guidance which has clarified the issue between NJDCF "Attestation" and "Renewal" forms.
38	Sampling Requirements		Users should not be directed to check with a commercial testing laboratory to ascertain regulatory testing requirements exist, the document should direct the user to the agency or regulatory body's own requirements.	The committee agrees with the commenter and referemces to check with a commercial laboratory, have been removed from the final technical guidance.
32	SRRA Form		The Department is accepting the Child Care Center / Educational Facility (CCC/EF) form without an LSRP signature, which should cease.	The comment appears to be disagreeing with the policy that the NJDEP continues to allow a CCC/EF to acquire a DEP NFA/CCFA without the need to hire a LSRP and acquire an RAO. That policy is no longer in effect and the CCC guidance document will now denote that an RAO is now needed for all CCC/EF sites that desire or are required to gain DEP clearance.
4	TOC	11	CCC (child care center) or CCF (child care facility) -- best to pick one to use consistently	The comment is valid and warrants a response, however, the document was reviewed for consistency. The use of the CCC and CCF designations, in Section 11 of the Table of Contents, is unavoidable. CCC is an acronym for a "Child Care Center" only. "Child Care Facility" was inserted when referencing the formerly used SRP "Child Care Facility Approval" (CCFA) Letter, which is an official title and could not be altered. The same for "Child Care Facility RAO", it is in the regulations under that title and cannot be altered.

37	Water Systems Chart		The layout of Appendix B and Appendix C are confusing, completely differing structures - could they be harmonized for clarity?	The committee has determined that one of the Appendices should be removed. Please refer to the final Child Care Guidance Document for the remaining Appendix applied.
7			need a flowchart to explain each milestone (hoop to jump through) in the pathway	The guidance committee contemplated a flow chart to that effect, however, the draft flow chart proved too daunting and complex to achieve that intended goal. Therefore, the complexity of the process prohibits a flow chart to that end.
16			Section should be added stating specific layers to look at in Geoweb	Since all Preliminary Assessments will be performed by a LSRP, as of September 2015, the committee feels that the additional suggested directions are unnecessary. The LSRP should understand how to use the referenced electronic information system. Specific directions relating to NJDEP's electronic systems should be referenced by the LSRP at the appropriate DEP guidance document.