

Ground Water Remedial Action Permits

A Ground Water Remedial Action Permit is required whenever ground water contamination exceeding the Ground Water Remediation Standards, N.J.A.C. 7:26D, remains after the remedial action has been demonstrated as protective. All Ground Water Remedial Action Permits will include a classification exception area (CEA). A permit must be issued by the Department prior to the LSRP issuing the Response Action Outcome (RAO).

Action	When	Forms	Fees	Other sources of info	Rule citations
Implement the remedial action including installation of institutional and engineering controls, as applicable	After submittal of the RAW and before submitting the Ground Water Remedial Action Permit Application and RAR	NA	Submit Annual Fees to Treasury upon receipt of Invoice	Ground Water SI/RI/RA Technical Guidance	7:26E-5.1 and 5.7
Initial Remedial Action Permit Application					
Submit the Ground Water Remedial Action Permit Initial Application – Ground Water including: <ul style="list-style-type: none"> • Permit application fee • A copy of the RAR that demonstrates the effectiveness of the ground water remedial action • A CEA/WRA Fact Sheet Form ¹ • A copy of each No Further Action (NFA) letter the Department issued for ground water at the site, (if applicable) • A ground water monitoring plan and schedule 	Once a ground water remedial action has been implemented and demonstrated effective: <ul style="list-style-type: none"> • For MNA – a minimum of eight rounds of ground water samples • For active remediation – a minimum of four consecutive quarterly rounds of ground water samples 	Remedial Action Permit Initial Application - Ground Water Ground Water Monitoring Plan Spreadsheet CEA/WRA Fact Sheet Form Remediation Cost Review and RFS/FA Form (if applicable) Remedial Action Report Form Case Inventory Documents Worksheet Receptor Evaluation Form	\$880 MNA \$880 Active System	Remedial Action Permit for Ground Water Guidance Fee/Oversight Cost Guidance Monitored Natural Attenuation Technical Guidance GIS Guidance	7:26C-4.6 7:26C-7.5(c&d) 7:26C-7.6(b) 7:26E-5.7(b)7

Action	When	Forms	Fees	Other sources of info	Rule citations
<ul style="list-style-type: none"> • An Operation, Maintenance and Monitoring (OMM) Plan for any engineering control necessary, including vapor intrusion mitigation systems(s) or POET water treatment systems(s) (if applicable) • A Remediation Cost Review and RFS/FA form with original Financial Assurance Instrument (if applicable) • A GIS compatible map of the CEA boundary 					
DEP Issues the Ground Water Remedial Action Permit					
Conduct required monitoring and maintenance	Periodically, as outlined in the permit and/or as recommended by the LSRP	NA	NA	NA	7:26C-7.9(a)
Submit a Ground Water Remedial Action Protectiveness / Biennial Certification Form	Biennially, by the date established in the Remedial Action Permit Schedule	Remedial Action Protectiveness / Biennial Certification Form - Ground Water Remediation Cost Review and RFS/FA Form (if applicable)	Ensure the annual Ground Water Remedial Action Permit fees are paid to date	Remedial Action Permit for Ground Water Guidance	7:26C-4.6 7:26C-7.9(b)

Action	When	Forms	Fees	Other sources of info	Rule citations
Remedial Action Permit Transfer/Change of Ownership					
The remediating party must request that the Department transfer the Remedial Action Permit after a sale or transfer of the property.	At least 60 days after the sale or transfer	Remedial Action Permit Transfer/Change of Ownership Application	\$440 MNA \$440 Active System	Remedial Action Permit for Ground Water Guidance	7:26C-4.6
Permit Modification					
<p>A permit modification is required when</p> <ul style="list-style-type: none"> The remedial action is determined to be not adequately protective of public health safety and of the environment The CEA size, duration or contaminants change The frequency and parameters of GW monitoring need to be modified There is a proposal to change the engineering or institutional control The RA is modified The permittee changes its address 	<ul style="list-style-type: none"> Within 30 days after the occurrence 	Remedial Action Permit Modification Application - Ground Water Ground Water Monitoring Plan Spreadsheet CEA/WRA Fact Sheet Form Remediation Cost Review and RFS/FA Form (if applicable) Remedial Action Report Form (if applicable) Case Inventory Documents Worksheet (if applicable) Receptor Evaluation Form (if applicable)	\$880 MNA \$880 Active System	Remedial Action Permit for Ground Water Guidance Fee/Oversight Cost Guidance Monitored Natural Attenuation Technical Guidance	7:26C-4.6 7:26C-7.12(a-c)

Action	When	Forms	Fees	Other sources of info	Rule citations
<ul style="list-style-type: none"> • There is a change in the person designated as having “Primary Responsibility for Permit Compliance” among the current co-permittees <p>Submit a Ground Water Remedial Action Permit Modification Application – Ground Water to modify a permit, including:</p> <ul style="list-style-type: none"> • Permit application fee • An explanation for the modification and if applicable a copy of the RAR that demonstrates the effectiveness of the ground water remedial action • A CEA/WRA Fact Sheet Form for each ground water CEA included in the permit application¹ • A ground water monitoring plan and schedule • An Operation, Maintenance and Monitoring plan (OMM) for any engineering control 					

Action	When	Forms	Fees	Other sources of info	Rule citations
<p>necessary, including vapor intrusion mitigation systems(s) or POET water treatment systems(s) (if applicable)</p> <ul style="list-style-type: none"> • A Remediation Cost Review and RFS/FA form with original Financial Assurance Instrument (if applicable) 					
Termination of Remedial Action Permit					
<p>The Permittee may request that the Department terminate a Ground Water Remedial Action Permit</p>	<p>Ground Water Remediation Standards have been met and the remedial action is protective without the presence of the Remedial Action Permit</p> <p>or</p> <p>Within 180 days after the anticipated expiration date of the ground water CEA after at least two rounds of ground water samples that account for seasonal fluctuation are collected at the site</p>	<p>Remedial Action Permit Termination Application - Ground Water</p> <p>CEA/Well Restriction Area (WRA) Fact Sheet Form</p> <p>Remediation Cost Review and RFS/FA Form (for release of FA if applicable)</p>	<p>\$550 MNA</p> <p>\$550 Active System</p>	<p>Remedial Action Permit for Ground Water Guidance</p>	<p>7:26C-4.6</p> <p>7:26C-7.9(f)</p> <p>7:26C-7.13</p>

Action	When	Forms	Fees	Other sources of info	Rule citations
Post NFA Cases					
<p>When a restricted use or limited restricted use final remediation document (NFA) was issued, ongoing monitoring and maintenance of the institutional and engineering controls remained required as long as the controls are in place. Under the Administrative Requirements for the Remediation of Contaminated Sites (N.J.A.C. 7:26C), a remedial action permit is required to continue the ongoing monitoring and maintenance of the institutional and engineering controls. If a remedial action permit has not been obtained, retain a Licensed Site Remediation Professional, submit a Ground Water Remedial Action Protectiveness / Biennial Certification Form and Submit the Remedial Action Permit Initial Application - Ground Water including:</p> <ul style="list-style-type: none"> • Permit application fee • Historic Annual Remediation Fees 	<p>Two years after the last biennial certification was due to the Department, but in any case, no later than May 7, 2014</p>	<p>Remedial Action Protectiveness / Biennial Certification Form – Ground Water</p> <p>Remedial Action Permit Initial Application - Ground Water</p> <p>CEA/Well Restriction Area (WRA) Fact Sheet Form</p> <p>Ground Water Monitoring Plan Spreadsheet</p> <p>Remediation Cost Review and RFS/FA Form (if applicable)</p>	<p>See Post-No Further Action Compliance Notice (June 5, 2023)</p>	<p>Remedial Action Permit for Ground Water Guidance</p> <p>Monitored Natural Attenuation Technical Guidance</p> <p>Fee/Oversight Cost Guidance</p>	<p>7:26C-4.6</p> <p>7:26C-7.4</p> <p>7:26C-7.5</p> <p>7:26C-7.6</p>

Action	When	Forms	Fees	Other sources of info	Rule citations
<ul style="list-style-type: none"> • A copy of the RAR that demonstrates the effectiveness of the ground water remedial action • A CEA/WRA Fact Sheet Form for each ground water CEA • A copy of each No Further Action (NFA) letter the Department issued for ground water at the site • A ground water monitoring plan and schedule • An Operation, Maintenance and Monitoring(OMM) for any engineering control necessary, including vapor intrusion mitigation systems(s) or POET water treatment systems(s) (if applicable) • A Remediation Cost Review and RFS/FA form with original Financial Assurance Instrument (if applicable) 					

Footnotes

1. Pursuant to N.J.A.C. 7:26C-7.3(h), if a CEA is established due to regional historic fill only, ongoing monitoring and maintenance is not required. A Virtual Institutional Control (VIC) will be established by the Department, in which case a CEA/Well Restriction Area (WRA) Fact Sheet Form is required. The CEA will then be a responsibility of the Department. No Biennial Certifications will be required.

All Ground Water Remedial Action Permit Applications shall be sent to:

NJDEP
Case Assignment/Initial Notice
Contaminated Site Remediation & Redevelopment
NJ Department of Environmental Protection
401-05H
PO Box 420
Trenton, NJ 08625-0420

Ground Water Permit Information:

Questions regarding Ground Water Remedial Action Permit Applications, Remedial Action Protectiveness/Biennial Certification forms, and Annual Fee requirements can be addressed to the Bureau of Remedial Action Permitting at (609)-984-2556.