

Remediation Standards Amendment Effort
External Stakeholder Meeting of February 10, 2015
Meeting Summary

The meeting summary is a record of the input provided by the external stakeholders on draft language for Subchapters 1 through 3. An attendee list is also appended.

CHAPTER 26D

REMEDATION STANDARDS

(previously adopted June 2, 2008 (40 N.J.R. 3187(a)))

SUBCHAPTER 1. GENERAL INFORMATION

7:26D-1.1 Purpose

- (a) This chapter implements the provisions of the Brownfield and Contaminated Site Remediation Act, N.J.S.A. 58:10B-1.1 et seq., and other statutes, by establishing minimum:

1. Ground water remediation standards;
2. Surface water remediation standards;
3. Residential and non-residential soil remediation standards for the ingestion-dermal exposure pathway,
4. Residential and non-residential soil remediation standards for the inhalation exposure pathway,
5. Migration to ground water remediation standards; and
6. Residential and non-residential indoor air remediation standards for the vapor intrusion exposure pathway.

- (b) This chapter supplements the requirements in the Technical Requirements for Site Remediation rules, N.J.A.C. 7:26E.

7:26D-1.2 Scope

- (a) Unless otherwise provided by rule or statute, this chapter shall constitute the rules of the Department concerning minimum standards for the remediation of ground water, surface water, soil, and indoor air.

- (b) Remediating ground water, surface water, soil, and indoor air to any applicable standard set forth in this chapter shall not relieve any person from:

1. Complying with more stringent requirements or provisions imposed under any other Federal, State, or local applicable statutes or regulations; and
2. Obtaining any and all permits required by Federal, State, or local statutes or regulations.

Comment [TS1]:

SC: would like to receive track-changed copies of drafts before meetings.

RL: Would like to know who is on the subcommittee from DEP that is working on the language of this rule.

JD: After this meeting, will the updated draft be sent out to the stakeholders? Yes. We can provide what came out of the meeting.

JD: What if there is a meeting conflict and a stakeholder cannot make it? Written comments will be accepted after the meeting, and they will be treated as comments that were received at the meeting. We will accept written comments up until the next meeting date that is scheduled. Comments on the immediately preceding meeting will be accepted, as we are accepting com[...]

Comment [TS2]: ND: They should not be minimum standards - maybe "default" standards (it's a misnomer). Also, with indoor air, one may use an OSHA PEL, so the terminology in this draft may not be the best. There is a concern that remediating parties will only apply these standards as "minimum" required and not as THE standards.

GT: If "minimum" is used, then it seems that there are no alternative standards that may be used at all. Also, such indoor air standards should only be addressed in the DEP guidance document.

BF: We have a legal opinion, and we have the statute that directs us to create such standards. Also, this has been in the rule since 2008. We understand[...]

Comment [TS3]: SD: Difficult to discuss indoor air here; maybe couch as a "mitigation standard" instead of an indoor remediation standard. Can we change the guidance to reflect remediation?

DG: We'll be looking to update the VTG. We probably need to talk about this a bit more.

SD: The process is not usually termed "indoor air REMEDIATION" - it should be termed "mitigation"

KL: Maybe just remove "remediation" from the term.

BF: Concern for calling it an indoor air standard; will take this under advisement.

RF: Linking indoor air to remediation[...]

(c) No provision of this chapter shall be construed to limit the Department's authority to require additional remediation based upon site-specific conditions in order to protect human health, safety and the environment.

(d) Nothing in this chapter shall be construed to limit the authority of the Department to establish discharge limits for pollutants, or to prescribe penalties for violations of those limits pursuant to any statutory authority, or to require the complete removal of any illegally discharged hazardous substances, hazardous waste, or pollutants pursuant to law.

~~(e) The person responsible for conducting the remediation shall not be required to remediate a chemical in soil, ground water, or surface water to a level or concentration that is lower than the regional natural background level, or the commonly achievable certified laboratory reporting limit.~~

~~(f) The person responsible for conducting remediation shall not be required to reduce a chemicals concentration in indoor air to a level that is lower than levels attributable to background sources indoors or outdoors.~~

7:26D-1.3 Construction and severability

(a) This chapter shall be liberally construed to permit the Department to effectuate the purposes of the statutes listed in N.J.A.C. 7:26D-1.4(a).

(b) If any subchapter, section, subsection, provision, clause, or portion of this chapter, or the application thereof to any person, is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall be confined in its operation to the subchapter, section, subsection, provision, clause, portion, or application directly involved in the controversy in which such judgment shall have been rendered and it shall not affect or impair the remainder of this chapter or the application thereof to other persons.

7:26D-1.4 Applicability

(a) This chapter establishes the minimum remediation standards for ground water, surface water, soil, and indoor air for any contaminated site in New Jersey including, without limitation, those sites subject to:

1. The Industrial Site Recovery Act (ISRA), N.J.S.A. 13:1K-6 et seq.;
2. The New Jersey Underground Storage of Hazardous Substances Act (UST), N.J.S.A. 58:10A-21 et seq.;
3. The Spill Compensation and Control Act, N.J.S.A. 58:10-23.11a et seq.;
4. The Solid Waste Management Act, N.J.S.A. 13:E-1 et seq.;

Comment [TS4]: RF: Tow additions proposed:

Comment [TS5]: CM: Why is "regional" needed instead of just "site."

BF: It's statutory language found in the Brownfield Act.

TT: When talking about individual standard valuation, in addition to natural background, there is "diffuse anthropogenic background" too. Is this concept being addressed elsewhere in the regulation? General background from overall industrial and otherwise activities is just general background -- not the remediation of what has been released by the responsible party.

TS: We're not dealing with the natural background; we are aware of the concern, but a policy on background/natural/etc. is under consideration.

BF: Natural regional background levels are discussed in 1.8, incorporating language directly from the Brownfield Act.

Comment [TS6]: KL: Please consider the addition of a bullet point -- (f). As a concept this would be a good addition.

TS: This is beyond where we are going with the regulation/act. This is a compliance issue.

SP: Because intent of rule is to include indoor air, it is important to address the differences. The text of the rule should incorporate flexibility. This is a good place to recognize that indoor air is different than the other standards included in the rule. Indoor air background levels are a separate standard to be addressed here.

RL: We're moving to standards for indoor air -- this is very important to distinguish from the ground water and soil. We are not going to remediate to background levels where persons may smoke in their homes.

RF: Please add this same language to proposed (f) for consistency to reference that we are considering what the

Comment [TS7]: TT: In layman's terms, it appears that this says that precedence cannot be established.

GT: It was probably DAG Schlosser who added this terminology.

5. The Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq.;
6. The Brownfield and Contaminated Site Remediation Act, N.J.S.A. 58:10B-1 et seq.;
7. The Comprehensive Regulated Medical Waste Management Act, N.J.S.A. 13:1E-48.1 et seq.;
8. The Major Hazardous Waste Facilities Siting Act, N.J.S.A. 13:1E-49 et seq.;
9. The Sanitary Landfill Facility Closure and Contingency Fund Act, N.J.S.A. 13:1E-100 et seq.;
10. The Regional Low-Level Radioactive Waste Disposal Facility Siting Act, N.J.S.A. 13:1E-177 et seq.; and
11. The Site Remediation Reform Act (SRRA), N.J.S.A. 58:10C-1 et seq.

(b) The requirements of this chapter shall be applied pursuant to the Technical Requirements for Site Remediation, N.J.A.C. 7:26E, and the Administrative Requirements for the Remediation of Contaminated Sites (ARRCS), N.J.A.C. 7:26C. Any person conducting remediation pursuant to this chapter shall apply, pursuant to N.J.A.C. 7:26C-1.2(a)3, any available and appropriate technical guidance concerning site remediation as issued by the Department, or shall provide a written rationale and justification for any deviation from guidance. The Department's technical guidance can be found on the Department's website at www.nj.gov/dep/srp/srra/guidance.

(c) Notwithstanding any other provision of this chapter, all applicable remediation standards and remedial actions that involve real property located in the Pinelands area shall be consistent with the provisions of the Pinelands Protection Act, N.J.S.A. 13:18A-1 et seq., and any rules promulgated pursuant thereto, and with Section 502 of the National Parks and Recreation Act of 1978, 16 U.S.C. §4711.

7:26D-1.5 Definitions

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise:

"Alternative remediation standard" or "ARS" means residential and non-residential soil remediation standards for the ingestion-dermal exposure pathway, residential and non-residential soil remediation standards for the inhalation exposure pathway, migration to ground water soil remediation standards, and residential and non-residential indoor air remediation standards for the vapor intrusion exposure pathway that are established using site-specific factors following the procedures set forth in N.J.A.C. 7:26D-7 Appendices 6 through 7, 8, and 9, pursuant to this chapter.

Comment [TS8]: SD: This is set up as a timeframe when documents are sent to the Department to receive approval to go ahead. Prior rule language alludes to when new/old standards are applying to situations. This new language appears to be a timeline as opposed to a referenced guidance. The concept needs to be added to the rule.

BF: Phase-in language was included in the Tech Regs, but not the Remediation Standards. We should review this for addition.

RA: Reference to guidance – please do not make the mistake of incorporating guidance into regulation. Guidance is guidance, regulations are regulations. The additional inclusion is not necessary in this portion of the rule.

TS: This reference to guidance is only a "link" to the HOW to do the actions/requirements.

Comment [TS9]: RF: Has anyone had a discussion with the Pinelands Commission related to these remediation standards.

DH: The AC's office has a meeting set up with the Pinelands Commission – please email DH this concern so that it may be added to the agenda.

Comment [TS10]: GT: Supports the concept that we revisit the definition section, as needed. There is no SW or GW ARS's.

SP: There is the ability to develop a site-specific standard in the surface water quality rules.

Comment [TS11]: KL: A copy of the appendices with this draft would have been helpful.

RL: Agreeing with prior comment; would like to come back to this definition after viewing the indoor air remediation standard information in the appendices.

TS: There may be minor revisiting to a definition or two, if necessary. This shall be limited to the absolute minimum. Substantive changes may be entertained.

"Background indoor air concentration" means a level or concentration in indoor air that is attributable to background sources indoors or outdoors.

Comment [TS12]: KL proposed addition.

"Carcinogen" means a contaminant capable of inducing a cancer response and has been classified by USEPA or NJDEP, in either Group A (Human Carcinogen), Group B (Probable Human Carcinogen) and Group C (Possible Human Carcinogen) categorized in accordance with the USEPA Guidelines for Carcinogen Risk Assessment, 51 Fed. Reg. 33932 (1986), as amended and supplemented.

Comment [TS13]: KL proposed addition.

"Certified laboratory" means . . .

Comment [TS14]: RF: This definition should be added in light of 1.2(b) above.

"Contaminated site" means a contaminated site as defined pursuant to the Technical Requirements for Site Remediation at N.J.A.C. 7:26E-1.8.

"Contamination" or "contaminant" means contamination or a contaminant as defined pursuant to the Technical Requirements for Site Remediation at N.J.A.C. 7:26E-1.8.

"DAP" means . . .

Comment [TS15]: ND: A definition should be added for this.

"Department" means the New Jersey Department of Environmental Protection.

"Discharge" means a discharge as defined pursuant to the Technical Requirements for Site Remediation at N.J.A.C. 7:26E-1.8.

Comment [TS16]: GT: There is a different definition in the Brownfield Act which should be used instead.

"Exposure pathway" means the way that humans can come into contact with contamination including, but not limited to, the ingestion-dermal exposure pathway, the inhalation exposure pathway, the migration to ground water exposure pathway, and the vapor intrusion exposure pathway.

Comment [TS17]: SD: Its' difficult to reference the MGW pathway as an "exposure" pathway. How can a standard be lower than a direct contact standard? Thinking outside the box, there may be a different term that can be used - maybe "transport."

"Extractable petroleum hydrocarbons" or "EPH" means extractable aliphatic and aromatic petroleum hydrocarbons determined using the Department's "Extractable Petroleum Hydrocarbons Methodology," as amended or supplemented, found at www.nj.gov/dep/srp/guidance/srra/eph_protocol.pdf. EPH includes, but is not limited to, No. 2 Fuel Oil, diesel fuel, and heavier petroleum products, but excludes the lighter petroleum products including gasoline and mineral spirits.

Comment [TS18]: CM: This is not in the Tech Regs?

DH: This refers to a methodology.
TS: We'll take a look at this.

"Ground water" means ground water as defined pursuant to the Ground Water Quality Standards at N.J.A.C. 7:9C-1.6, which includes Class I, Class II and Class III ground water.

"Ground water quality criteria" means any human health-based ground water quality criteria as defined pursuant to the Ground Water Quality Standards at N.J.A.C. 7:9C-1.6.

"Indoor air remediation standard" means an indoor air remediation standard for the vapor intrusion exposure pathway established or developed pursuant to this chapter that is designed to protect human health at residential and non-residential properties not subject to regulation under the Occupational Safety and Health Act of 1970.

Comment [TS19]: KL proposed addition.

"Ingestion-dermal exposure pathway" is an exposure pathway involving means the way that humans can come into contact with contaminants in soil through the incidental ingestion of contaminated soil and dermal contact with soil during which the absorption of contaminants from the soil through the skin may occur.

Comment [TS20]: KL proposed addition.

"Ingestion-dermal remediation standard" means a soil remediation standard for the ingestion-dermal exposure pathway established or developed pursuant to this chapter that is designed to protect human health at residential and non-residential properties.

"Inhalation exposure pathway" is an exposure pathway involving human contact means the way that humans can come into contact with contaminants in soil through the inhalation of particulates contaminated soil and/or vapors emanating from contaminated soil during outdoor activities. This pathway is distinct from the vapor intrusion exposure pathway.

Comment [TS21]: KL proposed addition.

Comment [TS22]: RF: With KL additions above, this definition needs to be reworded. This is an ambient air issue – not an indoor air issue – because of the contaminants in the soil.

KL: Rewording may eliminate confusion, depending upon the proposed additions above.

TS: If definitions are revised, those that are affected by changes in language will be evaluated with other definitions in the document.

Comment [TS23]: RA: There is no direct migration to ground water; there should be no definition of this included here.

KL proposed addition/edit of language.

Comment [TS24]: KL proposed edit.

Comment [TS25]: JD: UST definition is different than this one.

BF: UHOT referenced residential and non-residential "building," which is different than what is being considered here.

KL: Why are schools, etc. folded into residential scenarios here?

BF & TS: We wanted to incorporate it clearly, by policy, that we are considering schools and child care facilities as residential scenarios. This also ties in with presumptive remedies.

JD: Then this is considered the presumptive standard.

TS: We are applying residential to these categories, too.

RL: Then the rule definition should reference that we are applying residential to the categories (expressly).

"Migration to ground water remediation standard" means a remediation standard established or developed in accordance with this chapter and pursuant to N.J.S.A. 58:10B-12a that is designed to protect human health under the migration to ground water exposure pathway limit the amount of contaminant that migrates from the unsaturated soil zone to ground water such that the resulting ground water concentration will not exceed the applicable ground water remediation standard.

"Non-residential" means properties used for commercial or industrial purposes.

"Reporting limit" or "RL" means a reporting limit or RL as defined pursuant to the Technical Requirements for Site Remediation at N.J.A.C. 7:26E-1.8.

"Residential" means properties used for residences; private and public schools and childcare facilities as defined in C. 18A:1-1; charter schools established pursuant to P.L. 1995, c. 426(C. 18A:36A-1 et seq.); and child care centers licensed pursuant to P.L. 1983, c. 492 (C. 30:5B-1 et seq.).

"Person responsible for conducting the remediation" means the person responsible for conducting the remediation as defined pursuant to ARRCs at N.J.A.C. 7:26C-1.3.

"Pollutant" means any substance defined as such pursuant to the Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq.

"Practical quantitation level" or "PQL" means a practical quantitation level or PQL as defined pursuant to the Technical Requirements for Site Remediation at N.J.A.C. 7:26E-1.8.

"Regional natural background levels" means the concentration of a contaminant consistently present in the environment of the region of the ~~site in soil, ground water, or surface water and~~ which has not been influenced by localized human activities, as defined pursuant to the Brownfield and Contaminated Sites Remediation Act at N.J.S.A. 58:10B-12g(4).

"Remediation" or "remediate" means remediation or remediate as defined pursuant to the Technical Requirements for Site Remediation at N.J.A.C. 7:26E-1.8.

"Remediation standards" means the combination of numeric standards that establish a level or concentration, and narrative standards, to which contaminants must be treated, removed, or otherwise cleaned for soil, ground water, surface water, ~~or indoor air~~, as established by the Department pursuant to the Brownfield and Contaminated Sites Remediation Act at N.J.S.A. 58:10B-12 and this chapter.

"Surface water" means "surface water" as defined pursuant to the Surface Water Quality Standards, N.J.A.C. 7:9B.

"Surface Water Quality Standards" means the rules in N.J.A.C. 7:9B, which set forth designated uses, use classifications, and water quality criteria for the State's waters based upon such uses, and the Department's policies concerning these uses, classifications and criteria.

"USEPA" means the United States Environmental Protection Agency.

"Vapor intrusion exposure pathway" means the way that humans can come in contact with contaminants through the inhalation of contaminated indoor air that is due to the migration of volatile contaminants from the subsurface soil and/or ground water contamination into occupied buildings. This pathway is distinct from the inhalation exposure pathway.

SUBCHAPTER 2. MINIMUM GROUND WATER REMEDIATION STANDARDS

7:26D-2.1 Purpose

This subchapter establishes the minimum remediation standards for ground water.

7:26D-2.2 Minimum ground water remediation standards

(a) The minimum remediation standards to which ground water shall be remediated are:

1. For ~~Class II~~ ground water, the Ground Water Quality Standards developed pursuant to N.J.A.C. 7:9C-1.7(c) and (d);

Comment [TS26]: RF: This definition should be struck completely, as it is not used.

BF: GWQS still uses this term.

Comment [TS27]: KL proposed addition.

Comment [TS28]: SD: Question of whether this term should apply to indoor air (as discussed earlier).

RL: Narrative standards will have to be revisited.

NH: Direct contact is not included here.

TS: We are eliminating direct contact from the rule.

Comment [TS29]: ND: Indoor air should not be included here. Is it included in the Brownfield Act?

BF: It's in the Brownfield Act.

TS: Whether indoor air is in or out, the legal opinion will dictate what we need to do.

Comment [TS30]: KL proposed edits.

Comment [TS31]: TT: Class IIA, IIB exist; what do we do with IIB and where this particular line goes. The two concepts should be broken out for IIA and IIB.

BF: Class II gets very misinterpreted. IIB has a presumption that natural attenuation is the remedy. There is a specific line item in GWQS that the IIA #s are the IIB #s.

GT: There is an opportunity to address the areas of the State that will not be IIA; particularly urban areas that will never have potable water. This opportunity for new standards should not be missed.

DH: IIA/IIB distinction will not be taken care of in the remediation standards; they should be addressed in N.J.A.C. 7:2C.

2. For Class I-A and Class I-PL, Ground Water Quality Standards developed pursuant to N.J.A.C. 7:9C-1.7(a) and (b);

3. For Class III-A and Class III-B, Ground Water Quality Standards developed pursuant to N.J.A.C. 7:9C-1.7(e) and (f); and

4. For all ground water, regardless of classification, each of the following narrative ground water remediation standards, as applicable:

- i. The general ground water quality policies in N.J.A.C. 7:9C-1.2;
- ii. The narrative ground water quality criteria in N.J.A.C. 7:9C-1.7;
- iii. The ground water quality antidegradation policy in N.J.A.C. 7:9C-1.8;
- iv. The remediation requirements in N.J.A.C. 7:26E-1 through 5 in order to both:
 - (1) Address the adverse impact of the contamination on the ground water itself; and
 - (2) Limit additional risks posed by the contamination to the human health and safety and to the environment;

v. The free and residual ~~product removal, treatment, or containment requirements of~~ N.J.A.C. 7:26E-5.1(e);

vi. The contaminants have not migrated to the ground surface, structures, or air in concentrations in excess of remediation standards; and

vii. The following factors, as applicable on a site-specific basis, for selecting an appropriate ground water remedial action:

- (1) The location of the contaminated site relative to ground water use;
- (2) The potential human and environmental exposure to the ground water contamination under current and reasonably anticipated future conditions;
- (3) ~~The present, projected, and potential~~current and reasonably anticipated future ground water use at the site and in the area surrounding the site over the 25 years after the selection of the ground water remedy;
- (4) The ambient ground water quality at the site and in the area surrounding the site resulting from both human activities and natural conditions;
- (5) The physical and chemical characteristics of the contaminants of concern; and

Comment [TS32]: RA: Free and residual product should be addressed separately; VI is not necessarily needed in the ground water section.

BF: It's here in the catch-all section; can consider VI impacts.

CM: There is no way to calculate Category III (A&B) #s, so why are they included here?

BF: The site-specific nature may render this a better fit in a technical document. This discusses factors that may be considered in coming to a number.

CM suggests pulling III out of this portion of the rule.

Comment [TS33]: ND: This section is helpful, taking us back to the scope (1.2) of the standards. KL's addition in 1.2(f) seems appropriate.

Comment [TS34]: KL proposed additions.

(6) The criteria in the Monitored Natural Attenuation Technical Guidance document found at www.nj.gov/dep/srp/guidance/srra/mna_guidance_v1.0.pdf to determine when natural remediation is appropriate as a remedial action for ground water contamination.

(b) The Department shall not approve an alternative ground water remediation standard that is based on a site-specific risk assessment.

Comment [TS35]: TT: The regulations should not be bound to particular guidance. The language needs to be made more generic.

NR: Include at the beginning: "relevant technical guidance, including:"

Comment [TS36]: KL suggests deletion due to the conflict with what is stated immediately prior. There is an inconsistency here that may cause problems down the road.

SUBCHAPTER 3. MINIMUM SURFACE WATER REMEDIATION STANDARDS

7:26D-3.1 Purpose

This subchapter establishes the minimum remediation standards for surface water.

7:26D-3.2 Minimum surface water remediation standards

(a) The minimum remediation standards for surface water are:

1. The numeric New Jersey Surface Water Quality Standards, N.J.A.C. 7:9B-1.14(c) through (h); and

2. The following narrative surface water remediation standards:

i. The general surface water quality policies in N.J.A.C. 7:9B-1.5;

ii. The surface water quality standards in N.J.A.C. 7:9B-1.14(a) and (b);

iii. The remediation requirements in N.J.A.C. 7:26E-1 through 5 in order to both:

(1) Address the adverse impact of the contamination on the surface water itself; and

(2) Limit additional risks posed by the contamination to the public health and safety and to the environment;

iv. The free and residual product removal, treatment, or containment requirements of N.J.A.C. 7:26E-5.1(e); and

v. The following narrative criteria, as applicable on a site-specific basis, for selecting an appropriate surface water remedial action:

(1) The location of the contaminated site relative to surface water use;

(2) The potential human and environmental exposure to the surface water contamination under current or reasonably anticipated future conditions;

Comment [TS37]: TT: Cross-reference is to soil media; it's really a soil matrix thing instead of a surface water thing. It should be deleted.

RA: Agreed. This should be deleted as it does not include surface water. Please remove for consistency.

(3) The ~~present and projected~~ current and reasonably anticipated future surface water use at the site and in the area surrounding the site;

Comment [TS38]: KL proposed additions.

(4) The ambient ~~ground~~ surface water quality at the site and in the area surrounding the site resulting from both human activities and natural conditions; and

(5) The physical and chemical characteristics of the contaminants of concern.

~~(6) Other guidance and peer review technical reports deemed appropriate by the licensed site remediation professional.~~

~~(b) The Department shall not approve an alternative surface water remediation standard that is based on a site-specific risk assessment.~~

Comment [TS39]: RF: Proposed addition.

Comment [TS40]: RA & RF: See the above comment(s). This should be deleted.

SC: would like to receive track-changed copies of drafts before meetings.

RL: Would like to know who is on the subcommittee from DEP that is working on the language of this rule.

JD: After this meeting, will the updated draft be sent out to the stakeholders? Yes. We can provide what came out of the meeting.

JD: What if there is a meeting conflict and a stakeholder cannot make it? Written comments will be accepted after the meeting, and they will be treated as comments that were received at the meeting. We will accept written comments up until the next meeting date that is scheduled. Comments on the immediately preceding meeting will be accepted, as we are accepting comments in "real time" through this process.

JD: If there is a proposed language change to what is presented at the meeting, could that information be provided/sent out after the meeting? We will try, given time constraints in the process and whether the proposed change is substantive.

DT: Is it possible to have a proposed TOC (table of contents) for a global view of the proposed structure of the rule? We can provide a tentative version of it, yes.

DT: As meeting discussions proceed, if a change is minor, we will move on; if it is a major change with multiple changes put forward, will the discussion of such continue at the next session? That is a case-specific basis answer – it would be noted in the record, and it would potentially be discussed in a later meeting if it is a substantial/major issue change proposed. We will not be responding back in writing; an FYI copy will be provided thereafter.

ND: They should not be minimum standards – maybe "default" standards (it's a misnomer). Also, with indoor air, one may use an OSHA PEL, so the terminology in this draft may not be the best. There is a concern that remediating parties will only apply these standards as "minimum" required and not as THE standards.

GT: If "minimum" is used, then it seems that there are no alternative standards that may be used at all.

Also, such indoor air standards should only be addressed in the DEP guidance document.

BF: We have a legal opinion, and we have the statute that directs us to create such standards. Also, this has been in the rule since 2008. We understand the issues.

RF: Suggested deleting the word "minimum."

ND: We haven't had impact to ground water standards - thjere have only been screening levels for such thus far.

TS: The committee will review the term "minimum."

SD: Difficult to discuss indoor air here; maybe couch as a "mitigation standard" instead of an indoor remediation standard. Can we change the guidance to reflect remediation?

DG: We'll be looking to update the VITG. We probably need to talk about this a bit more.

SD: The process is not usually termed "indoor air REMEDIATION" – it should be termed "mitigation"

KL: Maybe just remove "remediation" from the term.

BF: Concern for calling it an indoor air standard; will take this under advisement.

RF: Linking indoor air to remediation; there are concerns about the Health Department promulgation of indoor air standards under Madden. Also, the standard should be considered a "trigger value" for VO.

SP: Compared to the old rule, there was talk about the ground water quality standards, but when we came to talk of site-specific standards, it does not appear that such standards are included in this proposed language. Would it make sense to talk of default standards for all but the ground water quality standards?

BF: This will be addressed in future subchapter of this rule. Later on, there will be parts discussing interim, alternative, etc. standards.

Page 2: [4] Comment [TS6]	Teruo Sugihara	2/10/2015 3:31:00 PM
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KL: Please consider the addition of a bullet point – (f). As a concept this would be a good addition.

TS: This is beyond where we are going with the regulation/act. This is a compliance issue.

SP: Because intent of rule is to include indoor air, it is important to address the differences. The text of the rule should incorporate flexibility. This is a good place to recognize that indoor air is different than the other standards included in the rule. Indoor air background levels are a separate standard to be addressed here.

RL: We're moving to standards for indoor air – this is very important to distinguish from the ground water and soil. We are not going to remediate to background levels where persons may smoke in their homes.

RF: Please add this same language to proposed (f) for consistency to reference that we are considering what the laboratories can do.

2/10/2015

Group	Name
LSRPA	Caryn Barnes Nick DeRose Scott Drew Rodger Ferguson Laurie Gneiding Carrie McGowan Steve Posten
AEG	Theodoros Toskos Niall Henshaw
SRIN	Rayna Laiosa Steve Chranowski Robin Austermann Maria Kouris
CIANJ	Rose DeLorenzo
NJBIA	Sara Bluhm George Tyler
NJBA	Neil Rivers
Fuel Merchants NJ	John F Donohue
NJDEP	Barry Frasco David Haymes Terry Sugihara Judith Andrejko Swati Toppin Paul Sanders Diane Groth Allan Motter Dave Barskey John Ruhl Kathy Kunze Yin Zhou

Company

Langan Engineering & Environmental Services

Geosyntec Consultants, Inc.

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AMEC Environment & Infrastructure, Inc.

EHS Support, LLC

AMEC Environment & Infrastructure, Inc.

AMEC Environment & Infrastructure, Inc.

Parsons

PSEG

Shell

Matrix New World Engineering

Langan