

Proposal Regarding Using the Property Boundary as the Point of Compliance for Stable Groundwater Plumes

FOR DISCUSSION PURPOSES ONLY

This document was prepared and presented by members of the Board of Trustees of the Licensed Site Remediation Professionals Association (LSRPA) for discussion purposes only at the March 18, 2015 Cooperative Venture Project/Site Remediation Advisory Group (CVP/SRAG) meeting. This document should not be construed as endorsed or accepted policy by the New Jersey Department of Environmental Protection (NJDEP).

Using the property boundary as the point of compliance for Attainment of Ground Water Remediation Standards provides flexibility in the development of remedial objectives and for difficult to remediate sites, including:

- Sites where geologic considerations (e.g., clay, shallow bedrock) limit remedial alternatives
- Sites where Impact to Ground Water Soil Remediation Standards are limiting
- Sites with contaminant mass beneath useful building structures
- Industrial sites where operational considerations limit remedial alternatives

This approach also builds on existing RAO Guidance, Attachment 2, Protective Ground Water Remedies with Non-decreasing Levels of Ground Water Contamination under a Natural Attenuation Remedial Action.

Key Requirements

- The site is non-residential and there is no current or planned groundwater use on site
- No receptors are impacted or threatened (e.g., potable wells, wellhead protection areas, surface water, vapor intrusion to indoor air, utilities) or any potential impacts are mitigated
- Groundwater contamination is thoroughly characterized and the groundwater data set is representative of groundwater elevation fluctuations (e.g., seasonal, tidal, water use)
- Sources of ground water contamination have been identified
- Fate and transport evaluation demonstrates that contamination will not leave the property.
- Monitoring requirements are developed and implemented, recognizing that property boundary is the point of compliance for remediation
- Appropriate institutional controls are maintained, e.g., Classification, Exception Area, Remedial Action Permit for Ground Water and, if necessary, Deed Notice

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New Flexibility

- Ensures protection of public health and the environment while providing flexibility to develop remedial approaches at more difficult sites, e.g., when decreasing trend cannot be demonstrated
- Allows evaluation and selection of remedial approach to consider property boundary as the point that technology/approach must achieve compliance with Ground Water Remediation Standards (Steve, Nick, is this forever?) I WOULD SAY YES IN THAT WE WOULD NOT WANT TO IMPOSE A DEADLINE FOR SITE WIDE REMEDIATION. PLUME WOULD NEED TO BE STABLE AT A MINIMUM.
- Allows back-calculation of Site-Specific Impact to Ground Water Soil Remediation Standards based on compliance at the property boundary
- Requires use of existing institutional controls (e.g., to provide transactional notice) but should allow flexibility in monitoring and other requirements
- Limited Restricted Use RAO could be issued

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