

THIS IS A COURTESY COPY OF THIS NOTICE. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE APRIL 18, 2022, NEW JERSEY REGISTER. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION OF THE NOTICE, THE OFFICIAL VERSION WILL GOVERN.

ENVIRONMENTAL PROTECTION

SITE REMEDIATION PROGRAM

Notice of Readoption

Remediation Standards

Readoption: N.J.A.C. 7:26D

Authority: N.J.S.A. 13:1D-1 et seq., 58:10-23.11a et seq., 58:10A-1 et seq., and 58:10B-1 et seq.

Authorized By: Shawn M. LaTourette, Commissioner, Department of Environmental Protection

Effective Date: March 24, 2022

New Expiration Date: March 24, 2029

Take notice that, pursuant to N.J.S.A. 52:14B-5.1, the Remediation Standards at N.J.A.C. 7:26D are readopted and shall continue in effect for a seven-year period. The rules had been scheduled to expire on April 27, 2022. The Department of Environmental Protection (the Department) has reviewed these rules and has determined that the rules should be readopted because they are necessary, reasonable, and proper for the purpose for which they were originally promulgated. In accordance with N.J.S.A. 52:14B-5.1(c)(1), timely filing of this notice extended the expiration date of the chapter seven years from the date of filing.

The Brownfield and Contaminated Site Remediation Act, at N.J.S.A. 58:10B-12(a), directs the Department to adopt remediation standards for soil, ground water, and surface water necessary for the remediation of contaminated sites. Consistent with this legislative directive, the Department has established the Remediation Standards at N.J.A.C. 7:26D. The person responsible for conducting the remediation of any contaminated site in the State must remediate

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contaminated soil, ground water, and surface water to a level or concentration that complies with the standards; however, the person is not required to remediate to a level or concentration that is lower than the regional natural background level. The remediation standards apply to all contaminated sites in the State, including sites subject to the Industrial Site Recovery Act (ISRA), N.J.S.A. 13:1K-6 et seq., the Spill Compensation and Control Act, N.J.S.A. 58:10A-21 et seq., the Solid Waste Management Act, N.J.S.A. 13:E-1 et seq., the Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq., the Brownfield and Contaminated Site Remediation Act, N.J.S.A. 58:10B-1 et seq., the Comprehensive Regulated Medical Waste Management Act, N.J.S.A. 13:1E-48.1 et seq., the Major Hazardous Waste Facilities Siting Act, N.J.S.A. 13:1E-49 et seq., the Sanitary Landfill Facility Closure and Contingency Fund Act, N.J.S.A. 13:1E-100 et seq., and the Regional Low-Level Radioactive Waste Disposal Facility Siting Act, N.J.S.A. 13:1E-177 et seq.

The chapter establishes remediation standards for various media and exposure pathways. The chapter contains separate residential and nonresidential soil remediation standards for the ingestion-dermal and the inhalation exposure pathways, soil and soil leachate remediation standards for the migration to ground water exposure pathway, and indoor air remediation standards for the vapor intrusion pathway. The minimum ground water remediation standards are the numeric criteria and narrative standards set forth in the Ground Water Quality Standards, N.J.A.C. 7:9C. Similarly, the minimum surface water remediation standards are the numeric and narrative criteria set forth in the Surface Water Quality Standards, N.J.A.C. 7:9B. The remediation standards are based upon toxicity factors, exposure assumptions, chemical factors,

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and physical factors, and the chapter allows the person responsible for conducting the remediation to request an alternative remediation standard (ARS) for a specific area of concern.

The chapter sets forth the procedures the Department will use to establish interim remediation standards for contaminants for which there are no codified remediation standards and to update existing remediation standards. Additionally, the chapter provides procedures for the development and approval of alternative remediation standards for soil for the ingestion-dermal exposure pathway and inhalation exposure pathway, soil and soil leachate for the migration to ground water exposure pathway, and indoor air for the vapor intrusion exposure pathway.