



Training:
**Technical Guidance for Investigating Child
 Care Centers/
 Educational Facilities**

March 1, 2017

Tess Fields, Moderator

Chairperson, DEP/SRWMP Training
Tessie.Fields2@dep.nj.gov





WELCOME

- *In-Person Attendees*
- *Webinar Attendees*





Continuing Education Credits (CECs)

An application has been made to the
 SRP Professional Licensing Board to receive
2.5 Regulatory CECs
 for this Training Class

Attendance Requirements:

- **In-Person Attendance:** Must sign-in / sign-out: May not miss more than 45 minutes of the training
- **Webinar participants:** must be logged-in for entire session and answer 3 out of 4 test questions (randomly inserted in the presentation)





Attendance Certificates What's the process?

- DEP compiles a list of "in-person" and "webinar" participants eligible for CECs
- DEP will email participants that requested a "Training Certificate"
- Email will contain a "Link" to a LSRPA webpage, which will have instructions on how to access certificates
- Certificates are issued by the LSRPA - *\$25 processing fee*



Test Your Knowledge ! For webinar participants



**EXAMPLE WEBINAR
QUIZ SLIDE**

Sky diving without a parachute may be hazardous to your health

- True
- False

5



Important reminders

- **Please mute cell phones**
- **Phone calls / conversations**
 - Please take outside of the meeting room
- **Question/Answers**
 - Taken at end of presentations
 - Please wait for the microphone
 - Webinar participants, wait for question period to "open up" and can then type in question





NJDEP TECHNICAL GUIDANCE UPDATE

Kathleen Kunze
NJDEP Technical Guidance Oversight Committee





Technical Guidance Summary

- **25** Technical Guidance Documents issued final and posted on SRWMP webpage: <http://www.nj.gov/dep/srp/guidance/>
- Training conducted on all **25** documents
- **11** technical guidance documents have been updated
- Issued draft and being finalized:
 - *Commingled Plumes*
 - *Performance Monitoring of In Situ Remedial Actions*
- New guidance development





Technical Guidance for Investigating Child
Care Centers and Educational Facilities
Training

March 1, 2017



LSRP Continuing Education Requirements

36 Continuing Education Credits (CECs) over 3 year LSRP license renewal period:

Minimum no. of CECs must be satisfied in these categories:

- 3 CECs Ethics
- 10 CECs Regulatory
- 14 CECs Technical
- 9 CECs Discretionary

Continuing Ed Programs vs. Activities



Proposed Rules LSRP Continuing Ed. NJAC 7:26I Subchapter 4

- Continuing Education **"PROGRAMS"**:
 - 1 CEC for 1 hour of instruction at universities, colleges, DEP, LSRPA and other organizations
 - Includes "Alternative Verifiable Learning Formats" (AVLF)
 - Webinars* - Exam required
 - No more than 18 CECs allowed for AVLFs / 3-year cycle
 - Continuing Education **"ACTIVITIES"**: Applications for each activity
 - Teaching a course*
 - Preparing and giving presentations*
 - Presenting a paper*
- "Activities" limited to 18 CECs / 3 year renewal cycle

4

UPCOMING LSRPA EVENTS



- **March 8th** – LSRPA Ethics Course, Rutgers, Bordentown (3 Ethics CECs). **Almost sold out. There will be a Sept. Ethics class (Somerset area) and one in Jan. 2018 in New Brunswick.**
- **March 20th** – LSRPA Exam Prep Course, Carnegie Center, Princeton, NJ
- **March 21st** – LSRPA Member Breakfast (Historic Fill), Americana, E. Windsor, NJ (1.5 Reg CECs)
- **March 31st at Montclair State Registration open now on MSU website) & April 27 at Carnegie Center, Princeton, NJ (registration via LSRPA site opening soon)** – Child Care Guidance Training (4 Reg CECs)
- **April 20th** – Licensing Exam
- **Spring (date TBD) Parsippany, NJ** – Attainment Guidance Course (3 Reg. CECs)
- **July (date and venue TBD)** – Comingled Plume Guidance Course (6 Reg. CECs)

*Visit LSRPA.org for details and registration

7

Recent LSRPA Initiatives



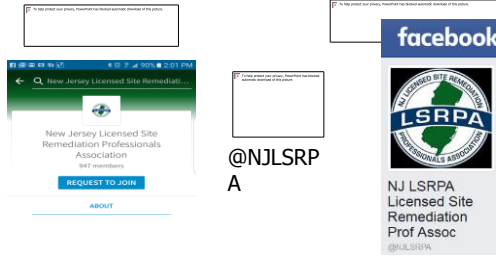
- **1/23-24/2018: BIG Conference, Ethics Course, and Annual Meeting, New Brunswick, NJ.** LOTS MORE EXCITING INFORMATION TO COME
- **LSRPA CE Course Listing** – PDF list of upcoming LSRPA hosted/co-hosted events. LSRPA website > CE Tab. Online Course Calendar being developed.
- **CE Tracking Spreadsheet Tool** – Go to the CEC button on the LSRPA website. Plug in your classes as you go and it keeps track for you.
- **Dispute resolution** - LSRPA listing of willing members to serve as a technical arbitrator/mediator in disputes between LSRPs working for adversarial parties.
- **Sounding Board** - Provides a forum for questions / concerns with no clear-cut solution in regulation or guidance. Responses based on collaborative input from the Sounding Board subcommittee and are verbal / non-binding. Legal disclaimer agreement required and confidentiality is maintained.

Visit LSRPA.org > Member Services for details

15

SOCIAL MEDIA IS NOT JUST FOR KIDS...

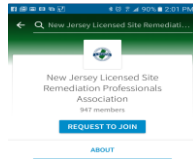
It is an important way to connect our membership with the community



JOIN THE CONVERSATION

Be part of the LSRPA's LinkedIn Group

- It's easy:
- Get out your phone (some of you never put it away)
 - Go to www.Linkedin.com or use the app
 - Sign in with your user name and password
 - Search: New Jersey Licensed Site Remediation Professionals Association
 - When you arrive at our page, select REQUEST TO JOIN



You can like, share, comment or start a conversation



Starting a Conversation on Linked In is Easy

LinkedIn makes it very easy to start a conversation (like I just did here). All you need to do is go to the Interests tab at the top of your login page, scroll down and select "Groups" and then choose New Jersey LSRPA. The prompt "Start a conversation with your group" will appear. Select, "Post a Conversation", then just fill in the title and text, add a picture if you want and hit Post. We look forward to hearing from you. [Show less](#)

WANTED - VOLUNTEERS



GET INVOLVED !

- **LSRPA Committees –**

- | | |
|---------------------------------|-------------------|
| Governance (incl. Bylaws) | Communications |
| Continuing Education | College Outreach |
| Membership/Next Generation | Finance |
| Risk Management/Loss Prevention | Legal/Legislative |
| Mentoring | Nominating |
| Regulatory Outreach | SRRA 2.0 |
| Sponsorship | |
| Sounding Board (NEW!) | |



Thank You!

19



Technical Guidance for Investigating Child Care Centers/ Educational Facilities



20



Document Overview and Introduction

Ellen Hutchinson, NJDEP
Bureau of Field Operations



21



Child Care Technical Guidance Committee

NJDEP

- Alphonse Inerra, Chair
- Kathleen Kunze
- Ellen Hutchinson
- Michael Justiniano
- Linda Walsh

*Special Mention:

Diane Pupa, Retired
Chair until 2014

LSRPs

- Philip I Brilliant, Brilliant Environmental
- Ronald Dooney, TERMS
- David Morris, Tectonic Engineering
- Paul Sakson, Paul D. Sakson Associates





Child Care Technical Guidance Committee

NJ Department of Children and Families (DCF)

- Joslyn BJORseth
- Anna Smith

NJ Department of Health (DOH)

- Gary Centifonti
- Katharine McGreevey

NJ Department of Education (DOE)

- Leonard Colner

NJ Department of Community Affairs (DCA) Staff





GOALS for Training Today To Understand:

- Agencies involved in licensing process for a child care center and their roles
- Evaluation by LSRP to issue a Response Action Outcome (RAO) for a child care center
 - RAO notices (with standard language inserted)
- How a child care center case is processed once an LSRP submits an RAO to NJDEP





Thank You For Attending!

Michael Justiniano, DEP	Historical Overview Interagency Collaboration
David Morris, LSRP	The Process: PA through RAO
Ellen Hutchinson, DEP	DEP Inspection and Review for CCC
Paul Sakson, LSRP	Child Care Center Case Study
Chris Agnew, DOH	IEHA, Safe Building Interior Certification
Anna Smith, DCF	DCF Licensing Process



25



Historical Overview

Michael A. Justiniano
NJDEP Bureau of Inspection and Review



26



Background - Kiddie Kollege

- Mercury thermometer manufacturer ceased operations and building interior left contaminated
- Site remained vacant for years
- New owner leased property to child care center
- DEP discovered the operating child care center through systematic review of historic files and field inspection
- Consequences





Legislation Resulted

The Madden Bill

P.L. 2007, c.07
N.J.S.A. 52:27D-130.4 and -130.5

Purpose – Provide state agency oversight of child care and educational facilities to ensure they are free from environmental hazards

Passed January 11, 2007



28



Madden Legislation Important Components

- **DOH** established procedures and standards to evaluate buildings to be used as child care centers or educational facilities
- Prohibited **local construction officials** from issuing permits and/or certificates of occupancy until a No Further Action letter was issued by **NJDEP**

Consequently, an environmental evaluation is required **before** a site can be used as a child care center or educational facility.



29



Madden Legislation What defines a subject site?

1. One of the following activities will occur:
 - Renovation, rehabilitation or alteration of a center/school (increasing the square footage of building)
 - Change in site use to educational use, or
 - New construction or creating a center/school where none existed before



30



Madden Legislation What defines a subject site?

2. The subject site is or was a:
- Contaminated site
 - Suspected contaminated site
 - Industrial Site Recovery Act (ISRA) subject site
 - High hazard site: nail salon, dry cleaning facility, gasoline station, etc.

See the *Manual of Requirements for Child Care Centers*



31



Required Documentation "No Further Action/Remediation"

- Early in the program DEP issued a No Further Action (NFA) letter, then Child Care Facility Approval (CCFA)
- Transition to the Licensed Site Remediation Professional (LSRP) Program – the LSRP issues Response Action Outcome (RAO)
- DEP no longer issues CCFA



32



Agencies and LSRP Roles



33



What state agencies and entities are involved?

- Department of Children and Families (DCF)
- Licensed Site Remediation Professionals (LSRP)
- Department of Environmental Protection (DEP)
- Department of Health (DOH)
- Department of Education (DOE)

Requires coordinated guidance and interagency communication



34



Department of Children and Families (DCF) Office of Licensing

- Overall responsibility of issuing child care license
 - Other agencies support licensing evaluation
- Applicant's first contact
- LSRP issues an RAO to the child care center applicant (DEP does NOT issue approvals)

Note: DEP does inspect/review the RAO.

DCF does not wait for the DEP process to be completed prior to issuing child care license.

- Frequent communication with DEP - DCF may contact DEP if they see RAO that is atypical.



35



Licensed Site Remediation Professional (LSRP)

- Conducts environmental evaluation of the site
- Evaluates potential impacts from surrounding area
- Prepares a preliminary assessment (PA) and other remediation reports as necessary
- Implements a presumptive remedy as necessary
- Issues a Response Action Outcome (RAO) to the child care permit applicant
- Submits a copy of the RAO and remediation reports to DEP
- Ensures that the Site and RAO **are PROTECTIVE**

All child care centers need RAO



36



Department of Environmental Protection (DEP)

- **Bureau of Case Assignment and Initial Notice (BCAIN)**
 - Administrative hub, handles the submission of documents to DEP
- **Bureau of Field Operations (BFO)**
 - Inspection/review of all environmental reports
 - Inspects all child care facilities and play areas and surroundings
- **Bureau of Environmental Evaluation and Risk Assessment (BEERA)**
 - Reviews proposals for Alternative Presumptive Remedy
- **Bureau of Safe Drinking Water (BSDW)**
 - Evaluates non-public water supplies (potable well) or obtains water bill for Public water supplies
 - Issues a "Certification of Acceptable Drinking Water"



37



Department of Health (DOH)

- Developed the process for evaluating building interiors
- Coordinates with DEP when an vapor intrusion(VI) mitigation system is needed to mitigate to environmental contamination
- LSRP should contact DOH whenever they anticipate installing a vapor intrusion mitigation system
- Issues the final Safe Building Interior Certificate (SBIC)



38



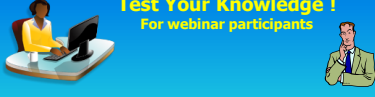
Department of Education (DOE)

- Madden subject schools - public, private, and charter schools
- DOE is only involved when the school is conducting renovation, rehabilitation or alteration that will increase the square footage of building
- DCF has a licensing program for Madden subject schools
- Applications are also reviewed by DEP's Office of Permit Coordination



39

Test Your Knowledge !
For webinar participants

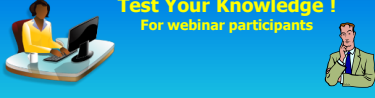


1. The agency with the overall responsibility of issuing the license to child care facilities is:

- a. DOH
- b. DCF
- c. DOE
- d. DEP

40


Test Your Knowledge !
For webinar participants




1. The agency with the overall responsibility of issuing the license to Childcare facilities is:

- b. DCF

41



QUESTIONS?



42



The Investigation Process: PA to RAO

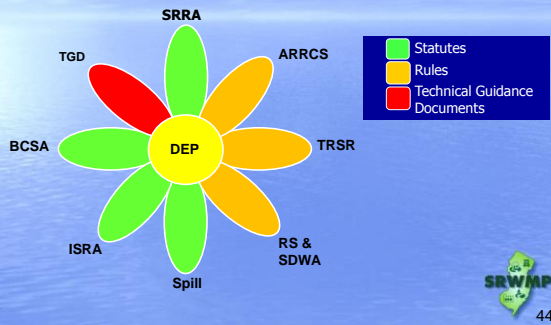
David Morris
LSRP, Tectonic Engineering



43



LSRP Regulatory Program Statutes, Rules, Guidance, and Professional Judgement



44



Supra-Regulatory Response

Executive Order 140 (Corzine)

May 7, 2009

Orders and Directs at sites where groundwater has been impacted by pollutants above remediation standards, or where the site may be used as residential housing, or for educational purposes, including use as a child care or day care center, a public, private, or charter school, or a playground or ball field, the DEP shall increase its auditing, monitoring, and review of conditions at the site. *(Emphasis added.)*



45



Stepwise Process – Linear Summary

- The multiple Agencies' triggers and interventions are not sequential

Agency	DEP	DEP	DEP	DEP	DCA	DOH	DCF
Program	LSR <i>Licensed Site Remediation</i>	LSR	LSR	LSR	CCO <i>Local Construction Code Official</i>	IEP <i>Indoor Environments Program</i>	OOL <i>Office of Licensing</i>
Activity	PA <i>Preliminary Assessment</i>	SI <i>Site Investigation</i>	RI/RA <i>Delineation and Mitigation</i>	FRD <i>Response Action Outcome & Attachments</i>	UCC <i>Uniform Construction Code Permitting</i>	IEHA <i>Indoor Environment Health Assessment</i>	License

- LSRPs are *de-facto* stewards for entire process (baby-sitters)



46



Initial Review

- Available On-Line Resources:
 - NJ GeoWeb (with new, improved Historic Fill layer)
 - NJDEP DataMiner
 - Historic Aerials
 - Google Earth
- Caution Flags:
 - Historic Fill
 - Site Remediation and other Programs' Sites
 - DNs
 - CEAs and CKEs
 - Land Use



47



Feasibility Study (Part 1)

- Interview potential client
- Obtain snapshot of Site
 - Outcome of a hypothetical ISRA Applicability Determination
 - Characteristic building construction
 - Use and Occupancy Classifications
 - North American Industrial Classification System (NAICS) numbers
 - Standard Industrial Classification (SIC) codes
- Former Tech Rules Subchapter 5 Remedial Action Selection
 - What is the feasibility, implementability, time, consistency



48



Feasibility Study (Part 2)



- Owners and Tenants (licensees) both want the occupancy to occur
- The LSRPs have duty to determine viability & suitability
- Tenant remediations may not be completed, occupancy may not occur
- Owner remediations may persist even without occupancy

"A strange game. The only winning move is not to play." - *Joshua, 1983*



49



Letter of Prior Use (LPU) NJDCA – Local Construction Code Officials

- Part of local OPRA process
- Describes "Use and Occupancy Classification"
- DCA did not undertake rulemaking after Madden, so:
 - *Variable success*
 - *Inconsistently fulfilled*
 - *May not be fully representative (i.e., accurate)*
- Key date: 1979

PA SI RI/RA FRD UCC IEP OOL



50



Courtesy Inspection NJDCF

- Performed at all potential Child Care Center locations
- No fee
- Provides a "litmus test" of location's suitability
- May identify potential issues/requirements
- Request copy of report from client

PA SI RI/RA FRD UCC IEP OOL



51



Preliminary Assessment LSRP

- Is the Person Responsible for Conducting the Remediation an existing/future **tenant** (leasehold), or the current property **owner**?
- What information did the initial review add to the Conceptual Site Model? (*Suspected contamination*)
- Is the site currently being remediated? (*Known Contaminated Site*)
- Was remediation conducted at the property? Was a Final Remediation Document issued? (*including ISRA subject evaluations*)

PA SI RI/RA FRD UCC IEP OOL



52



Preliminary Assessment continued LSRP

- Existing DEP guidance to evaluate
 - Areas of Concern (AOCs) at the site, and
 - Off-Site sources of contamination
- Physical location of AOCs, *above- or below-grade*
- Location of AOCs, *e.g., within the outdoor play area vs. outside of leasehold, but on the tax parcel (leasehold scenario only)*
- Exposure pathways are important - *inhalation vs. direct-contact*
- Key date: 1932 (or earlier)

PA SI RI/RA FRD UCC IEP OOL



53



Preliminary Assessment continued LSRP

- Evaluate the interior spaces (classrooms, hallways, facilities), the outdoor play area (OPA), and the paths between them
- Can include parking areas (drop-off areas) and abutting tenants (in a strip mall).
- The PA includes real property, structures, and occupancies within 400 feet of the facility or parcel
 - Adjacent / Collocated (DOH) (contiguous roof)
 - Nearby (DEP) or Proximate (DOH) could be of concern

PA SI RI/RA FRD UCC IEP OOL



54



Preliminary Assessment continued LSRP

- The nature of the ownership of the child care center property
- Whether an outdoor play area is:
 - Associated with the child care center
 - On-Site or remote (off-Site)
 - Located on public or private property
- The presence of an adjacent or nearby AOC or site of concern
 - Does not indicate that an impact is ongoing or is imminent,
 - but rather may occur
- Requires responsible professional and technical judgment
- HDSRF Grant is available after the PA

PA SI RI/RA FRD UCC IEP OOL



55



Site Investigation LSRP

Evaluate all AOCs at the property, and potential impacts from adjacent and nearby properties identified in the PA

- **Leasehold** – Conduct a SI at the AOCs
 - Within the leasehold
 - On the property (but outside of the leasehold) that could impact the center or play area
 - Off-site that could impact the center or play area
- **Child Care Center-owned Property** – Conduct a SI at all AOCs
 - On the entire property
 - Off-site AOCs that could impact the center or play area

PA SI RI/RA FRD UCC IEP OOL



56



Site Investigation continued LSRP

- **Outdoor Play Area Sampling**
 - Exposed Play Area (grass or soil cover) - sampling is routinely conducted
 - Covered or Capped (asphalt or concrete) - depends on AOC; sampling is required, regardless of cover, if soil contamination is suspected
 - Minimum of 1 sample, ≤ 350 Sq. Ft; additional samples 1 / 500 Sq. Ft.
 - Direct contact concerns – top 6 inch interval

PA SI RI/RA FRD UCC IEP OOL



57



Site Investigation continued *LSRP*

• Outdoor Play Area Sample Analyses

- Base analysis on suspected contaminants (historical pesticide use - TCL Pesticides, Arsenic and Lead), or
- If no obvious or characteristic AOCs – analyze for TCL+30/TAL, EPH, pH, hexavalent chromium and TBA

PA SI RI/RA FRD UCC IEP OOL



58



Site Investigation continued *LSRP*

- Consider potential future expansion of the play area
- Off-Site Play Area on Private Property
 - Separate Preliminary Assessment Report
 - Sampling performed if necessary – based on AOC evaluation and play area surface
- Off-Site Play Area on Public Property
 - Sampling is typically not required, but not prohibited
 - If a known contaminated site, sampling may be required

PA SI RI/RA FRD UCC IEP OOL



59



Remedial Investigation/Remedial Action *LSRP*

- Delineate contamination detected in the SI
- Conduct Remedial Action as needed to mitigate exposure or remove sources
- Institutional and engineering controls with Remedial Action Permits required when contamination is being left at the site
 - requires landowner cooperation
- Barriers may be required for diffuse anthropogenic pollution (DAP) or natural background
- Conditional or other non-unrestricted closures require either a **Presumptive Remedy** or NJDEP-approved **Alternative Remedy**

PA SI RI/RA FRD UCC IEP OOL



60



Child Care Center Response Action Outcome *LSRP*

- Child Care Center-specific RAO is issued by the LSRP
- Issued only after everything is constructed and evaluated, including outside play area
- Includes appropriate Child Care Center Notices (DEP provided RAO language)
- Appended site map to show the center and the play area locations and limits

PA SI RI/RA **FRD** UCC IEP OOL



61



Child Care Center Response Action Outcome *continued* *LSRP*

- Photographs of constructed and functional play area must be included
- RAOs are subject to comprehensive review and inspection by NJDEP
- For new child care centers within/overlapping a remediated site, RAO must be as restrictive as existing remedies.

PA SI RI/RA **FRD** UCC IEP OOL



62



Test Your Knowledge ! For webinar participants




2. Whose responsibility is it to ensure that the site RAO is protective?

- a. the LSRP
- b. the DEP
- c. the owner of the CCC

63


Test Your Knowledge !
For webinar participants



2. Whose responsibility is it to ensure that the site RAO is protective?


a. the LSRP

64


 **Indoor Environment Health Assessment**
Licensed Indoor Environmental Consultant / NJDOH

Other considerations:

- Components are specified in NJDCF Rules
 - Initial license
 - License renewals
 - Relocation
 - at the discretion of Office of Licensing
- IEHA may activate/reactivate SRWMP activity
- Ends with Safe Building Interior Certificate (SBIC) from DOH
- Key Date: 1979

PA SI RI/RA FRD UCC IEP OOL 

65

 **Department of Community Affairs**
Local Construction Code Official

Early Involvement


- Letter of Prior Use (Part of Madden Applicability Determination)

Interim Involvement

- Uniform Construction Code (UCC) Permitting (Construction permits needed to implement a remedy necessary to achieve acceptable conditions)

Late Involvement

- Certificate of Occupancy (CO) or Certificate of Continued Occupancy (CCO) upon satisfaction of Madden

PA SI RI/RA FRD UCC IEP OOL 

66



Licensing DCF - Office of Licensing

- Office of Licensing receives the RAO and SBIC
- Issues License after satisfactory compliance with their rules and requirements
- License is for 3 years, renewal process may trigger site remediation requirements
- Any relocation or expansion of the center into other portions of the building, or playground enlargement requires a new RAO

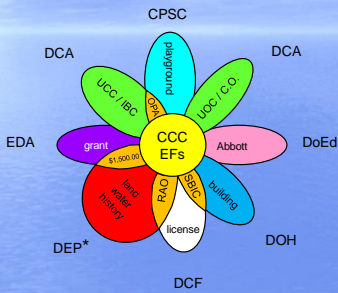
PA SI RI/RA FRD UCC IEP OOL



67



Interagency Applicability





* Use of Trade Name does not constitute endorsement



69



NJDEP/Site Remediation Inspection and Review Process

Ellen Hutchinson, NJDEP
Bureau of Field Operations



70



NJDEP/Site Remediation

What's our role?

- Review child care/educational facility RAOs & supporting documents: PA, SI, RI, RAR
- Conduct field inspections of CCC w/focus on play area and potential sources of contamination in the vicinity

When do we get involved in the process?

- After RAO is written & submitted to NJDEP by LSRP



71



Inspection and Review Child Care Center Cases

Bureau of Field Operations (BFO) end of 2015-present
(2007-2015: Child Care Unit, Bureau of Inspection and Review)

- CCC existing cases end of 2015: **135**
- Incoming: 8-15/month, varies
- CCC existing cases as of January 2017: **65**
- All cases are assigned
- Length of review time depends on:
 - Complexity
 - LSRP responsiveness to issues identified in review



72



Inspection and Review Child Care Center Cases

Steps involved:

- LSRP submits the CCC/EF form, CCC RAO PA, SI, etc. to Bureau of Case Assignment & Initial Notice (BCAIN)
- CCC/EF form is the only form needed with all CCC documents, no fee at present - may change in the future
- Form is available at SRP forms page:
http://www.nj.gov/dep/srp/srra/forms/child_care_center_ef_remediation_ins.pdf?version_1_0



73



Inspection and Review Child Care Center Cases

- The case is transferred to BFO after BCAIN uploads all documents in NJEMS
- Case is assigned in BFO
- BFO conducts a field inspection of the outdoor play area and surrounding areas
- BFO conducts document inspection and review



74



NJDEP Field Inspection of Play Area

- Play area should have been built
- Play area description in RAO must match the play area construction
- Identify any potential sources of contamination in the vicinity



75













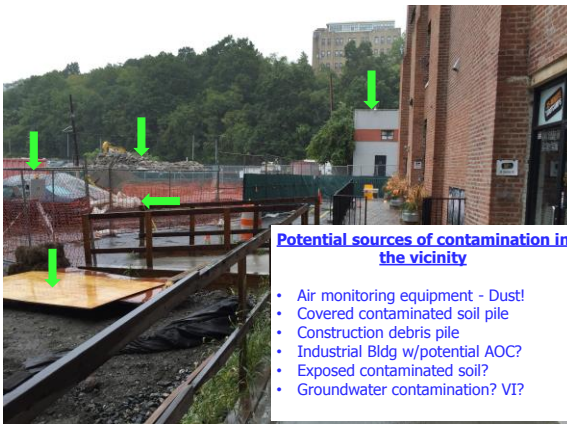
 **NJDEP Field Inspection for Potential Sources of Contamination in the Vicinity**

- Dry cleaners, gas stations, etc.
- Sites in DEP's database (NJEMS) or on the Known Contaminated Sites List (KCSL)
- CEAs - Areas of ground water contamination
- DN's - Deed Notices indicating a remediated site with residual contamination, etc.
- Soil piles, excavations, etc.
- Any sources identified in the PA within 400' of the child care center

 81



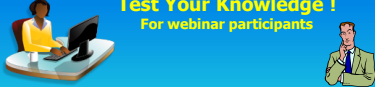




Potential sources of contamination in the vicinity

- Air monitoring equipment - Dust!
- Covered contaminated soil pile
- Construction debris pile
- Industrial Bldg w/potential AOC?
- Exposed contaminated soil?
- Groundwater contamination? VI?

Test Your Knowledge !
For webinar participants




3. When is the earliest you can apply for an HDSRF grant?

- a. After the PA is complete
- b. After the SI is complete
- c. After the RI is complete

85


Test Your Knowledge !
For webinar participants




3. When is the earliest you can apply for an HDSRF grant?

a. After the PA is complete

86

 **Inspection and Review
Child Care Cases**

- Field inspection findings
- Document review findings
- No issues: review complete
- Identify and resolve issues with LSRP
- If issues remain unresolved:
 - After 30 days: RAO withdrawn
 - Resubmit RAO when issues addressed
 - Copy all parties on any RAO withdrawals including DOH, DCF
- RAO withdrawn due to direct contact/indoor air concerns, NJDEP also notifies DCF & DOH

 87



Goals for Child Care Center inspection and review process:

• Verify the protectiveness of the RAO

Highest priority

- Children - no exposure to contamination!
- Remedial actions are completed or remain protective
 - Unrestricted remediation
 - Presumptive remedy or alternative remedy



• Complete/closeout reviews

- ASAP important for both the LSRP and Child Care Center

Remember DCF doesn't wait for DEP review



88



Most Common Issues

Preliminary Assessment (PA)

- Does not address entire Block/Lot
- Inconsistencies between form and remediation documents
- Does not identify potential sources of contamination within 400' radius
- Does not indicate why these potential sources of contamination in the vicinity are not a threat to the CCC
- Case Inventory Document (CID) missing



89



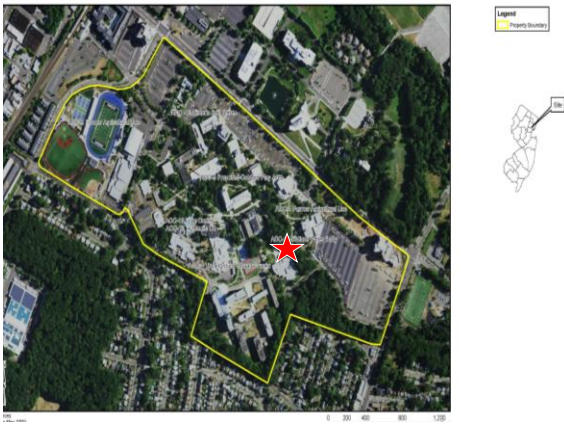
Most Common Issues

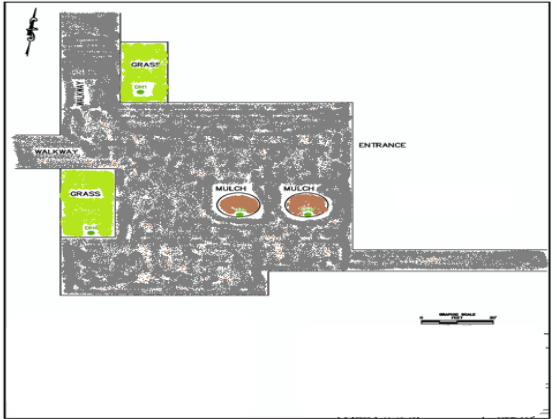
Response Action Outcome (RAO)

- Issued before the child care center or outside play area is built
- Does not include applicable "Notices" for child care center RAO
- Is not issued to child care center owner



90






Grant Reimbursement Program (HDSRF)

- Up to \$1500 available for PA Report
- Eligible only to CCC owner
- Grant application available at: http://www.nj.gov/dep/srp/srra/forms/child_care_facility_grant.pdf?version_1_2
- Contact (609)633-1403 Anita Stewart, NJDEP

Grant and other CCC info located at:
<http://www.nj.gov/dep/dccrequest/>

List of LSRPs is located at:
http://www.nj.gov/dep/srp/srra/lrsp/lrsp_list.htm



93



NJDEP Contacts

BFO

- Dave Oster, Section Chief
– 973-631-6378
– dave.oster@dep.nj.gov
- Ellen Hutchinson 973-656-4430
– ellen.hutchinson@dep.nj.gov
- Main Number 973-631-6401



BFO staff is always available by phone,
email, field visit



94



BEFORE YOU LEAVE...

REMEMBER...



- DCF - First call for licensing requirements, RAO needed?
- RAO - Only one part of the DCF licensing application
- LSRP - PA, RAO w/CCC notices after play area is built
- May need a SBIC from DOH to get license
- Requires a "Certification of Acceptable Drinking Water" from NJDEP/BSDW to get license
- DCF, DOH do not wait for NJDEP to review RAO



95



Child Care Center Case Study

Paul Sakson

Licensed Site Remediation Professional
Licensed Indoor Environmental Consultant
Asbestos Building Inspector, Radon Measurement
Technician

www.PaulSakson.com



96



Scenario

- Child Care Center proposed in strip mall storefront
- Strip mall encompasses 10 acres, located on former farm
- Heating oil underground storage tank removed
- Nail salon co-located in same building, three stores away
- Dry cleaner located off-site and upgradient
- Outdoor play area (1,500 sq. ft) located 50 ft from building
- Play area surface is synthetic turf







Due Diligence Optional Stage

- Done prior to signing lease to identify any potential environmental concerns
- Hiring LSRP in this stage optional, but recommended!
- In this case study, client did Preliminary Assessment, Site Investigation and air sampling
- After construction, only a simple update was needed for Child Care Facility RAO issuance





Preliminary Assessment (PA)

- PA on entire tax lot, even though center is only occupying one leasehold
- Generally followed the PA Guidance Document
- Evaluated any previous environmental reports and NJDEP closure letters





Test Your Knowledge ! For webinar participants



4. A Preliminary Assessment must be conducted on the entire tax lot.

- a. True
- b. False

101



Test Your Knowledge ! For webinar participants



4. A Preliminary Assessment must be conducted on the entire tax lot.

- a. True

102



Preliminary Assessment (PA)

- Ensure you expand the scope to off-site areas that may impact child care centers.
- The dry cleaner across the street should be identified
- Notify NJDOH and NJDCF of presence of nail salon that may impact center
- Obtain a Letter of Prior Uses from the municipality





Site Investigation (SI) Former Historic Applied Pesticides Area of Concern (AOC)

- Play area sampling required (even though it's capped with artificial turf).
- Given 1,500 square feet play area, four samples normally required (one per first 350 sq. ft, and one per 500 sq. ft thereafter).
- One additional sample was collected from the 50 ft path from the building to the play area





Site Investigation (continued) Former Historic Applied Pesticides Area of Concern (AOC)

- Samples analyzed for arsenic, lead, pesticides
- Results compared to NJDEP's Direct Contact standards
- All results below NJDEP's strictest standards
- Lead detected at 120 ppm, exceeding the Impact to Groundwater Criteria. No further investigation needed
- No remedial action required





Site Investigation (continued)
Former Heating Oil Underground Storage Tank AOC

- Located distant from building
- Researched municipal records
- Found Approval Certificate in file
- No need for sampling





Site Investigation (continued)
Dry Cleaner Across Street

- Researched NJGeoWeb and Dataminer
- No spill history
- Indoor air sampling at child care site had no Volatile Organics
- No further investigation





Remedial Action

- No remedial action required since all play area samples below standards
- If samples exceeded standards, deed notice and proper engineering controls would be needed
- Use Presumptive or Alternative Remedy





Construction Phase

- After client signed lease and started construction, LSRP was retained
- LSRP Retention – Use NJDEP on-line service. Do not pick an existing facility. All Child Care Centers will be assigned a new PI number
- LSRP updated Preliminary Assessment and prepared final documents





Final Documents

- Submitted to NJDEP:
- Preliminary Assessment Report
- Site Investigation Report
- Case Inventory Document
- Child Care Facility NJDEP Form
- Grant application for \$1,500 reimbursement
- Water bill
- Response Action Outcome





Response Action Outcome (RAO)

- Scope: "Child Care Facility" (not Entire Site, in this case study)
- Notices: Child Care Center notices
- Attach Map with leasehold
- Copy to Construction Official





NJDEP Inspection and Review

- NJDEP inspected the site when construction was fully completed





NJDOH Compliance

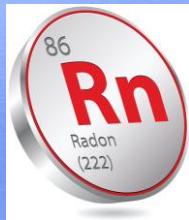
- Case study subject to NJDOH review (due to nail salon)
- Strip mall constructed in 1982, no lead paint test needed
- NJDOH Licensed Indoor Environmental Consultant (LIEC) to collect indoor samples for formaldehyde and volatile organics
- LIEC submits forms and sample results to NJDOH
- Child care center operator submits \$1,500 fee
- NJDOH issues Certificate in approximately 30-60 days





Other Compliance

- Radon testing (1 sample per classroom)





On-Going Requirements

- In this case study, no further NJDEP compliance needed
- If contaminated, NJDEP compliance with institutional controls and engineering controls
- Attestation Form signed by Child Care Center operator at time of 3 yr license renewal
- NJDOH compliance: 5 yr radon testing requirement, any required on-going indoor air sampling
- May need an additional RAO if center expands. NJDCF – Office of Licensing decides





Key Points

- Thoroughly investigate the child care center or school and surrounding area
- Use professional judgement: conservatively
- Protection of human health, the environment (and our children!) are paramount





QUESTIONS?



NEW JERSEY DEPARTMENT OF HEALTH

STANDARDS FOR INDOOR ENVIRONMENT CERTIFICATION AND
FOR LICENSURE OF INDOOR ENVIRONMENTAL CONSULTANTS

N.J.A.C. 8:50

Christian Agnew, M.S.
Project Supervisor

N.J.A.C. 8:50 - ESTABLISHES PROCEDURES

- Licensing of Indoor Environmental Consulting Firms (LIEC)
- Conducting an indoor environmental health assessment (IEHA) of buildings to be used as either child care centers or educational facilities
- Obtaining a Safe Building Interior Certification (SBIC)

WHAT IS AN IEHA?

- An IEHA is a thorough evaluation of conditions within a building that may impact the health of its occupants.
- An IEHA does not just evaluate indoor air. It also evaluates hazards including Lead-Based Paint (LBP), Asbestos, Radon and Mold.
- An IEHA compliments the Preliminary Assessment Report (PA). Areas of concern discovered during PA process may be evaluated further to determine if contaminants are entering the building.

WHO CAN CONDUCT AN IEHA?

- Only NJDOH Licensed Indoor Environmental Consultants (LIEC) can conduct an IEHA.
- Requirements for consultant licensing outlined in N.J.A.C. 8:50-2.1.

LIEC REQUIREMENTS

- One year experience in:
 - Indoor air quality assessment
 - Lead hazard evaluation and assessment
 - Asbestos assessment
- Hold at least a bachelor's degree; and/or be certified or licensed as:
 - Health Officer
 - Industrial Hygienist
 - Engineer
 - Other related scientific profession
- Consultant may subcontract lead, asbestos and radon work

WHEN IS AN IEHA REQUIRED?

- Buildings to be used as a child care center or educational facilities (built before 1978)
- Buildings located on a contaminated site, a site suspected of contamination or a site that is subject to the Industrial Site Recovery Act.
- Buildings of any age co-located with a nail salon or dry cleaner.
- Buildings that have a former Industrial or High Hazard usage (any age)
- Referrals from DER, DCF, DOE, BOE, Local Construction Officials etc.
- Buildings located "nearby" sites of significant contamination

AN IEHA MUST INCLUDE:

- A thorough assessment of the indoor environment of the building or space used or to be used as a child care center or an educational facility to determine if contaminants are present that may have an impact on the health of the children and staff
- A thorough assessment of the buildings prior use is vital
 - Former industrial use, funeral home, dry cleaner, mothball factory.
- A thorough investigation of the building itself (Asbestos, LBP Radon, Mold).
- An evaluation of nearby sites of concern (Superfund, Known Contaminated Site, contaminated ground water for vapor intrusion (VI)).

AN IEHA MAY INCLUDE

- Indoor air sampling when potential exposure to volatile chemical compounds are identified (VOCs, Mercury).
- Different sampling methods and procedures may need to be utilized.
 - Volatile Organic Compounds - USEPA TO-15;
 - Mercury - NIOSH 6900
 - Formaldehyde - NIOSH 2016
- Sampling procedures may be site specific. NJDOH can provide consultation.

DETERMINING MAXIMUM CONTAMINANT LEVELS

- Indoor air data is evaluated on a case-by-case basis using a site specific exposure model.
 - Excess Cancer Risk and non-cancer health effects evaluated.
 - DEP RIASLs, NRIASLs and USEPA's Reference concentrations are used for reference.
- Asbestos – AHERA requirements.
- Radon - <4 picoCuries per liter of air (pCi/L).
- Lead-based Paint – Lead Hazard Evaluation and Abatement Code - N.J.A.C. 5:17

SAFE BUILDING INTERIOR CERTIFICATION

- IEHA report meets all evaluation and assessment procedures.
- NJDOH onsite verification of IEHA.
- All criteria for cancer and non-cancer health effects are below applicable standards.

LSRP'S SHOULD BE AWARE OF...

- The magnitude and scope of an IEHA and should understand the environmental issues, both inside and outside the building that will be evaluated.
- PA reports may be submitted to NJDOH as part of the IEHA evaluation.
- Air sampling conducted during a VI investigation can be used during an IEHA but may not suffice for a complete IEHA evaluation.
- Typically all necessary remedial work is completed and an RAO has been issued prior to NJDOH review and inspection.
- Details about the IEHA are outlined in Chapter 8.

QUESTIONS?
