

SUBCHAPTER 8. ALTERNATIVE REMEDIATION STANDARDS

7:26D-8.1 Purpose

(a) This subchapter sets forth the procedures for the development and approval of alternative remediation standards, pursuant to N.J.S.A. 58:10B.

(b) This subchapter establishes alternative remediation standards for:

1. Residential and non-residential ingestion-dermal exposure pathways;
2. Residential and non-residential inhalation exposure pathways;
3. Migration to ground water exposure pathway; and
4. Vapor intrusion exposure pathway.

7:26D-8.2 Applicability

(a) An alternative remediation standard developed pursuant to this chapter may ~~only~~ be used in lieu of a default remediation standard and only at the site or area of concern for which it is specifically developed or approved, and it is. Such an ARS shall not be applicable at any other site or area of concern.

Commented [TS1]: SP suggested addition.

(b) The Department may, upon its own initiative, require an alternative remediation standard for a particular contaminant for a particular site or area of concern that is more stringent than the standards established by this chapter, in accordance with N.J.S.A. 58:10B-12f.(2).

(c) Surface water quality standards, N.J.A.C. 7:9B, and ground water quality standards, N.J.A.C. 7:9C, do not provide mechanisms comparable to the development of alternative remediation standards. As such, they are not included in this chapter.

7:26D-8.3 Development of an alternative remediation standard

For the pathways listed in 8.1(b) above, the procedures for the development of alternative remediation standards ~~with and without prior approval from the, some of which may or may not require~~ Department approval. are described in this chapter at:

(a) Appendix 6, Development of Alternative Ingestion-Dermal Exposure Pathway Soil Remediation Standards;

(b) Appendix 7, Development of Alternative Inhalation Exposure Pathway Soil Remediation Standards;

(c) Appendix 8, Development of Alternative Migration to Ground Water Exposure Pathway Soil Remediation Standards; and

(d) Appendix 9, Development of Alternative Vapor Intrusion Exposure Pathway Indoor Air Remediation Standards.

7:26D-8.4 Application and approval process for alternative remediation standards requiring prior approval from the Department

(a) Except as provided in N.J.A.C. 7:26D-8.5 below, the person responsible for conducting the remediation shall obtain prior approval from the Department, in accordance with (b) and (c) below, for an alternative remediation standard developed pursuant to N.J.A.C. 7:26D-8.3 before implementation of the alternative remediation standard.

(b) The person responsible for conducting the remediation and the LSRP shall collect and submit the necessary information indicated for each applicable exposure pathway as described in this chapter Appendices 6 through 9 referenced in N.J.A.C. 7:26D-8.3 above.

(c) The Department shall review the information submitted in accordance with (b) above, and shall respond as follows:

1. If the Department determines that the submitted information is acceptable, then the Department shall provide the person responsible for conducting the remediation with a written approval for the implementation of the alternative remediation standard at the specific site or area of concern;

2. If the Department determines that the submitted information is deficient, then the Department shall provide comments to the person responsible for conducting the remediation and the LSRP describing the deficiencies, in which case:

i. The person may correct the deficiencies and shall resubmit the information to the Department for its review; pursuant to (c) above;

ii. The person may withdraw the proposed alternative remediation standard; or

iii. If the deficiencies are not corrected, the ARS shall not be implemented until the Department approves the ARS in writing, pursuant to (c)1 above.

7:26D-8.5 Procedures for the development of alternative soil remediation standards without prior approval from the Department

(a) ~~The~~When the person responsible for conducting the remediation is not required to obtain prior approval from the Department for the implementation of an alternative remediation standard developed pursuant to N.J.A.C. 7:26D-8.3;

Commented [TS2]: RL - suggested additional language.

AC Pedersen - we don't go to that level of detail in our rules.

| ~~(b)1~~ The person responsible for conducting the remediation shall collect the necessary information indicated for each applicable exposure pathway as described in this chapter Appendices 6 through 9 referenced in N.J.A.C. 7:26D-8.3 above.

| ~~(e)2~~ The person responsible for conducting the remediation shall submit the information described in ~~(b)1~~ above with the applicable remedial phase report or workplan.

| ~~(d)2~~ The alternative remediation standards developed pursuant to this section shall be subject to inspection and review by the Department, pursuant to the Site Remediation Reform Act, N.J.S.A. 58:10C-21.