

Remedial Action Permit (RAP) Application and Remedial Action Report (RAR) Submittal Frequently Asked Questions (FAQs) and Flow Charts Training

July 26, 2023, 9AM – 11AM



Contaminated Site Remediation & Redevelopment (CSRR)

Moderators

Celine Cumming

Co-Moderator

DEP/CSRR Training Committee

Alexandra Matos

Co-Moderator

DEP/CSRR Training Committee

Continuing Education Credits



SRP Licensing Board has approved
1 Technical & 1 Regulatory CECs
for this Training Class

Attendance Requirements:

- **Webinar participants:** must be logged-in for the entire session and answer both poll questions (randomly inserted in the presentation)

CECs: What's the Process?



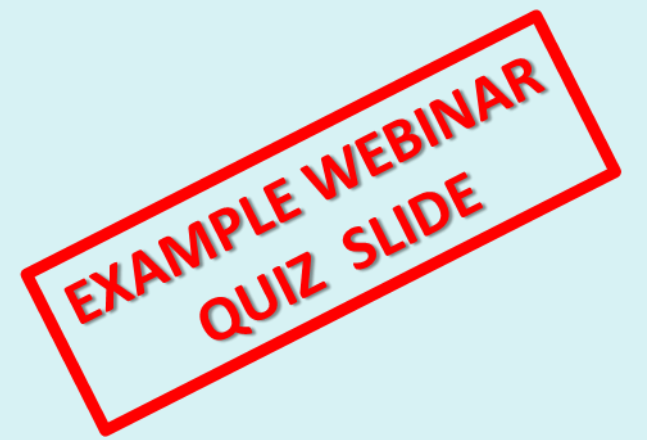
Since the SRPL Board has approved CECs for the course:

- DEP compiles a list of “webinar” participants eligible for CECs and provides the list to the LSRPA
- LSRPA will email eligible participants a link to an LSRPA webpage with certificate access instructions
- Certificates are issued by the LSRPA after paying a \$25 *processing fee*

Test Your Knowledge

**EXAMPLE WEBINAR
QUIZ SLIDE**

Test Poll



Why are you here today?

- A. Earn CECs
- B. Learn more about ECCC
- C. Learn more about CSRR

Questions Function



- Please use the questions function to ask any questions you may have for the presenters. These will be addressed during the questions segments
- If a question isn't addressed during a question segment of the presentation, it will be answered after the presentation

Chat Function



- Please use the chat to advise the Department of technical issues with the presentation
- Please do not use the chat function to comment on presentations or to answer other attendees' questions

Remember!



Please fill out the Course Evaluation here:

<https://www.surveymonkey.com/r/2SCY8HW>

Your Job in this Training



- Participate!
- Complete polls
- Provide feedback



Remedial Action Permit (RAP) Application and Remedial Action Report (RAR) Submittal Frequently Asked Questions (FAQs) and Flow Charts Summary Training

July 26, 2023

1.0 Regulatory and 1.0 Technical (NJSRPLB Course # 2023-036)



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Upcoming LSRPA Courses & Events

➤ **August 15, 2023 – Virtual Member Regulatory Roundtable**

Site Remediation in the Age of Environmental Justice

Instructors: Michelle Bouwman, LSRP, Verdantas

Mark Heinzelmann, Esq., Lowenstein Sandler

Moderator - Jeffrey Entin, LSRP, SLR Consulting

➤ **September 14 and 15, 2023 – LSRP Exam Preparation Course**

Instructors: Mike Poland, Poland Environmental Consulting, LLC

Ellen Moore, Mott MacDonald

Ted Toskos, Jacobs

Joe Galley, GZA GeoEnvironmental, Inc.

David Morris, Tectonic Engineering Consultants, Geologists & Land Surveyors DPC, Inc.

Charles Harman, WSP USA Corp.

Scott Drew, Geosyntec Consultants, Inc.

Visit [LSRPA.org](https://www.lsrpa.org) for details and registration



Upcoming LSRPA Courses & Events

➤ **September 19, 2023 – Virtual Member Regulatory Roundtable**

Understanding the Data of Known Quality Protocols

Instructors: Erin Palko, PG, LSRP

➤ **October 3, 2023 – Remediating Sites: LSRPs Understanding Risks and Liabilities**

Instructors: William P. Call, PG, LSRP, PennJersey Environmental

John Scagnelli, Esq., Scarinci Hollenbeck

Dan Borgna, The Dale Group



Visit [LSRPA.org](https://www.lsrpa.org) for details and registration

Upcoming LSRPA Courses & Events

LSRPA

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LSRPA FOUNDATION
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4PM TO 9PM

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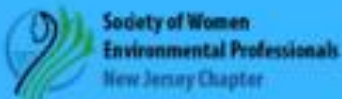


Upcoming LSRPA Courses & Events

8TH ANNUAL SCHOLARSHIP FUNDRAISING EVENT

Golf *for* Good

THURSDAY, OCTOBER 5, 2023
MERCER OAKS GOLF COURSE
WEST WINDSOR, NEW JERSEY





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Thank You!



Purpose of the Effective Collaborative Communications Committee (ECCC)

July 26, 2023



Julian Pozzi, Bureau of Remedial Action Permitting
Contaminated Site Remediation & Redevelopment

ECCC Members



- Department Members
 - Julian Pozzi, Chair
 - Christopher Blake
 - Rachel Farro
 - Kendrick Brown
 - Dominik Hudyka
 - Lynne Mitchell
- Site Remediation Industry Network (SRIN) Members
 - Maureen Forlenza
 - Elenor Siebring
- Licensed Site Remediation Professionals (LSRPs)
 - Michelle Tomaszewski
 - Rob Fisler
 - Marlene Lindhardt
 - Amy Murphy

ECCC's Purpose



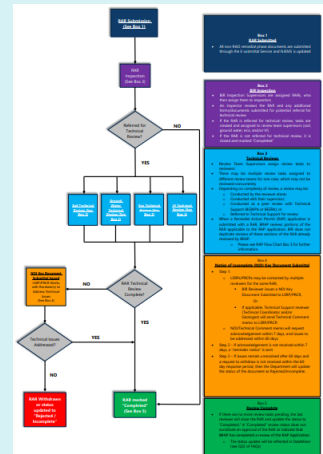
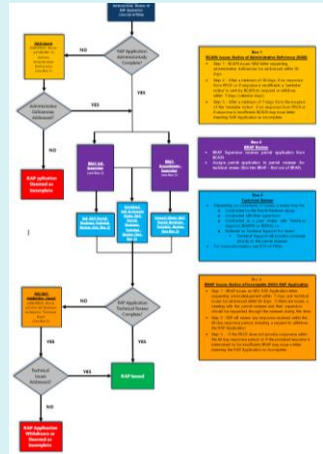
- This committee was formed to focus on the Remedial Action Permit (RAP) applications that were receiving Notices of Technical Deficiencies (NTDs) but were ultimately still issued a permit
- These deficient applications were contributing to the backlog of the Bureau of Remedial Action Permitting (BRAP) due to the back-and-forth communication required to correct the deficiencies

ECCC's Process



The process the committee used to discuss the high deficiency rates was by having the Department members present examples of the common issues being seen with RAP applications and Remedial Action Report (RAR) submittals

- PowerPoint presentations were used to provide examples of common issues
- Discussions were had to gain an understanding from each side
- Solutions were put into action
 - The names of deficiency letters are now more consistent
 - Notice of Incomplete (NOI) response policies are more consistent
 - Financial Assurance mechanisms used for RAPs are now easier to find
 - Flow Charts were developed to give the regulated community a better understanding of the Department's review process of RAP Applications and RARs



RAP Application and RAR FAQ and Flow Charts Document



Based on LSRP member experiences with other helpful FAQ documents, the committee decided to create a FAQ document as a helpful tool in addressing the high deficiency rates being seen in RAP submittals.

The FAQs include questions and answers to the following areas related to RAP application and RAR Submittals

- NOI RAP Applications
- Financial Assurance (FA)
- Administrative issues related to RAP Applications
- Technical Issues related to RAP Applications
- Administrative issues related to RARs
- Receptor Evaluations (RE)

Common Issues

July 26, 2023



Robert Fidler, LSRP
Woodard & Curran

Purpose of ECCC



- Groundwater (GW) RAP applications - 90% received NTDs vs. 20% withdrawn
- Soil RAP applications - 45% received NTD vs. 10% withdrawn
- ECCC established April 2022 - met every few weeks
- Members of regulated community, regulators, and LSRPs
- Purpose - close the gap and minimize back and forth

Most Common Issues



- Incorrect/Inaccurate Administrative information
 - (i.e., Block/lot, Contaminants of Concerns (COCs), etc.)
- Inaccurate descriptions in Exhibit C of the Deed Notice (DN)
- Monitored Natural Attenuation (MNA) GW RAP Application for free or residual product
- Active System GW RAP Application free or residual product
 - (with only sporadic recovery methods)
- On-Site source of GW contamination not identified
- Incorrect Financial Assurance (FA) mechanism/incorrect language

Most Common Issues



Lack of proper justification to support a variance/deviation

- Horizontal/Vertical Delineation (soil and groundwater)
- Insufficient ground water sampling events for MNA
- Non-Decreasing/stable trends for MNA
- Vapor Intrusion (VI) investigation not completed
- Leaving concentrations of Extractable Petroleum Hydrocarbons (EPH) above free and residual product threshold

Administrative Issues



Common “Administrative” Issues

- Incorrect Block & Lot
- Incorrect Address
- Incorrect Program Interest (PI) Number(s)
- Incorrect Owner
- COC’s inconsistent with RA Report (DN)
- Cap construction details inconsistent with RA report (or DN)

Administrative Issues



For Property Information (Block/Lot, Address, PI#, Owner)

- Double check DataMiner/NJEMS (on GeoWeb)/other online databases
 - <https://www.nj.gov/dep/gis/geoweb splash.htm>
 - Monmouth County Online Database
- Inconsistencies should be addressed in a cover letter (Or Section K of RAP Application) – let the permit writers know it is coming!

Administrative Issues



Contaminants of Concern & cap construction details

- Double check RAR
- Double check the DN
- Make sure they match!

Deed Notice Issues



Deed Notice Issues

- Exhibit C of model Deed Notice should include a narrative description of Institutional Controls (Exhibit C-1) and engineering controls (Exhibit C-2)
- Exhibit C-2: Engineering Control Description
 - If the engineering control is intended to address Migration to Groundwater Pathway, needs to be stated in C-2

GW Source Identification



Ground Water Source Identification

- GW RAR figure(s) should show:
 - Source area(s) where active remediation was conducted
 - Source area(s) relationship to monitoring well network

MNA RAP Application for Free Product



MNA RAP Application for Free/Residual Product

- N.J.A.C. 7:26E-5.1(e)

The person responsible for conducting the remediation shall treat or remove free product and residual product to the extent practicable, or contain free product and residual product when treatment or removal is not practicable. Monitored natural attenuation of free product and residual product is prohibited

- Active category GW RAPs required for free product and residual product

Active Category RAP for Free Product



Active Category RAP for free or residual product

- Must include active long term recovery methods (i.e., pump and treat)
- Cannot be limited to short term interim remedial measures
 - Socks/Sorbent Pads
 - Enhanced Fluid Recovery (EFRs)
 - Manual Recover (i.e., bailing)

Financial Assurance (FA) Issues



FA for RA Permits

- Soil RAPs that include the use of Engineering Controls, Active GW RAPs, and MNA GW RAPs with VI Mitigation Require FA be secured prior to submitting RA applications
- FA can be in the form of:
 - Remediation Trust Fund
 - Line of Credit
 - Letter of Credit
 - Environmental Insurance Policy
 - Surety Bond

Variations / Deviations



Variations from rule need to include (N.J.A.C. 7:26E-1.7)

- Regulatory Citation for the Technical Requirement
- How the variance deviates from the cited regulatory requirement
- Rationale/supporting information that the variance is protective (i.e., Multiple Lines of Evidence (MLE) and independent professional judgement)

Deviations from guidance need to include (N.J.A.C. 7:26E-1.5(b))

- Rationale/justification for deviation (i.e., MLE and independent professional judgement)

Variations / Deviations Cont.



- NJDEP recognizes all rules/guidance *do not* apply to every situation
 - Variance/deviations Justified (using MLE)
 - Identify variances/deviations in Section K of RAP Application and point to section of RAR where they are detailed
 - Don't bury them – own them!

RAP Application Flow Chart

July 26, 2023

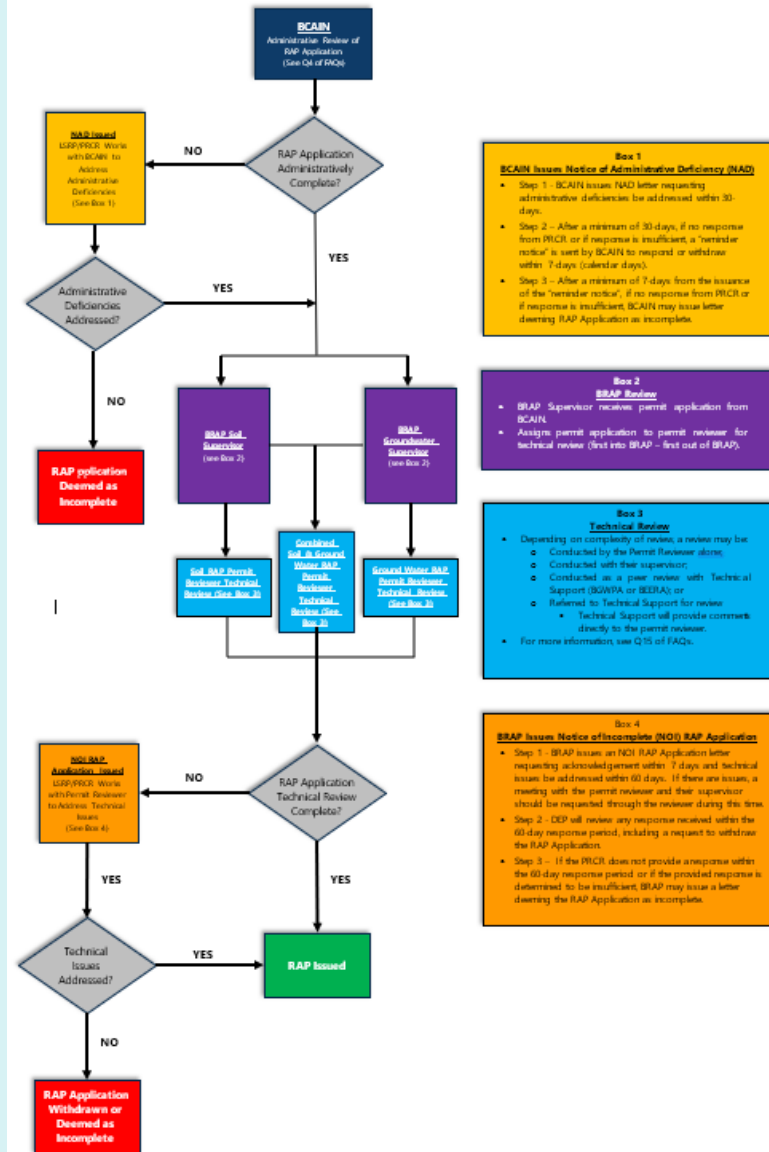


**Julian Pozzi, Bureau of Remedial Action Permitting
Contaminated Site Remediation & Redevelopment**

RAP Application Flow Chart



REMEDIAL ACTION PERMIT (RAP) APPLICATION FLOW CHART



Box 1
BCAN Issues Notice of Administrative Deficiency (NAD)

- Step 1 - BCAN issues NAD letter requesting administrative deficiencies be addressed within 30 days.
- Step 2 - After a minimum of 30 days, if no response from PRCR or if response is insufficient, a "revoker notice" is sent by BCAN to respond or withdraw within 7 days (calendar days).
- Step 3 - After a minimum of 7 days from the issuance of the "revoker notice", if no response from PRCR or if response is insufficient, BCAN may issue letter denying RAP Application as incomplete.

Box 2
BRAP Review

- BRAP Supervisor receives permit application from BCAN.
- Assigns permit application to permit reviewer for technical review (first into BRAP - first out of BRAP).

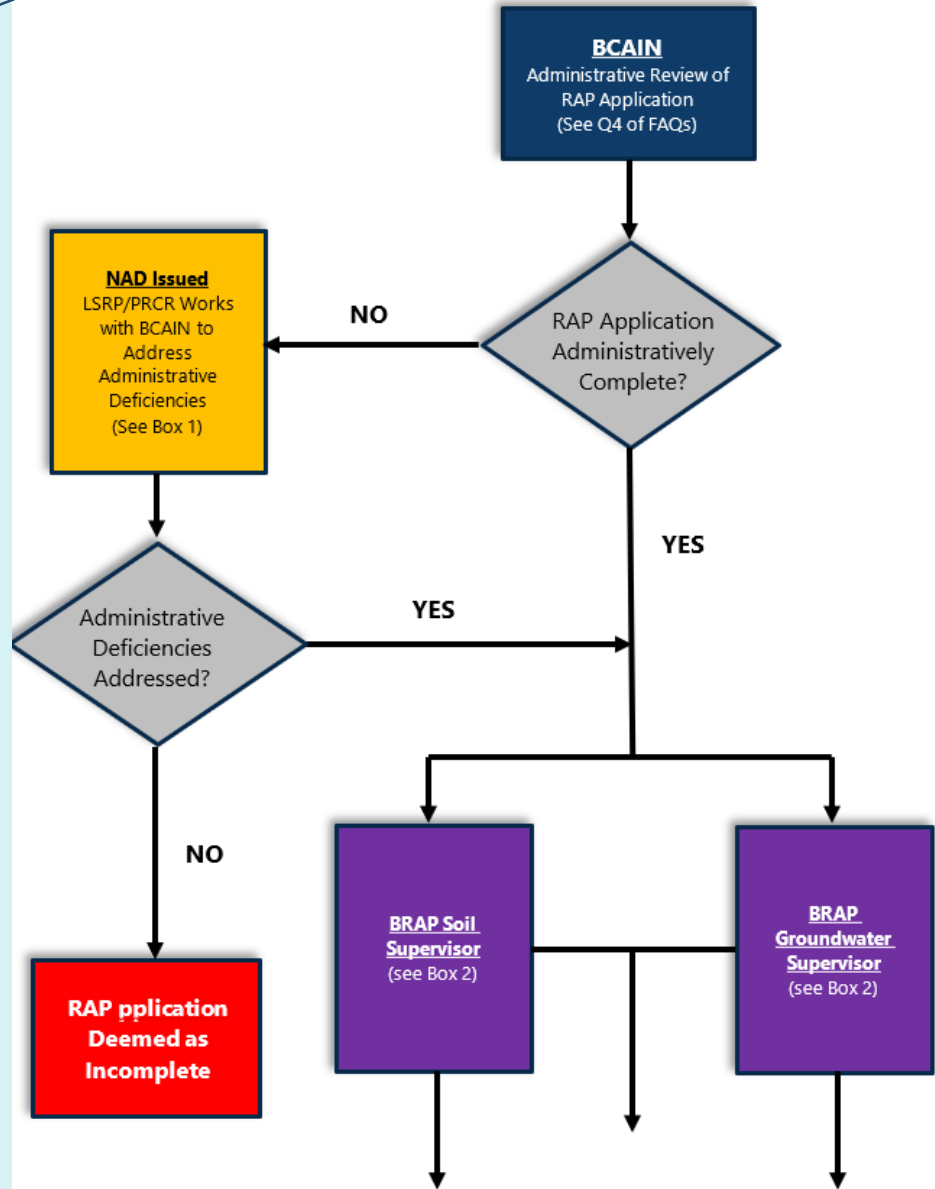
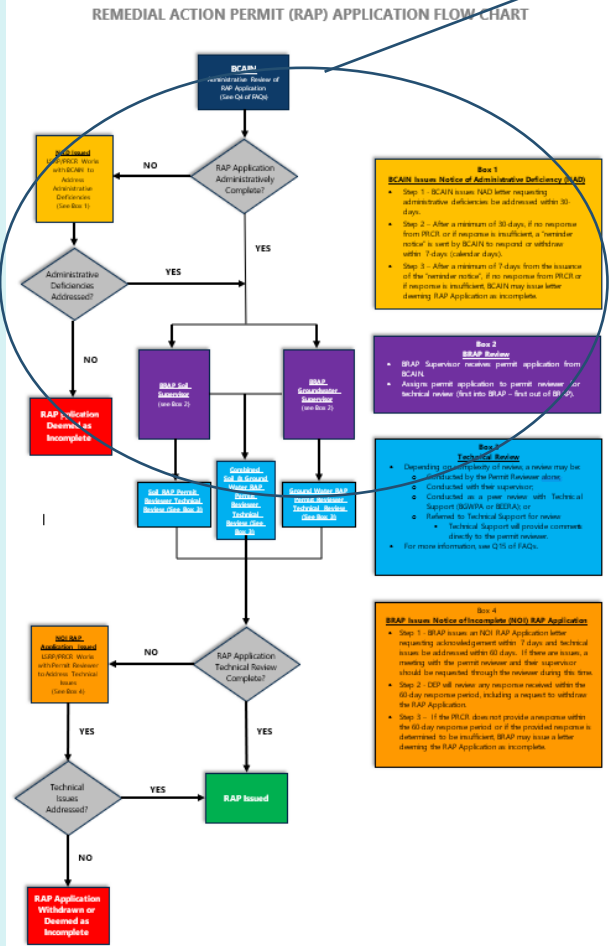
Box 3
Technical Review

- Depending on complexity of review, a review may be:
 - Conducted by the Permit Reviewer alone.
 - Conducted with their supervisor.
 - Conducted as a peer review with Technical Support (SGWPA or BEIRA), or
 - Referred to Technical Support for review.
 - Technical Support will provide comment directly to the permit reviewer.
- For more information, see Q15 of FAQs.

Box 4
BRAP Issues Notice of Incomplete (NOI) RAP Application

- Step 1 - BRAP issues an NOI RAP Application letter requesting acknowledgment within 7 days and technical issues be addressed within 60 days. If there are issues, a meeting with the permit reviewer and their supervisor should be requested through the reviewer during this time.
- Step 2 - DEP will review any response received within the 60-day response period, including a request to withdraw the RAP Application.
- Step 3 - If the PRCR does not provide a response within the 60-day response period or if the provided response is determined to be insufficient, BRAP may issue a letter denying the RAP Application as incomplete.

RAP Application Flow Chart



Box 1
BCAIN Issues Notice of Administrative Deficiency (NAD)

- Step 1 - BCAIN issues NAD letter requesting administrative deficiencies be addressed within 30-days.
- Step 2 - After a minimum of 30-days, if no response from PRCR or if response is insufficient, a "reminder notice" is sent by BCAIN to respond or withdraw within 7-days (calendar days).
- Step 3 - After a minimum of 7-days from the issuance of the "reminder notice", if no response from PRCR or if response is insufficient, BCAIN may issue letter deeming RAP Application as incomplete.

Box 2
BRAP Review

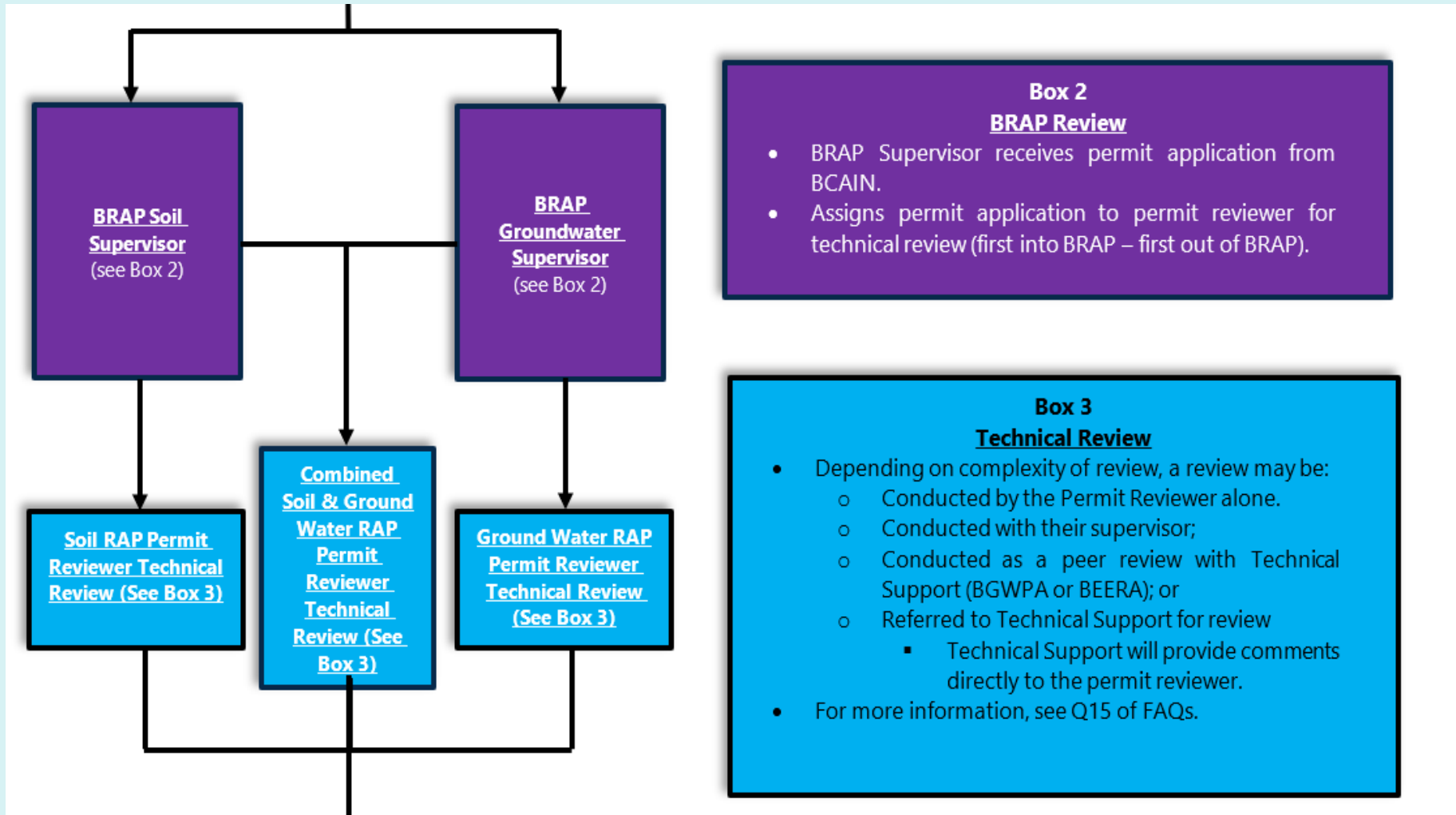
- BRAP Supervisor receives permit application from BCAIN.
- Assigns permit application to permit reviewer for technical review (first into BRAP - first out of BRAP).

What does Bureau of Case Assignment and Initial Notice (BCAIN) look for in their review of the RAP Application submittal?



- Appropriate fees are paid;
- All sections of the application are filled out;
- Proper signatures are provided;
- Site information matches current tax records and New Jersey Environmental Management System (NJEMS)/DataMiner [including, but not limited to, property owner, site address, block and lot, Person Responsible for Conducting Remediation (PRCR), and PI Number];
- Paper copy of RAP Application Form is provided; and
- Electronic copies of the required documents are provided (see Section F of RAP Applications)
- Original FA Mechanism and Remediation Cost Review and Remedial Funding Source (RFS)/FA Form have been submitted when applicable

RAP Application Flow Chart



What does BRAP look for when reviewing the Soil RAP Application submittal?



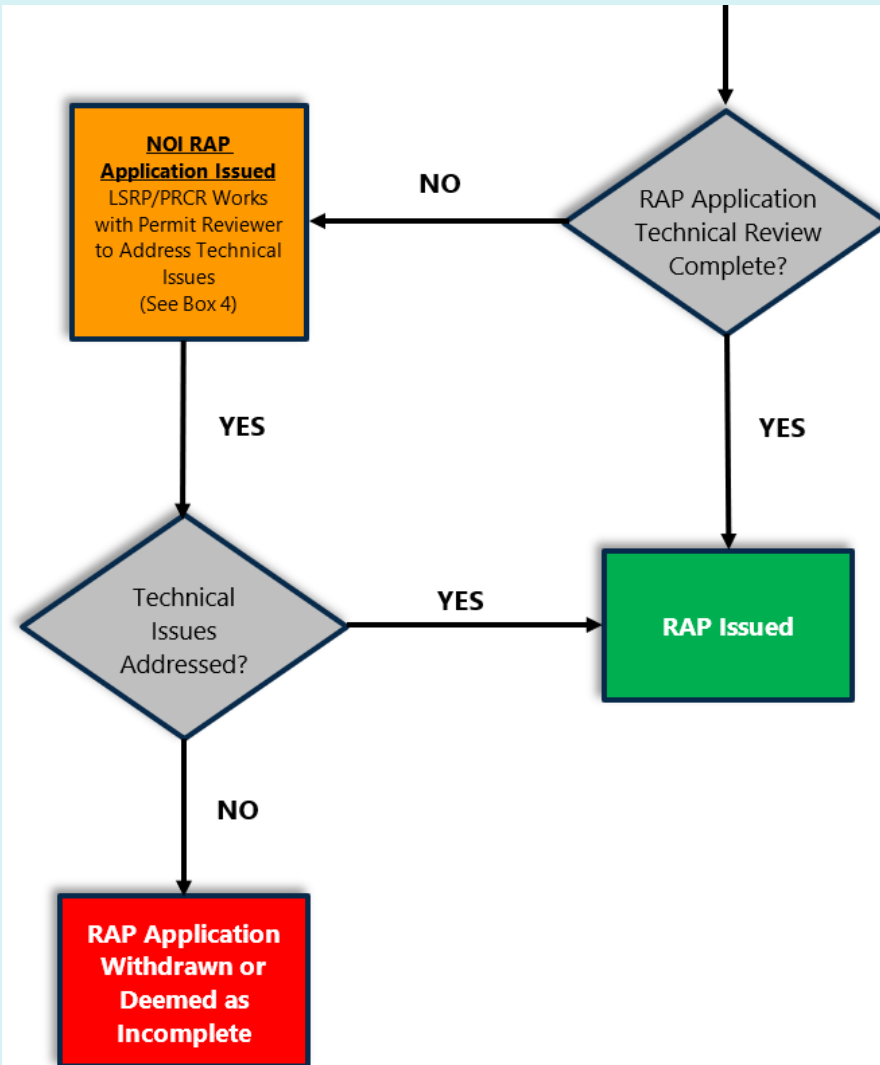
- RAP Application Form;
- • RAP Application is consistent with the DN;
- Portions of the RAR applicable to the RAP Application are consistent with rules and guidance and any variances and deviations, respectively, are properly documented;
- Receptor Evaluation (RE) Form;
- No free and residual product remains (EPH below product threshold);
- • Financial Assurance Mechanism and Remediation Cost Review and RFS/FA Form have been provided and approved by the Financial Assurance Unit, when applicable;
- Geographic Information Systems (GIS) Map of DN Shape; and
- All required documents are provided

What does BRAP look for when reviewing the GW RAP Application submittal?



- RAP Application Form;
- • Classification Exception Area / Well Restriction Area (CEA/WRA) Fact Sheet Form;
- Portions of the RAR applicable to the RAP Application are consistent with rules and guidance and any variances and deviations are documented;
- RE Form;
- Ground Water Monitoring Plan;
- Vapor Intrusion Monitoring Plan/Data;
- FA Mechanism and Remediation Cost Review (RCR) and RFS/FA Form have been provided and approved by the Financial Assurance Unit;
- • GIS Map of CEA Shape; and
- All required documents are provided

RAP Application Flow Chart



Box 4

BRAP Issues Notice of Incomplete (NOI) RAP Application

- Step 1 - BRAP issues an NOI RAP Application letter requesting acknowledgement within 7 days and technical issues be addressed within 60 days. If there are issues, a meeting with the permit reviewer and their supervisor should be requested through the reviewer during this time.
- Step 2 - DEP will review any response received within the 60-day response period, including a request to withdraw the RAP Application.
- Step 3 - If the PRCR does not provide a response within the 60-day response period or if the provided response is determined to be insufficient, BRAP may issue a letter deeming the RAP Application as incomplete.

Remedial Action Report (RAR) Flow Chart

July 26, 2023

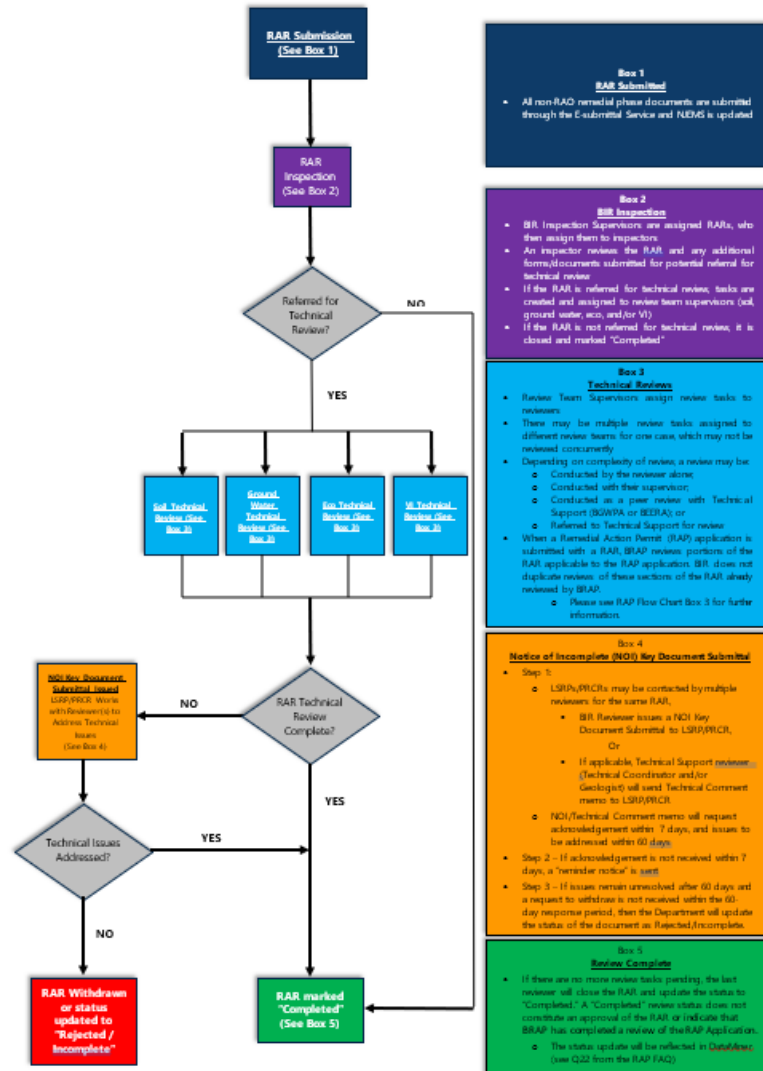


**Dominik Hudyka, Bureau of Inspection & Review
Contaminated Site Remediation & Redevelopment**

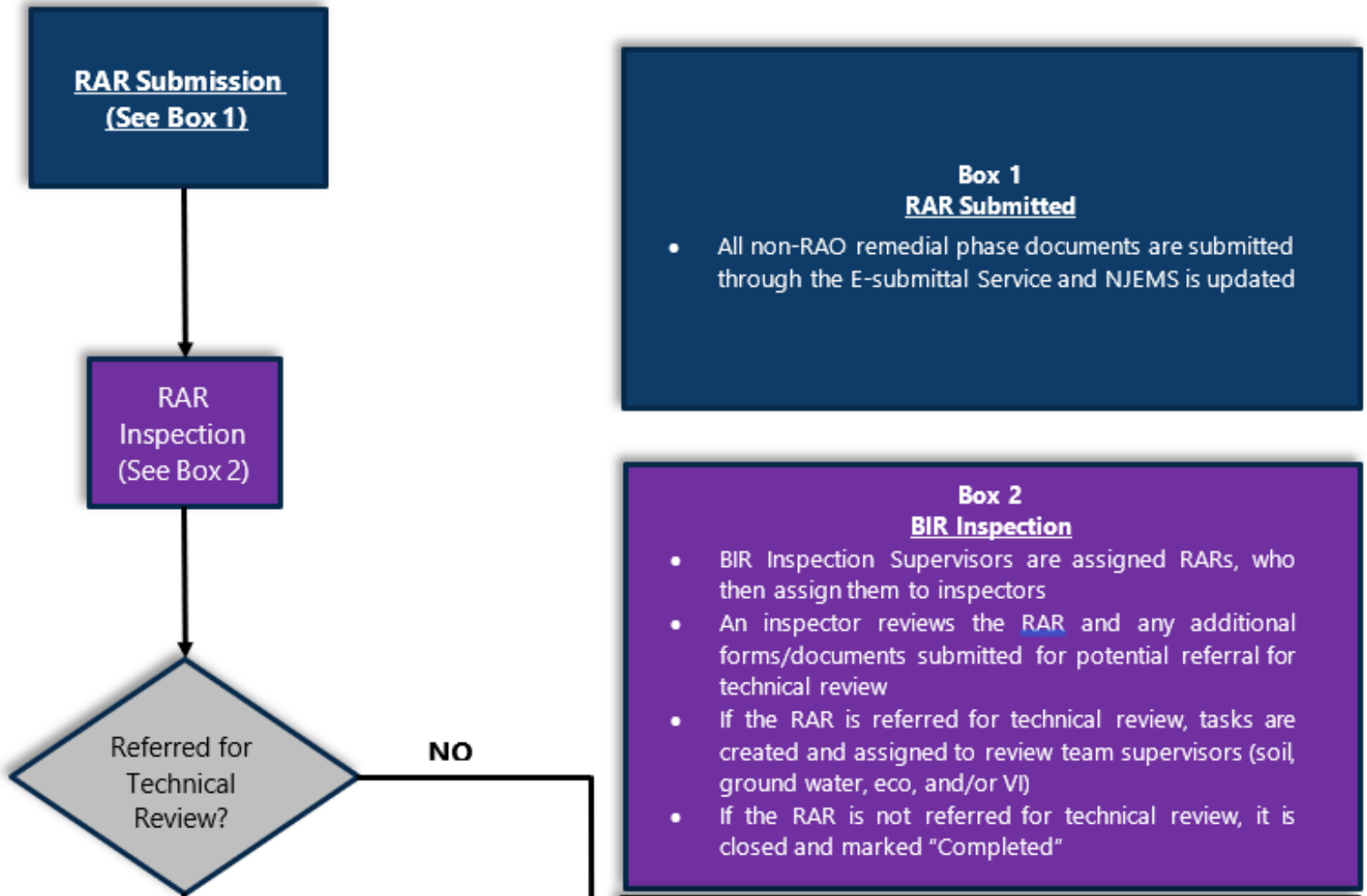
RAR Flow Chart



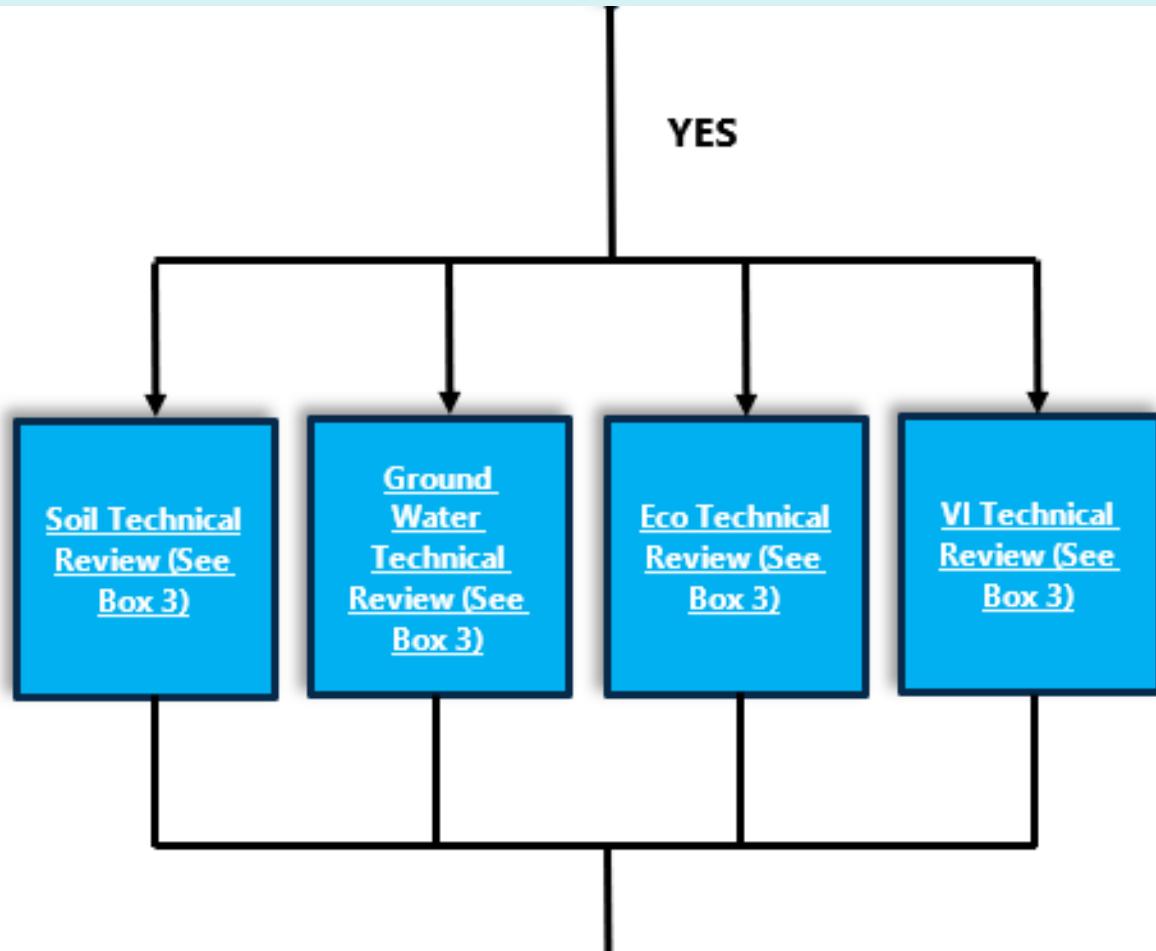
REMEDIAL ACTION REPORT (RAR) FLOW CHART



RAR Flow Chart



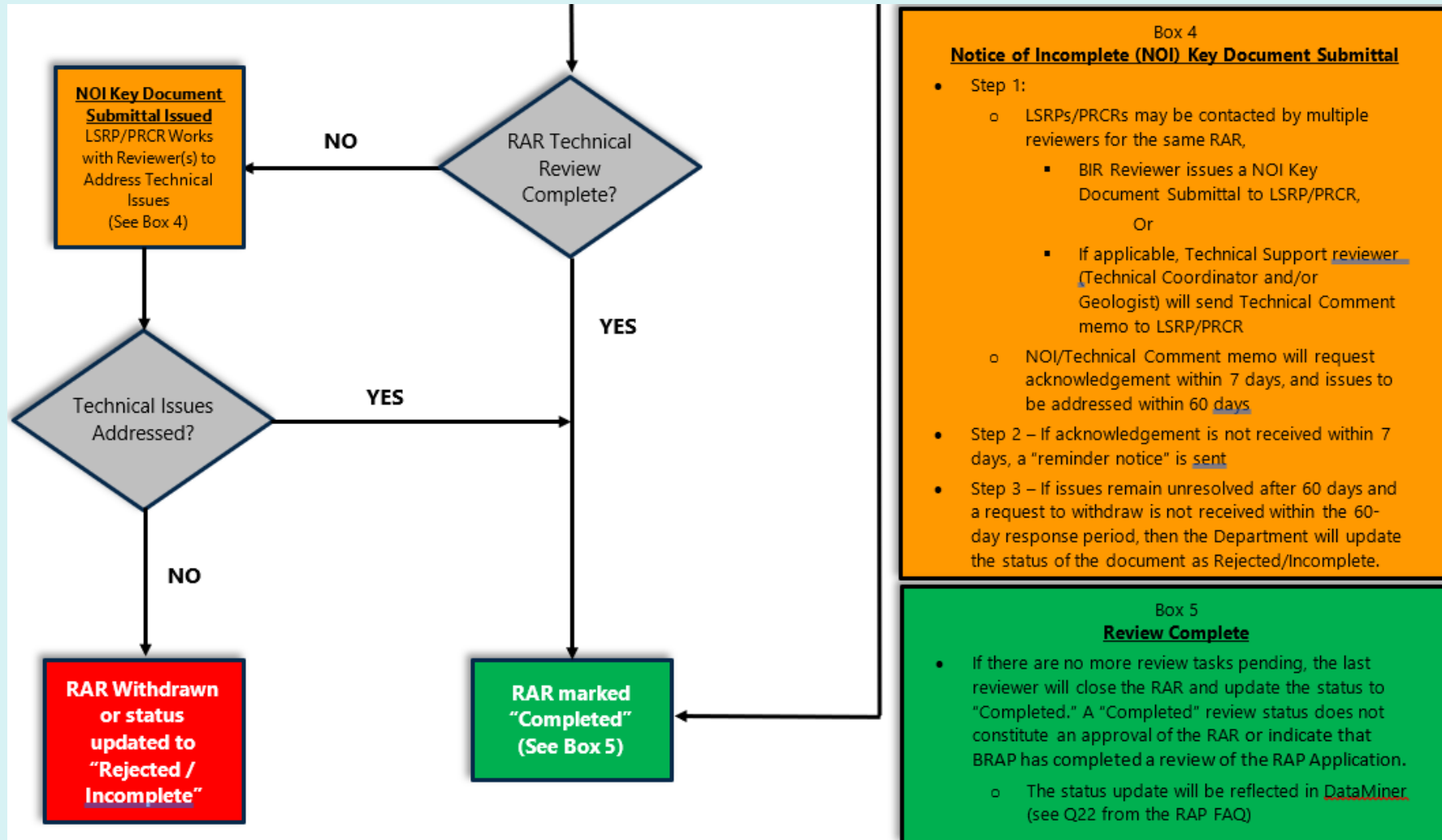
RAR Flow Chart



Box 3 **Technical Reviews**

- Review Team Supervisors assign review tasks to reviewers
- There may be multiple review tasks assigned to different review teams for one case, which may not be reviewed concurrently
- Depending on complexity of review, a review may be:
 - Conducted by the reviewer alone;
 - Conducted with their supervisor;
 - Conducted as a peer review with Technical Support (BGWPA or BEERA); or
 - Referred to Technical Support for review
- When a Remedial Action Permit (RAP) application is submitted with a RAR, BRAP reviews portions of the RAR applicable to the RAP application. BIR does not duplicate reviews of these sections of the RAR already reviewed by BRAP.
 - Please see RAP Flow Chart Box 3 for further information.

RAR Flow Chart



Notice of Incomplete (NOI) RAP Application Questions

July 26, 2023



**Lynne Mitchell, Assistant Director, Remediation Review Element
Contaminated Site Remediation & Redevelopment**

Q2: What is expected when the Department issues an NOI RAP Application or an NOI Key Document Submittal for a RAP Application and RAR?



A: All timeframes identified in NJEMS remain as indicated and are not changed based on the issuance of an NOI RAP Application or an NOI Key Document Submittal. All issues should be addressed and resolved within the 60-day response period provided in the NOI RAP Application or NOI Key Document Submittal. No additional response time will be provided beyond the 60 days. If the issues cannot be addressed within the 60-day response period, an email should be sent to the Department requesting the withdrawal of the RAP Application and, if necessary, the RAR. If a satisfactory response is not provided or if a withdrawal request is not received, the Department may reject the application or report as incomplete

Q2: What is expected when the Department issues an NOI RAP Application or an NOI Key Document Submittal for a RAP Application and RAR? (continued)



If the above documents are withdrawn or rejected as incomplete, then a new RAP application and, if necessary, RAR must be submitted to the Department. The new submittals must address the issues identified in the NOI RAP Application or NOI Key Document Submittal

What This Means



- Notice of Technical Deficiencies will be replaced by NOI RAP Application/Key Document
- Response time will be 60 days (was 30) to either conduct additional remedial measures, provide additional information/clarification, or both
- If 60 days is not enough time, withdraw the permit application
- A new application/report would then need to be submitted that addresses the issues raised in the NOI

What This Means (continued)



- If the issues are not addressed satisfactorily within 60 days and the application is not withdrawn, the application may be deemed incomplete and rejected
- If timeframes have been missed, enforcement actions by the Department could result from withdrawing the documents or from the Department deeming the documents incomplete

Test Your Knowledge

Poll #1

You have 60 days to respond to an NOI RAP Application or an NOI Key Document Submittal.

- A. True
- B. False

Poll #1

You have 60 days to respond to an NOI RAP Application or an NOI Key Document Submittal.

A. True

B. False

Q3: How can concerns be addressed if there is disagreement with the comments raised in the NOI RAP Application or NOI Key Document Submittal?



A: If there are disagreements with the comments provided by the Department on the NOI RAP Application or NOI Key Document Submittal, then the PRCR/LSRP should provide further clarification in a written response to the reviewer within the required response period. If the PRCR/LSRP does not agree with or address all issues raised by the Department, or the Department informs the PRCR/LSRP that outstanding issues remain, then the PRCR/LSRP can request a meeting with the reviewer and their supervisor to further discuss the Department's comments on the NOI RAP Application or NOI Key Document Submittal. Additional Department technical support staff may participate in these meetings if appropriate

What This Means



- The supervisor will sign off on the NOI and is already aware of the issues raised
- If the PRCR/LSRP does not agree with the comments/concerns raised, provide your response within 60 days
- Staff has been instructed to respond to NOI responses ASAP to expedite the response process
- Additional time may be offered if delays occurred because of the Department

What This Means (continued)



- If the PRCR/LSRP has concerns after talking with the permit writer, raise your concerns through the management chain (not through a tech consult)
- Request a meeting with the bureau chief if issues not resolved with the supervisor
- Request a meeting with the assistant director if issues not resolved with the bureau chief

RAP Application and RAR Submittal FAQs and Flow Charts Training

July 26, 2023



Questions?

RAP Application Administrative Questions

July 26, 2023



Marlene B. Lindhardt, LSRP
Lindhardt Environmental Consulting, LLC

Q4: What does the BCAIN look for in their review of the RAP



Application submittal?

BCAIN conducts an administrative review of the following items:

- Appropriate fees are paid;
- All sections of the application are filled out;
- Proper signatures are provided;
- Site information matches current tax records and NJEMS/DataMiner [including, but not limited to, property owner, site address, block and lot, PRCR, and PI Number];
- Paper copy of RAP Application Form is provided; and
- Electronic copies of the required documents are provided (Section F of RAP Application Form)

Q5: How soon after the RAR is submitted should the RAP Application be submitted?



- The RAP Application should be submitted at, or close to, the same time as the RAR
- If an RAP is proposed in the RAR, the RAR will be considered incomplete without a RAP Application. This could delay meeting a required timeframe
- The LSRP cannot issue the Remedial Action Outcome (RAO) until all necessary RAPs are obtained

Q6: If the LSRP has only been retained for a specific Area of Concern (AOC), can a RAP be issued for that specific AOC?



- Yes, a large site may have multiple AOCs with AOC-specific discharges reported at different times and on different schedules
- An AOC-specific RAP can be obtained as long as there is an RAR that addresses that AOC
- The RAR could also address other AOCs that are not included in the RAP application

Q6: If the LSRP has only been retained for a specific AOC, can a RAP be issued for that specific AOC? (continued)



Example:

- A site had a benzene, toluene, ethylbenzene and xylenes (BTEX) discharge from a UST in the late 1980s. Contaminated soil was removed and in-situ ground water treatment conducted. Based on updated standards, BTEX was remediated, but tetrachloroethylene (PCE) was detected. Additional treatment was conducted and MNA implemented
- While this case was ongoing, the owner wished to transfer the property and wanted a site-wide RAO to reduce liability. Multiple AOCs were identified and investigated
- Because the underground storage tank (UST) case was advancing, an AOC-specific RAR for soil and ground water was completed. An RAP for Ground Water MNA obtained. AOC-specific RAO issued

Q6: If the LSRP has only been retained for a specific AOC, can a RAP be issued for that specific AOC? (continued)



Investigation and remediation continued for remaining site AOCs

Q7: What information should be included in the section of the RAP Application titled “Other Information Provided”?



Any pertinent information such as:

- Variances from the Technical Requirements,
- Deviations from guidance documents,
- Technical consultations,
- Technical Impracticability (TI) determination proposal/approval,
- Historical Remedial Action Work Plan (RAWP) approval letters,
- Inconsistencies in NJEMS/DataMiner and tax database(s) for property information
 - <https://eTaxmaps.com>
 - https://tax1.co.monmouth.nj.us/cgi-bin/prc6.cgimenu=index&ms_user=monm&district=1301&mode=11

*Indicate if maps and tables from old reports are not completely legible or available. If necessary, submit additional information with a cover letter and attach to the RAP Application

Q8: Are Alternative Remediation Standards (ARS) forms with Synthetic Precipitation Leaching Procedure (SPLP) spreadsheets required to be submitted with the Soil RAP Application when applying alternative remediation standards to the migration to ground water (MGW) exposure pathway?



- No, these should be included in the RAR unless they were previously submitted in the Remedial Investigation Report (RIR)
- If included in the RIR, reference them in the RAR and in the “Other Information Provided” section of the Soil RAP Application
- When submitting SPLP spreadsheets, confirm you are using the current version of the SPLP calculator


Q9: Where can information regarding who is assigned to review the RAP Application be found?



- This information is in DataMiner through the “Pending Permit Progress Report.” RAP applications are initially assigned to supervisors and may not yet be assigned to a permit reviewer: <https://njems.nj.gov/DataMiner>
- Instructions for producing a Pending Permit Progress Report:
 1. Search by **Category** and select **Pending Permit Progress Reports**. Click Submit
 2. Select **Pending Permit Progress by Program Interest ID**
 3. Select **All** for programs and enter the PI number for Report Criteria. Click Submit

Q9: Where can information regarding who is assigned to review the RAP Application be found? (continued)



 **DEP DataMiner**

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Category Keyword

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Report Category Pending Permit Progress Reports

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Q9: Where can information regarding who is assigned to review the RAP Application be found? (continued)



Search by Category

Welcome to the New Jersey Department of Environmental Protection's online reports portal, NJDEP Data Miner. Within you will find a variety of reports that will provide you with up to the minute results from many different environmental media and subjects. In order to provide flexibility, many of these reports require the user to enter some criteria, which will result in a customized document.

Report Category

Pending Permit Progress Reports

Submit

Pending Permit Progress Reports

The content of this category provides the user with reports giving real time access to information regarding applications that are under review by the DEP.

▶ Backlog and InProcess LandUse Activities by PI Number

List all activities for a specific PI that are either backlogged or currently in process.

▶ Pending Permit Progress by County-Municipality

The content of this report provides the user with real time access to information regarding applications that are under review by the DEP. [Read the General Description of Pending Permit Progress Report...](#)

▶ Pending Permit Progress by Program Interest ID

Please note that you need a "Program Interest ID" number to run this report. If you do not know the ID number, please run **Find your Program Interest ID by location** or **Find your Program Interest ID by name**. Both of these reports are located under "General Environmental Reports" category. The content of this report provides the user with real time access to information regarding applications that are under review by the DEP. [Read the General Description of Pending Permit Progress Report...](#)



Q9: Where can information regarding who is assigned to review the RAP Application be found? (continued)



Pending Permit Progress by Program Interest ID - Report Criteria

Please note that you need a "Program Interest ID" number to run this report. If you do not know the ID number, please run **Find your Program Interest ID by location** or **Find your Program Interest ID by name**. Both of these reports are located under "General Environmental Reports" category. The content of this report provides the user with real time access to information regarding applications that are under review by the DEP. [Read the General Description of Pending Permit Progress Report...](#)

Select Program(s)



- All
- Air
- Hazardous Waste
- Land Use
- Site Remediation
- Solid Waste
- Water Quality
- Water Supply

Enter Program Interest ID:



View Report by Pages

Submit

Q9: Where can information regarding who is assigned to review the RAP Application be found? (continued)



Remedial Action Permit

Program Description	DEP Contact Name	DEP Contact Phone
Site Remediation	Duty Officer	(609) 984 - 2990
<p>Remedial Action Permits may be issued to property owners and responsible parties if there is a protective institutional or engineering control in place for contamination at a site.</p>		

Remedial Action Permit - Initial Soil

Clock	Days Allotted	Days Elapsed	Days Remaining	Permit Review Status
Ticking	120	58	62	In Process

Standard Tasks	Completed Date	Assigned To
Receive Application	5/19/23	LSRP, Clearing House
Start Administrative Review	5/25/23	LSRP, Clearing House
End Administrative Review	6/6/23	LSRP, Clearing House
Start Technical Review		Infanger, Michael
End Technical Review		Infanger, Michael
Issue Final Decision		Infanger, Michael

Final Decision awaiting from: **Infanger, Michael**

Q10: What version of the RAP Application should be used?



- Always check that the latest version of forms are used each time a RAP application is being submitted
- Forms are available at:
<http://www.nj.gov/dep/srp/srra/forms/>
- If an old form is used, BCAIN may ask for the application to be resubmitted using the current application

RAP Application Tips



- Review the RAP Application Form instructions and the applicable guidance
- The LSRP should complete the RAP Application form
- If a staff member is used to complete the form, the LSRP should carefully review it
- Double check for typos

RAP Application Tips – Soil and Ground Water RAP



- Check that Section A information matches what is shown in DataMiner
- Include Municipal Block(s) and Lot(s) of the entire site, not just your AOC. Confirm these match the Deed Notice. Also check:
https://tax1.co.monmouth.nj.us/cgi-bin/prc6.cgi?menu=index&ms_user=monm&district=1301&mode=11
- Check that all fees have been paid when the application is submitted. Print the DataMiner report for your file

RAP Application Tips – Soil and Ground Water RAP



- Check with the PRCR to confirm the Fee Billing Contact Information
- Confirm PRCR contact information is current. If information has changed since previous submittals, submit a Site Contact and Information Update Form. (LSRP does not certify this form)
- Confirm current property owner contact information

RAP Application Tips – Soil and Ground Water RAP



- Confirm the required documents are provided and are in the proper format (hard copy, CD or online submittal.) If online submittal, include a copy of the notice that the document was submitted
- Make liberal use of Section K to describe issues that could affect the review and issuance of the RAP. Include specific references to variances from regulations and deviations from guidance
- Check to make sure all Property Owner information is correct
- Review addendum requirements and submit, if necessary

RAP Application Tips - Soil



- Confirm the Deed Notice information on the form matches the actual Deed Notice
- If the County does not supply Book and Page Numbers, state “Not Available”
- If Historic Fill is impacting GW and you have contaminated GW from a different discharge, you will need separate/overlapping CEAs
- For questions that refer to the RAR, confirm the information in the RAR is correct and complete
- For the contaminants at the site, list all contaminants still present that require the use of a Deed Notice. Check the RAR data tables to confirm concentrations and depths. Cross check to the Deed Notice

RAP Application Tips - Soil



- Check that the information for the engineering control matches Exhibit C of the Deed Notice
- FA is only required if engineering control is present. Follow instructions for RFS/FA form. Use correct model letter
- Section J Vapor Intrusion Summary applies when VI issues are the result of soil contamination and not ground water contamination

RAP Application Tips – Ground Water



- Confirm plume delineation or explain variance from Tech Regs
- For MNA, confirm requirements have been met in the MNA guidance document or explain deviance
- Confirm sentinel well location and results or explain deviance
- Confirm remediation of soil and free and/or residual product or explain deviance
- For Active Ground Water Remediation, confirm decreasing concentrations or stable plume
- If offsite source is present, include hotline communication number
- If contamination is due to natural background, provide explanation

RAP Application Tips – Ground Water



- FA is only necessary if there is an engineering control for GW or VI. Follow instructions for RFS/FA form and use correct model letter
- Check that the identified Land Use for CEA matches the current property use under the CEA area
- Confirm that the VI investigation was completed for the trigger area and check that the form matches the RAR and other applicable reports
- Confirm affected potable well status

Financial Assurance (FA) Questions

July 26, 2023



Jennifer MacLeod, Remediation Funding Source Unit
Contaminated Site Remediation & Redevelopment

Financial Assurance (FA)



RAP Application includes an engineering control
and

One or both co-permittees NOT EXEMPT from FA

Initial RAP Application must include the following:

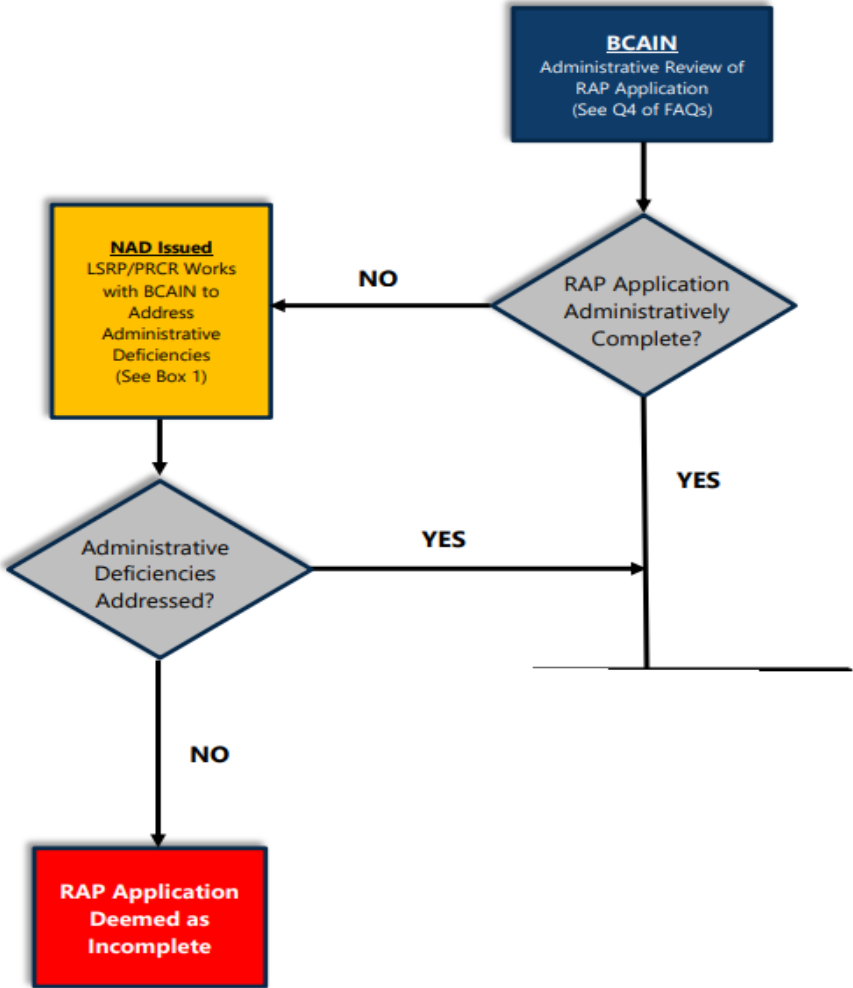
- **ORIGINAL**, hard copy, signed FA Mechanism
- Remediation Cost Review and RFS/FA Form (RCR)
- Detailed Cost Estimate for the Financial Assurance
 - O&M Costs based on the CEA duration or 30 years
 - Department fees

Missing or incorrect FA documents = RAP will be delayed/withdrawn

Financial Assurance



REMEDIAL ACTION PERMIT (RAP) APPLICATION FLOW CHART



BCAIN Admin Review includes Financial Assurance documents.
Are they received, if required?

Box 1
BCAIN Issues Notice of Administrative Deficiency (NAD)

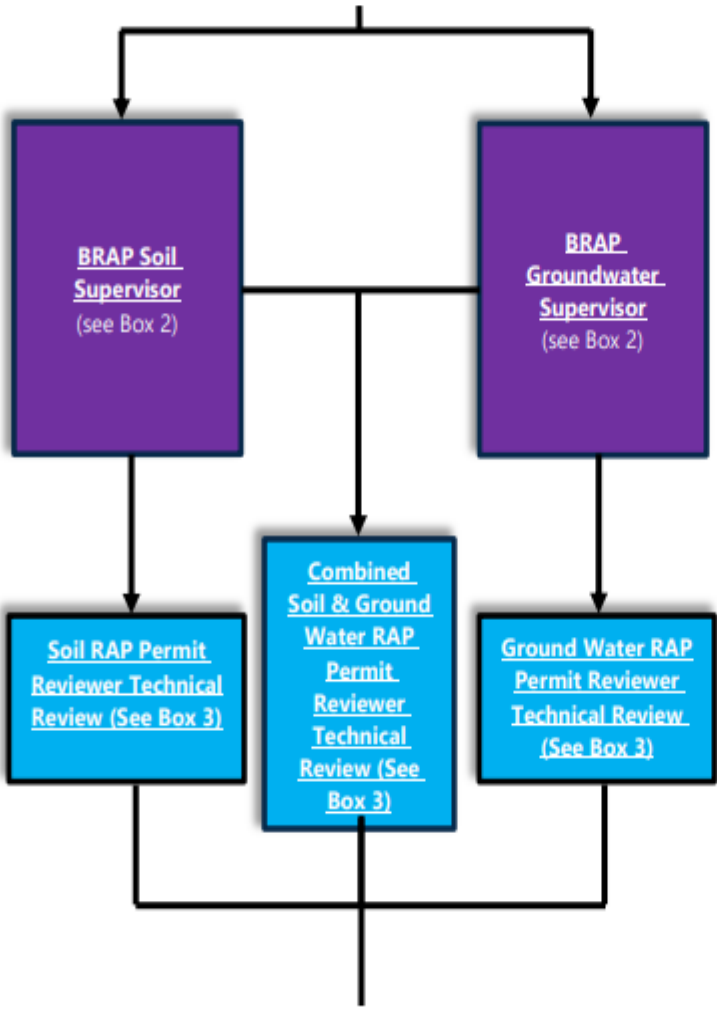
- Step 1 - BCAIN issues NAD letter requesting administrative deficiencies be addressed within 30-days.
- Step 2 - After a minimum of 30-days, if no response from PRCR or if response is insufficient, a "reminder notice" is sent by BCAIN to respond or withdraw within 7-days (calendar days).
- Step 3 - After a minimum of 7-days from the issuance of the "reminder notice", if no response from PRCR or if response is insufficient, BCAIN may issue letter deeming RAP Application as incomplete.

Financial Assurance



RFS/FA Unit Review

Are the FA documents complete and acceptable?



Box 2
BRAP Review

- BRAP Supervisor receives permit application from BCAIN.
- Assigns permit application to permit reviewer for technical review (first into BRAP – first out of BRAP).

Box 3
Technical Review

- Depending on complexity of review, a review may be:
 - Conducted by the Permit Reviewer alone;
 - Conducted with their supervisor;
 - Conducted as a peer review with Technical Support (BGWPA or BEERA); or
 - Referred to Technical Support for review
 - Technical Support will provide comments directly to the permit reviewer.
- For more information, see Q15 of FAQs.

Financial Assurance Mechanisms



Acceptable FA mechanisms include:

- Letter of Credit, N.J.A.C. 7:26C-5.7
- Line of Credit, N.J.A.C. 7:26C-5.6
- Remediation Trust Fund Agreement, N.J.A.C. 7:26C-5.4
- Environmental Insurance Policy, N.J.A.C. 7:26C-5.5
- Surety Bond – N.J.S.A. 58:10B-3.i

FA model documents with **new beneficiary address (Mail Code 401-06K)** now online.

FA Coordinator not RFS Coordinator

Be sure the citation is for FA: **N.J.S.A. 58:10C-19 and N.J.A.C. 7:26C-5 et seq.**

and NOT RFS N.J.S.A. 58:10B-3 and N.J.A.C. 7:26C-5

Missing or incorrect FA documents = RAP will be delayed/withdrawn

Financial Assurance Mechanisms



Use the Model Documents (Forms Page)
<https://www.nj.gov/dep/srp/srra/forms/>

Remedial Action Permit Forms	Download
► Financial Assurance (FA)	
● Remediation Trust Fund Agreement for FA - Please see N.J.A.C. 7:26C-5.4 for specific requirements	Remediation Trust Fund Agreement for FA
● Line of Credit Agreement for FA - Please see N.J.A.C. 7:26C-5.6 for specific requirements.	Line of Credit Agreement for FA
● Letter of Credit for FA - Please see N.J.A.C. 7:26C-5.7 for specific requirements.	Letter of Credit for FA
● Environmental Insurance Policy - Please see DEP's regulatory requirements at N.J.A.C. 7:26C-5.5.	
● Surety Bond - Please see N.J.S.A. 58:10B-3.i for specific requirements.	Surety Bond

Financial Assurance Mechanisms



- Model Documents (RFS/FA Guidance Page)

<https://www.nj.gov/dep/srp/guidance/rfsguide/>

Financial Assurance (FA) - *(To be used for Remedial Action Permits only)*

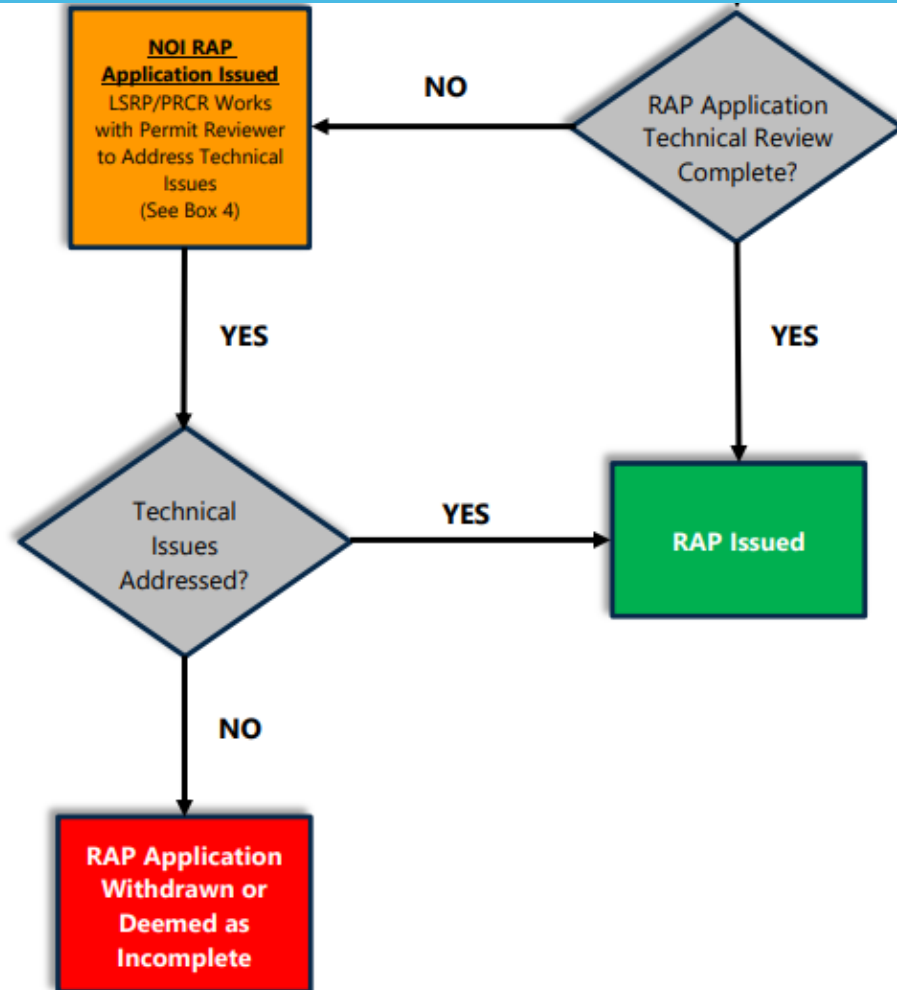
- [Remediation Trust Fund Agreement for FA](#) - Please see [N.J.A.C. 7:26C-5.4](#) for specific requirements.
- [Line of Credit Agreement for FA](#) - Please see [N.J.A.C. 7:26C-5.6](#) for specific requirements.
- [Letter of Credit for FA](#) - Please see [N.J.A.C. 7:26C-5.7](#) for specific requirements.
- Environmental Insurance Policy - Please see DEP's regulatory requirements at [N.J.A.C. 7:26C-5.5](#).
- [Surety Bond](#) - Please see N.J.S.A. 58:10B-3.i for specific requirements.

Financial Assurance Mechanisms



- Language **CANNOT** be changed or modified from FA Model Document
 - Strictly adhere to the language
 - Site and contact information is inserted in the appropriate places only
- If the lender will not use the Department's FA model document, then your client needs to find a new lender

Financial Assurance



- Step 1 - BRAP issues an NOI RAP Application letter requesting acknowledgement within 7 days and technical issues be addressed within 60 days. If there are issues, a meeting with the permit reviewer and their supervisor should be requested through the reviewer during this time.
- Step 2 - DEP will review any response received within the 60-day response period, including a request to withdraw the RAP Application.
- Step 3 - If the PRCR does not provide a response within the 60-day response period or if the provided response is determined to be insufficient, BRAP may issue a letter deeming the RAP Application as incomplete.

RFS/FA Unit Review

Deficiency Email will be sent for corrections to FA documents.

RAP will be deemed Incomplete if issues not addressed.

Q11: Will the Department accept copies of a Letter of Credit or Line of Credit Agreements?



A: No, the Department cannot issue a RAP without the original, signed Letter of Credit or Line of Credit Agreement. However, if the original, signed copy is being provided to the Department directly from the lender, then a copy should be attached to the Remediation Cost Review and RFS/FA Form that is provided with the RAP Application

This is true for all FA Mechanisms – the original, hard copy must be provided to the Department

Q12: What financial document should be used for RAP Applications?



A: The FA model documents must be used for RAP Applications in accordance with N.J.A.C. 7:26C-7.10. The FA model documents are available in the RAP forms section of the Department's forms webpage (https://www.nj.gov/dep/srp/srra/forms/#rap_forms). The Department strongly recommends using the above link to avoid any confusion with the Remediation Funding Source (RFS) model documents

- The FA model documents are also available on the Remediation Funding Source and Financial Assurance Guidance webpage: (<https://www.nj.gov/dep/srp/guidance/rfsguide>), under the heading “Financial Assurance (FA) - (To be used for Remedial Action Permits only)”, in the “What are acceptable RFS and Financial Assurance (FA) mechanisms?” section. Using the wrong model document will cause a delay in issuing the RAP

Missing or incorrect FA documents = RAP will be delayed/withdrawn

Q13: What information should financial institutions include on the Financial Assurance Mechanism?



A: The following information is required to be included on the Financial Assurance Mechanism:

- The SRP PI number to ensure that the FA document is associated with the correct RAP Application;
- the Spill Act/ Industrial Site Recovery Act (ISRA) Case # (if applicable);
- the site name;
- the site address; and
- any additional specific site identifier that may be helpful to match the FA document to the proper site

This information should also be provided when submitting revised FA documents. The financial institution should put the SRP PI number on Letter of Credit amendments. Generally, it is the applicant who needs to request that the financial institution include the SRP PI number because the financial institution might not be aware of this requirement.

NOTE: RFS PI numbers and FA Activity numbers will now be created for all FA

Q14: What is the correct mailing address for financial institutions to send Financial Assurance documents?



A:

USPS Address:

NJ Department of Environmental Protection

FA Coordinator, DETFS 6th Floor

Mail Code 401-06K

P.O. Box 420

Trenton, NJ 08625-0420

For Overnight Couriers:

NJ Department of Environmental Protection

FA Coordinator, DETFS 6th Floor

Mail Code 401-06K

401 East State Street

Trenton, NJ 08608

RAP Application and RAR Submittal FAQs and Flow Charts Training

July 26, 2023



Questions?

RAP Application Technical Questions

July 26, 2023



Michelle Tomaszewski, LSRP
GEI Consultants

Technical Questions



- Document, Document, Document!
 - RAP forms outline required documentation, include it

Q15: What does the Bureau of Remedial Action Permitting look at when reviewing the RAP application submittal?



Soil List from FAQs:

- RAP Application Form;
- RAP Application is consistent with the Deed Notice (i.e., Sections G and H match information in Deed Notice);
- *Portions of the Remedial Action Report applicable to the RAP Application are consistent with rules and guidance [e.g., vertical and horizontal delineation via single point compliance (modeling is unacceptable at the RA stage), cap protectiveness, presumptive remedy if applicable, Deed Notice is accurate, receptors evaluated, migration to groundwater exposure pathway addressed] and any variances and deviations, respectively, are properly documented;
- Receptor Evaluation Form;
- No free and residual product remains (EPH below product threshold);
- Financial Assurance Mechanism and Remediation Cost Review and RFS/FA Form have been reviewed by the Financial Assurance Unit;
- GIS Map of Deed Notice Shape; and
- All required documents are provided.

Q15: What does the Bureau of Remedial Action Permitting look at when reviewing the RAP application submittal? (continued)



• GW List from FAQs:

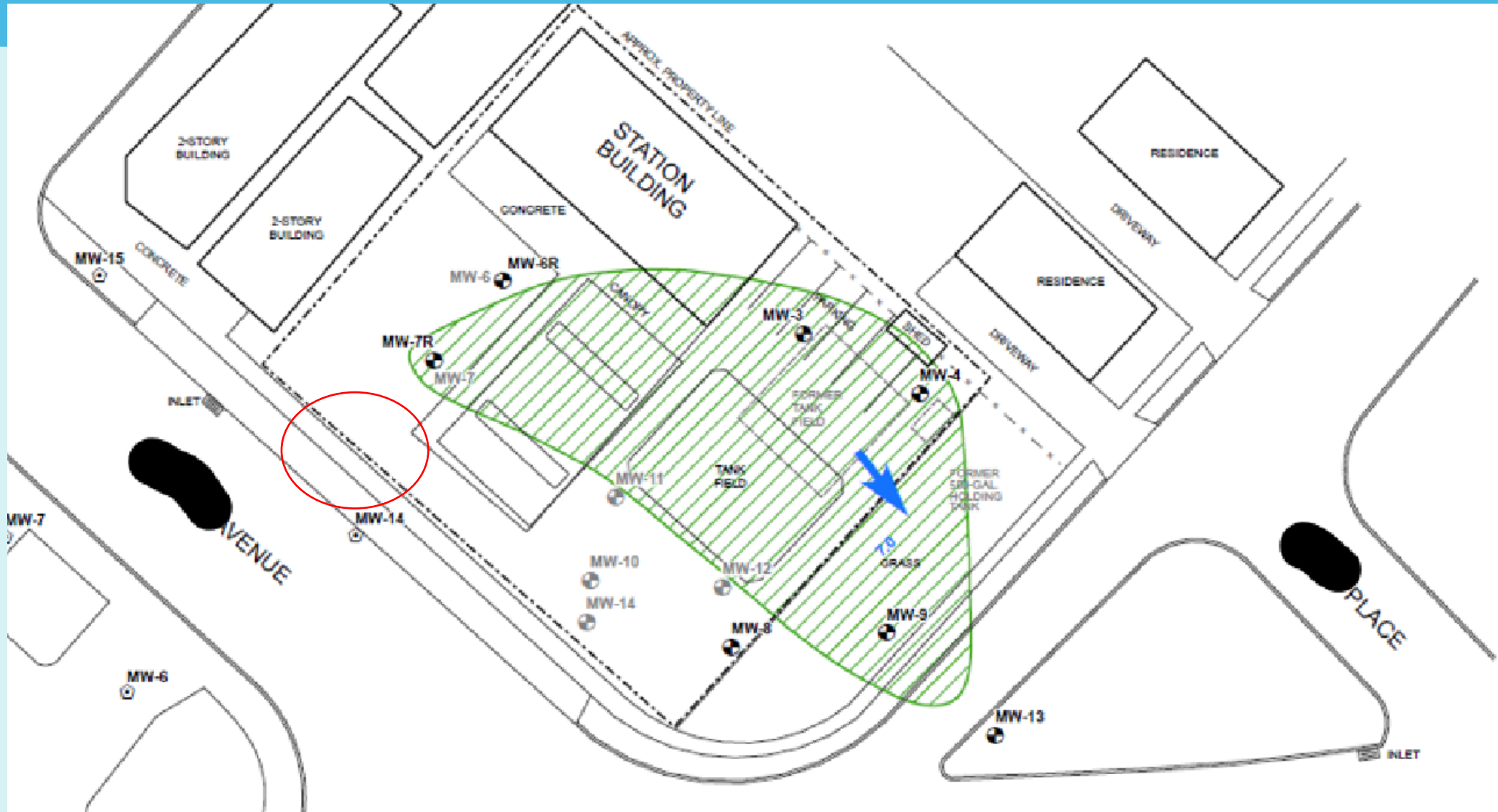
- RAP Application Form;
- Classification Exception Area / Well Restriction Area (CEA/WRA) Fact Sheet Form (e.g., constituents and concentrations are correct, ground water flow direction is correct, CEA duration is appropriate and fate and transport calculations documented, CEA boundary is drawn to clean sampling points);
- *Portions of the Remedial Action Report applicable to the RAP Application are consistent with rules and guidance [e.g., proper source area wells, vertical and horizontal delineation via single point compliance (modeling is unacceptable at the RA stage), review ground water data to ensure remedial approach is acceptable (supports MNA or active remediation), receptors evaluated] and any variances and deviations, respectively, are documented;
- Receptor Evaluation Form;
- No free and residual product remains for MNA RAPs;
- Ground Water Monitoring Plan;
- Vapor Intrusion Monitoring Plan/Data;
- Financial Assurance Mechanism and Remediation Cost Review and RFS/FA Form have been reviewed by the Financial Assurance Unit;
- GIS Map of CEA Shape; and
- All required documents are provided.

Q16: Where should vertical delineation groundwater samples be collected?

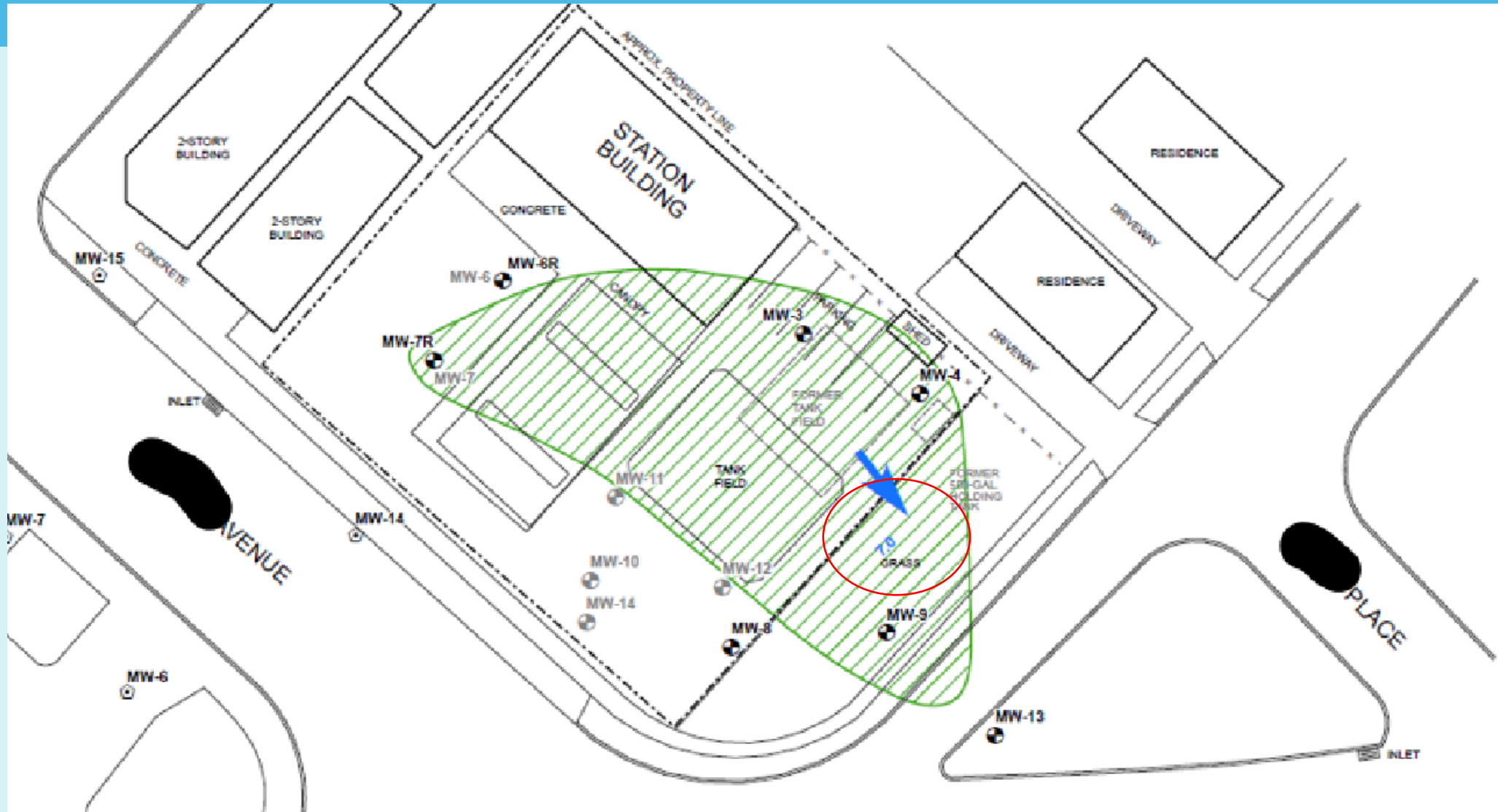


- Vertical Delineation – Groundwater
 - Should be within the former AOC/source area
 - OR
 - Place downgradient if the plume has migrated
- Follow Ground Water Site Investigation (SI)/ Remedial Investigation (RI)/ Remedial Action (RA) Performance Monitoring Technical Guidance

Q16: Where should vertical delineation groundwater samples be collected? (continued)



Q16: Where should vertical delineation groundwater samples be collected? (continued)



Q17: How should site specific decisions that vary from rule or deviate from guidance, made during the remediation, be documented in the RAP application and the RAR?



- Deviations and Variances
 - Need to be documented
 - Include lines of evidence to support Professional Judgement
 - Include summary in “Other Information Provided”
 - Include in stand-alone section in RAR

Q18: Can the PRCR vary from N.J.A.C. 7:26E Technical Requirements for Site Remediation and how should they document the variance?



SECTION K. OTHER INFORMATION PROVIDED

List any other pertinent information to support the Initial Ground Water RAP Application

A variance from the technical requirement to sample potable wells located within the sampling trigger distance is applicable for the Site (N.J.A.C. 7:26E-1.14(a)2ii). As discussed in Section 2.1 of the January 17, 2023 RAR, access to one property within the 500-foot downgradient edge of the known extent of groundwater contamination was not granted. As such, despite the request for sampling, it could not be conducted.

The lines of evidence to support this variance are included and Section 2.1 of the RAR and summarized here:

1. Access to all other surrounding potable wells was granted, and sampling conducted. The sampling results of the accessible wells indicated that the site contamination does not impact the potable wells in the area;
2. Monitoring wells located between the known extent of groundwater contamination and the inaccessible potable well were sampled and results found to be below the NJDEP GWQS. As such, these results demonstrate that a clean zone is located between the inaccessible potable well and the contaminant plume;
3. Well construction details of the potable wells and monitoring wells were reviewed, and a crosssection generated. As shown on the well logs presented in Appendix X and the cross-section in Figure X, the inaccessible potable well is screened in the same zone as the other potable and monitoring wells that were sampled.

Based on the lines of evidence presented above, varying from N.J.A.C. 7:26E-1.14(a)2ii, remains protective of public health and safety, and of the environment.

Q19: When is it recommended to request a technical consultation?



- Technical Consultation
 - Post RI, pre completion of RA
 - Technical complexity and unique or unusual circumstances
 - Document tech consult in “Other Information Provided” section

Q19: When is it recommended to request a technical consultation? (continued)



SECTION K. OTHER INFORMATION PROVIDED

List any other pertinent information to support the Initial Ground Water RAP Application

The Site status and conditions required for issuance of a RAP-Soil and RAP-Groundwater for the Site were discussed and agreed to in a in a NJDEP Technical Consultation Meeting on February 25, 2020, as documented in the RI/RAW and RA Reports. The groundwater conditions at the Site meet the requirements for issuance of the RAP-Groundwater to continue the monitoring.

Q20: How should the outcome of the technical consultation be utilized?



- Technical Consultation
 - Not an approval
 - If conditions change, the recommendations may no longer be applicable
 - If relevant data not clearly presented, recommendations may no longer be applicable
 - LSRP should memorialize and sent to the New Jersey Department of Environmental Protection (NJDEP)

Q20: How should the outcome of the technical consultation be utilized? (continued)



Thank you for taking the time on October 15, 2022, to meet at the New Jersey Department of Environmental Protection (NJDEP) office in Trenton, New Jersey regarding our planned Technical Impracticability (TI) application for the ANC property located at 1 ABC Way, New Jersey (i.e., “the Site”; PI # XXXX). In attendance at the meeting were (NJDEP), consultant, client. Below is a summary of our discussion:

1. After presenting the items in the Agenda, you indicated that the technical information was generally complete, comprehensive, and appeared to support the TI application. You indicated that the addition of the recent groundwater data set further supports the TI application. Overall, you indicated that you were generally satisfied with the information to support the TI application. However, you said a full examination of the details of the TI application will lead to a final determination by the NJDEP.
2. We indicated that we anticipate incorporating the TI application into the appropriate milestone report to the NJDEP.
3. You recommended that the submittal should incorporate the following concepts:
 - a. Location of CVOCs in the Woodbury Clay is at significant depth under an active manufacturing building. Given the technical issues, excavation of this impact is not feasible.
 - b. Groundwater plume is stable and degrading / naturally attenuating.
 - c. Receptors are not impacted.

RAR Administrative Questions

July 26, 2023

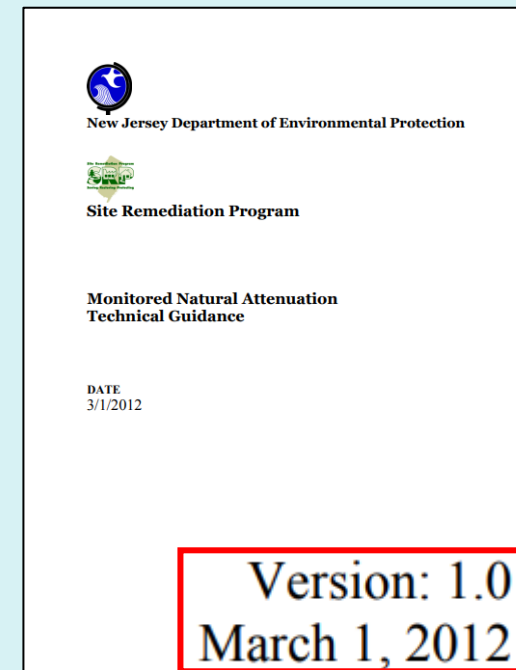
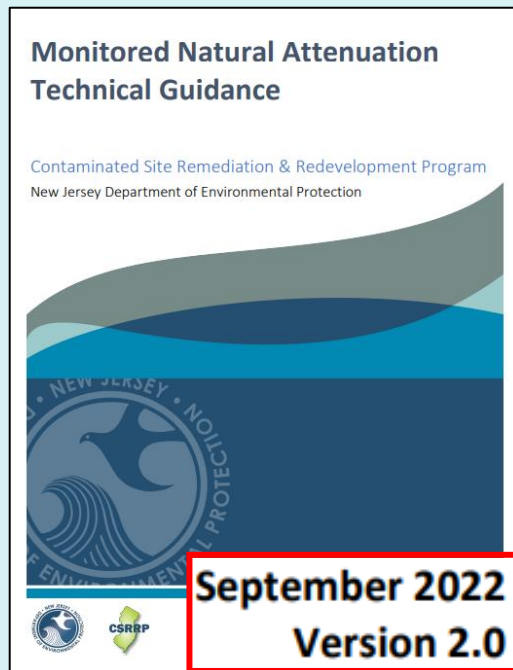


**Dominik Hudyka, Bureau of Inspection & Review
Contaminated Site Remediation & Redevelopment**

Q21: In reviewing documents, which versions of regulations and guidance does the Department use for comparison?



- When reviewing remedial phase documents, the Department compares them to regulations and guidance that were in effect at the time of submission



Q22: Where can a status update on the Department's review of the RAR be found using DataMiner?



To check RAR review status in DataMiner:
1. Select *Search by Category*

The screenshot shows the DEP DataMiner website. The header includes the DEP logo and the text 'DEP DataMiner'. Below the header is a navigation menu with 'Home', 'Search', 'Contact', and 'Help'. The main content area is divided into two columns. The left column contains an 'Introduction to DEP DataMiner' section with a red warning message about a website outage on June 22, 2023, and a green note about a web address change. The right column contains a 'Search Options' section with three buttons: 'Search by Site', 'Search by Category', and 'Search Published Documents'. The 'Search by Category' button is highlighted with a red box, and a red arrow points to it from the left.


Q22: Where can a status update on the Department's review of the RAR be found using DataMiner? (continued)



2. Select *Site Remediation* from dropdown

Search by Category

Welcome to the New Jersey Department of Environmental Protection's online reports portal, NJDEP Data Miner. Within you will find a variety of reports that will provide you with up to the minute results from many different environmental media and subjects. In order to provide flexibility, many of these reports require the user to enter some criteria, which will result in a customized document.

Report Category 

Q22: Where can a status update on the Department's review of the RAR be found using DataMiner? (continued)



3. Select *License Site Remediation Professional Comprehensive Report* under *Licensed Site Remediation Professional Information*

LICENSED SITE REMEDIATION PROFESSIONAL INFORMATION (5)



On May 7, 2009, Governor Jon Corzine signed the Site Remediation Reform Act N.J.S.A. 58:10C - 1 ("SRRRA") into law. One of the provisions of the law establishes a program for the licensing of Licensed Site Remediation Professionals ("LSRPs") who will have responsibility for the oversight of environmental investigations and cleanups. This DataMiner sub-category includes a list of individuals possessing an effective LSRP license, and reports summarizing cases that LSRPs are retained at and reports submitted by LSRPs.

▶ Financial Obligation Summary Report

This report enables the requestor to determine if there are any outstanding oversight cost bills for a given site that have not been paid. The requestor can also determine if oversight costs have been charged to the site but have not yet been included in a bill. The name of the party the Department has on record as responsible for paying the oversight bill can be found here as well as information about financial assurance for the site and oversight payment history. Among other reasons, this report can be used to assure that all oversight costs have been paid before certifying requests to proceed with remediation without the Department's oversight.

▶ License Site Remediation Professional Comprehensive Report

This report enables the user to lookup a Licensed Site Remedial Professional (LSRP); view all the documents received by SRP from the selected LSRP; and view all the projects assigned to the LSRP. This comprehensive report includes information on case status, case type, SRP review status and other administrative data. NOTE: The Active designation next the licensee's name indicates the status of the License Site Remediation Professional (LSRP) License. License Status of Inactive shows the License Number for an individual that held a Temporary LSRP License or LSRP license that has been withdrawn, suspended or the DEP has been notified that the licensee is deceased

Q22: Where can a status update on the Department's review of the RAR be found using DataMiner? (continued)



4. Enter LSRP License #

5. Unselect *View Report by Pages* to list all submissions on one page and make locating the case easier

- Please be advised that loading times may be longer for LSRPs with many submissions

License Site Remediation Professional Comprehensive Report - Report Criteria

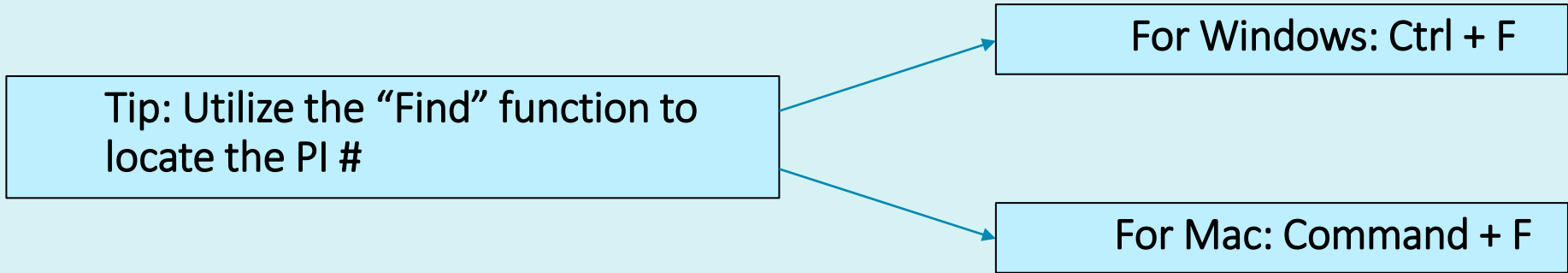
This report enables the user to lookup a Licensed Site Remedial Professional (LSRP); view all the documents received by SRP from the selected LSRP; and view all the projects assigned to the LSRP. This comprehensive report includes information on case status, case type, SRP review status and other administrative data. NOTE: The Active designation next the licensee's name indicates the status of the License Site Remediation Professional (LSRP) License. License Status of Inactive shows the License Number for an individual that held a Temporary LSRP License or LSRP license that has been withdrawn, suspended or the DEP has been notified that the licensee is deceased

License #:

Note: Some reports can return 1000s of records. Therefore, it is recommended that the 'View Report by Pages' option be selected.

View Report by Pages

Q22: Where can a status update on the Department's review of the RAR be found using DataMiner? (continued)



License #	Licensee	License Status
[REDACTED]	[REDACTED]	Active
[REDACTED]	[REDACTED]	Inactive

Documents Submitted By Licensee

PI Number	Project Activity PI Name	Activity #	Status	Document	Date document recieved/logged *	Inspector Completed Date	Review Completed Date
[REDACTED]	[REDACTED]	LSD [REDACTED]	Pending	RAR	[REDACTED]	[REDACTED]	

Q22: Where can a status update on the Department's review of the RAR be found using DataMiner? (continued)



- BIR may conduct multiple technical component reviews which may not be reviewed concurrently
- “Completed” review status does not constitute approval of RARs or indicate that BRAP has completed review of RAP application
- BIR does not duplicate reviews associated with RAP

Status	Document
Completed	RAR

Q23: What figures should be provided in the RAR when submitting a RAP Application?



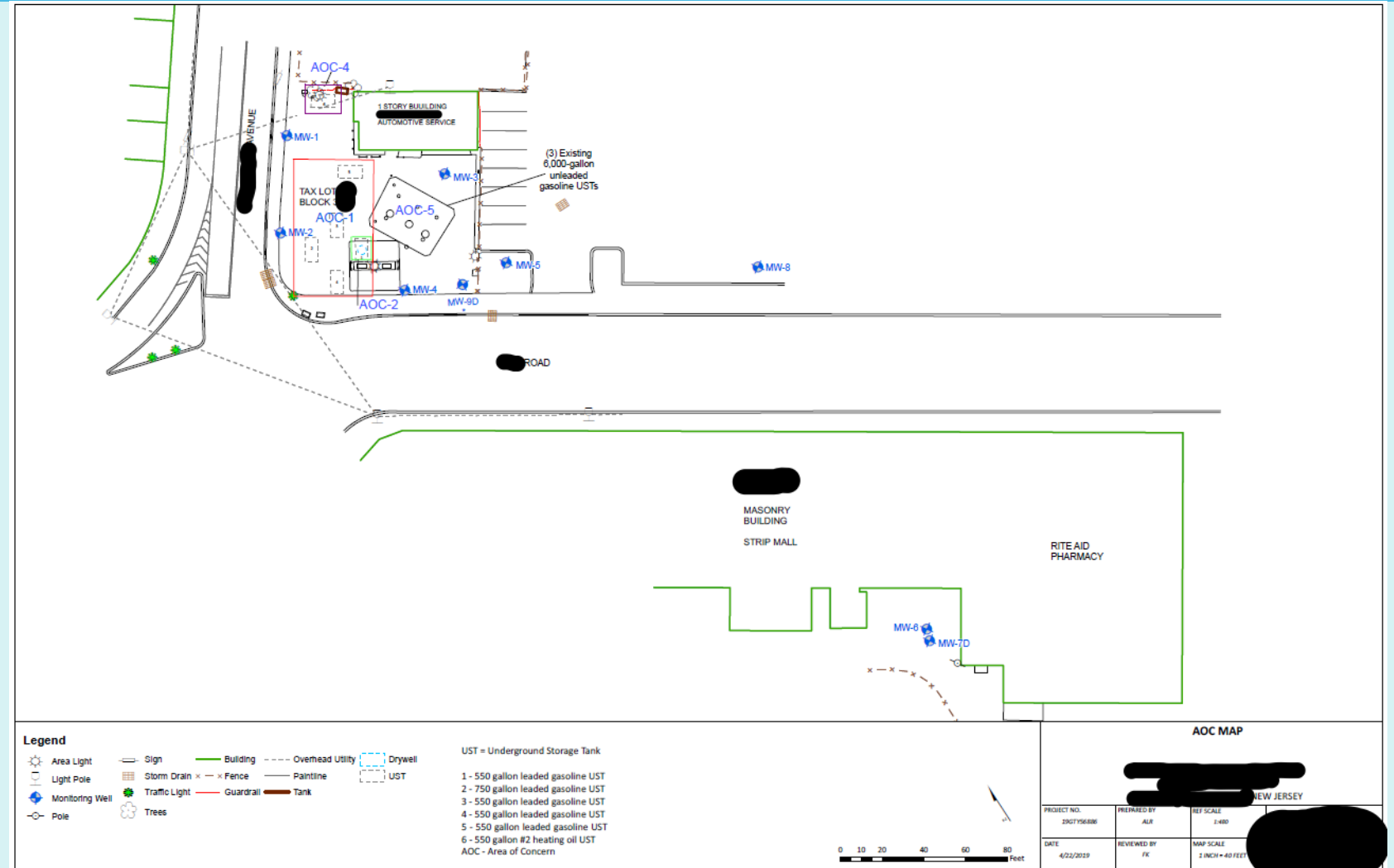
- Include all applicable required figures pursuant to N.J.A.C. 7:26E-1.6 and 5.7
- Common deficiencies associated with RAR figures:
 - AOC map(s) missing
 - AOCs where prior remedial actions occurred not identified
 - Figures associated with VI investigation missing

Q23: What figures should be provided in the RAR when submitting a RAP Application? (continued)



AOC Map Example:

- Additional Features to be considered:
 - CEA Boundary with GW flow direction
 - Source Removal Area
 - Injection Points
 - Temporary Well Point Locations
 - Underground utilities



Q24: What tables should be included in the RAR when submitting a RAP Application?



- Include all applicable required tables pursuant to N.J.A.C. 7:26E-1.6 and 5.7
- Should not only be lab generated
- Often skipped:
 - Monitoring Well Construction Details
 - Pre/Post-Injection Monitoring Results
 - VI Data

Q24: What tables should be included in the RAR when submitting a RAP Application? (continued)



Historic Ground Water Data Table Example:

Well ID	Date	Top of Casing Elevation (feet)	Depth to Water (feet)	LPH Thickness (feet)	Corrected Groundwater Elevation (feet)	Benzene	Toluene	Ethylbenzene	Total Xylenes	MTBE	TBA	Cis-1,2-DCE	PCE	TCE	Total TICs
GWQS						1	600	700	1,000	70	100	70	1	1	500
VIGWSL						20	330,000	700	8,600	580	NSE	NLE	31	2	NSL
MW-22 Screened 3-12 fbg	1/20/2016	15.83	4.60	ND	11.23	<0.24	<0.16	<0.27	<0.17	<0.24	<2.8	<0.27	<0.4	<0.22	ND
	3/30/2016	15.83	3.70	ND	12.13	<0.24	<0.16	<0.27	<0.17	<0.24	<2.8	1.10	<0.4	0.42 J	ND
	11/15/2016	15.83	5.29	ND	10.54	<0.14	<0.23	0.260 J	0.490 J	<0.34	<3	NA	NA	NA	NA
	1/5/2017	15.83	2.67	ND	13.16	<0.14	<0.23	<0.2	<0.21	0.390 J	<3	NA	NA	NA	NA
	4/14/2017	15.83	-	-	-	Area Flooded, Could Not Sample									
	7/26/2017	15.83	0.90	ND	14.93	<0.17	<0.25	<0.22	<0.22	<0.25	<7	NA	NA	NA	NA
	10/24/2017	15.83	4.05	ND	11.78	<0.17	<0.25	<0.22	<0.22	<0.25	<7	NA	NA	NA	ND
	1/25/2018	15.83	3.60	ND	12.23	<0.17	<0.25	<0.22	<0.22	<0.25	<7	NA	NA	NA	31.2 J
	4/20/2018	15.83	-	-	-	Area Flooded, Could Not Sample									
MW-23 Screened 122-147 fbg	1/20/2016	47.27	42.90	ND	4.37	12.2 J	10.6 J	<13	<8.3	62.40	<140	3,390	96.9	9,720	ND
	3/30/2016	47.27	43.50	ND	3.77	<12	<8.1	<13	<8.3	126	<140	8,750	<20	572	ND
	11/15/2016	47.27	42.03	ND	5.24	6.60	2.90 J	3.20 J	<2.1	75.3	<30	NA	NA	NA	NA
	1/5/2017	47.27	42.60	ND	4.67	6.60	2.40 J	<2	<2.1	136	<30	NA	NA	NA	NA
	4/14/2017	47.27	45.60	ND	1.67	0.190 J	<0.23	<0.2	<0.21	<0.34	<3	NA	NA	NA	NA
	7/26/2017	47.27	42.10	ND	5.17	0.240 J	<0.25	<0.22	<0.22	0.520 J	<7	NA	NA	NA	NA
	10/24/2017	47.27	43.10	ND	4.17	<0.17	<0.25	<0.22	<0.22	<0.25	<7	NA	NA	NA	ND
	1/25/2018	47.27	43.03	ND	4.24	0.260 J	<0.25	<0.22	<0.22	2.30	<7	NA	NA	NA	ND
	4/20/2018	47.27	40.80	ND	6.47	<0.17	<0.25	<0.22	<0.22	0.380 J	<7	NA	NA	NA	NA

Notes:

All concentrations listed are in micrograms per liter; µg/L
 GWQS - NJDEP Class II-A Ground Water Quality Standards
 MDL - Minimum Detection Limit

cis-1,2-DCE - Cis-1,2-Dichloroethene
 PCE - Tetrachloroethene
 TCE - Trichloroethene

Q24: What tables should be included in the RAR when submitting a RAP Application? (continued)



Model Table for Historic Ground Water Sampling in Appendix 1 of GW RAP Guidance

Sample ID & Well Construction Details	Sampling Date	Sampling Method	Monitoring Well Gauging Data				Sampling Results - Contaminants of Concern					Comments (e.g. pre-remedial action, post remedial action, sheen, sampling depth, etc.)
			Top of Casing Elevation (feet)	Depth to Water (feet)	Depth to Product (feet)	Ground Water Elevation						
NJDEP Ground Water Quality Standards												
NJDEP Vapor Intrusion Ground Water Screening Level												
MW-1 (screened ___-___ fbg) Overburden or Bedrock (Pick one)												

Q25: Should previously submitted information be included as an appendix in the RAR?



- **Unless submitted through the online portal in a prior report, all pertinent information previously submitted to the Department should be included as an appendix in the RAR**
 - Department may not have readily available copies of RIRs prior to 4/3/2016 when online submissions became mandatory

Site Remediation Reform Act (SRRA) Listserv Archives

March 28, 2016 - [SRRA]: Reminder - Notice Regarding Mandatory Use of Online Portal for the Submission of a Remedial Investigation (RI) Report and Form

the use of the Remedial Investigation NJDEP Online Service will become mandatory this coming Sunday, April

3, 2016

Receptor Evaluation Questions

July 26, 2023



**Kendrick Brown, Bureau of Inspection and Review
Contaminated Site Remediation & Redevelopment**

Q26: Can mailings be a part of a door-to-door survey to determine the existence of any unpermitted potable or irrigation wells and what should be done if a 100 percent response rate is not achieved?



Short answer – yes, mailings can be part of a door-to-door survey!

Examples to follow.

Receptor Evaluation Form



7. Has a well search been completed?..... Yes No

Date of most recent or updated well search: 07/01/2023

8. Is a completed Well Search Spreadsheet or historical well search table attached and has an electronic copy of the spreadsheet been submitted to srpgis_wrs@dep.nj.gov..... Yes No

Note: Redacted wells must be excluded from all non-confidential documents including maps, tables, etc. (see RE Instructions).

If "No," explain: _____

9. Are any potable or irrigation wells located within ½ mile of the currently known extent of contamination? Yes No

If "Yes,":

- A door to door survey is required in accordance with [N.J.A.C.7:26E-1.14(a)ii]. Attach results of the door to door survey.
- Identify if any of the following conditions exist based on the well search and door to door survey [N.J.A.C.7:26E-1.14(a)]:

Yes No

- | | | |
|--------------------------|-------------------------------------|---|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Potable wells located within 500 feet from the downgradient edge of the currently known extent of contamination. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Potable wells located 250 feet upgradient or 500 feet side gradient of the currently known extent of contamination. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Ground water contamination from the discharge is located within a Tier 1 wellhead protection area (WHPA). |

Example #1

Email Correspondence from the Department



During the review of the Receptor Evaluation & Remedial Investigation Report submitted on 2/7/2021 the Department has identified the following technical issue(s).

The well search identified private potable and/or irrigation wells located within a one-half mile radius of the currently known extent of the ground water contaminant plume. However, review of the submission indicates that a door-to-door survey has not been conducted to date.

In accordance with N.J.A.C. 7:26E-1.14(a)1ii: “If there are potable or irrigation wells within one-half mile of ground water contamination, conduct a door-to-door survey to determine the existence of any **unpermitted potable or irrigation wells**. When ground water flow is undetermined, the survey should extend to a 500-foot radius. When flow direction is known, the survey should extend 250 feet up gradient, 500 feet side gradient, and 500 feet downgradient of the known extent of ground water contamination.” A door-to-door survey was to have been completed within 60 days after ground water contamination was detected. If this task was not completed the Responsible Entity is considered out of compliance. If a door-to-door survey is not performed, undocumented potable wells could be left undiscovered and potentially be impacted by ground water contamination.

In addition, If the LSRP’s professional judgement is to first send out mailings, they may do so. BIR will accept responses to mailings with the LSRP’s professional judgement that this was protective. Mailings were acceptable prior to the pandemic and will be acceptable afterwards. With mailings, it is important to note that since the protection of human health is the top priority, it’s expected that the LSRP will follow up with any dwelling where a response to the mailing was not received. The LSRP should always demonstrate everything they did to ensure that nobody is drinking the water.

A door-to-door survey is to be completed within sixty (60) days receipt of this correspondence.

Please respond with acknowledgment of this email no later than 6/16/2021.

If you have any questions, please feel free to contact me.

Regards,

Kendrick

Example #1

LSRP Response



Good afternoon - **we sent out and hand delivered 77 Request for Information (RFI) cards regarding potable wells over a week ago and have not received on card back which is extremely disappointing.** I am requesting more time to complete a door - to - door in person survey (now that I am vaccinated). Would you please extend the due date until August 16, 2021. That will give me 60 extra days to knock on doors and provide a report of my findings.

Example #1

Correspondence



LSRP update

Thank you – to date not one response card has been received.

Department follow-up email past extension date

The Department is requesting the door-to-door survey to be provided 7 days from today's date.

If the door-to-door survey has remained unsuccessful, professional judgement using multiple lines of evidence must be provided to explain how receptors are protected.

Example #1

Door-to-Door Information Provided



As per your request (Company Name) on behalf of (PRCR) has prepared our response to your request for additional information regarding the Door-to-Door Survey requirement as part of our prior Receptor Evaluation Submission.

1. Are any potable or irrigation wells located with ½ mile of the currently know extent of the contamination?

Two wells were identified within the ½-mile search radius as follows:

- (Identified wells)
-

Please note that no well records for either location are on file with the Department or the Middlesex County Board of Health. These wells are listed in the Board of Health database however no other pertinent information was provided to TSES from our request.

2. A door-to-door survey is required in accordance with NJAC 7:26E-1.14 (a)ii.

TSES opted to send survey cards to each property listed within a 500 ft radius of the known extent of the contaminant plume. Of the (63) mailers delivered only (3) responses were returned indicating no potable wells present on the property. The in-person canvass did not identify any additional potable wells other than the two listed in the BOH database as summarized on the attached spreadsheet.

Specifically, the inspector looked for water shut-valves, water meters and other interviews with residents at home at the time of inspection. All results are entered on the attached spreadsheet. Please note that all properties are located in a mapped water purveyor area. Municipal water is supplied by the Middlesex Water Commission

Example #1

Door-to-Door Information Provided



3. Identify if any of the following conditions exist based on the well search and door-to-door survey:

One potable well is located within 500 feet from the downgradient edge of the currently known extent of contamination at (Address) It is important to note that this location also as a municipal water source.

No potable wells are located 250 feet upgradient of 500 feet side-gradient of the currently known extent of contamination.

Ground water contamination for the discharge is not located within a Tier 1 well head protection areas (WHPA).

Conclusion: Based upon the contaminant plume being restricted to the overburden aquifer and has not migrated off-site based upon the sampling data collected to present day, and a municipal water source is available and in-use within the search, no further investigation regarding potable water use is planned.

Example #2

Door-to-door Survey



Section D. Groundwater Use

4. A well search was completed for the subject site. Four (4) potentially potable wells were identified within the Focused Search Area. Information regarding these wells is presented in the table below.

Well Permit Number	Well Use	Document	Physical Address	Municipality	Easting (X)	Northing (Y)
	Industrial	Permit	~	Kearny Town		
	Industrial	Permit	~	Newark City		
	Industrial	Permit	~	Belleville Twp		
	Public Non-Community	Permit	~	Belleville Twp		
		Record		Belleville Twp		-----

- Three (3) of the permits () were associated with industrial wells which had no associated records. Therefore, it does not appear that these wells were installed. No updates to their location were completed and no further evaluation is required.
- Permit is associated with a public non-community well, which was identified at (Address) . A review of NJDEP GeoWeb did not identify any public non-community wells in the area of (Address) or the subject site. The location was updated using a GIS Parcel Centroid (). However, additional evaluation of this well permit was required.

Example #2

Door-to-door Survey (continued)



Since potentially potable wells were identified within a ½ mile of the subject site, a door-to-door survey is required and was completed. On January 7, 2019, certified letters were sent to all property owners identified within 500 feet of the subject site since the groundwater flow direction was not known. **Although several properties were identified in Kearny within 500 feet of the subject site, these properties are separated from the subject site by the Passaic River. Since the Passaic River is a substantial boundary condition, these properties were not included in the canvass.** A second round of letters were sent on January 26, 2019 to the addresses which did not respond to the January 7 letter. Responses were received from 9 of the 10 properties. **The remaining property that did not respond to the door-to-door survey maintains a connection to the municipal water supply according to the Township of Belleville online water accounts listings.** Therefore, no further evaluation of potable wells is required for properties that did not respond to the door-to-door survey.

Example #2

Door-to-door Survey (continued)



- Based on the responses received from the well canvass, no potentially potable wells were identified within 500 feet of the subject site
- **Additionally, the only non-responding property is connected to municipal water.** Therefore, no further investigation is required for potable wells

Test Your Knowledge

Poll #2

The door-to-door survey is used to determine the existence of ____.

- A. unpermitted potable wells
- B. unpermitted irrigation wells
- C. permitted potable wells
- D. A & B
- E. None of the above

Poll #2

The door-to-door survey is used to determine the existence of ____.

- A. unpermitted potable wells
- B. unpermitted irrigation wells
- C. permitted potable wells
- D. A & B**
- E. None of the above

Q27: What should be done when access is not granted to a site that requires potable well or vapor intrusion sampling?



When the need to sample wells or vapor intrusion (VI) is identified at an off-site property, the PRCR must follow the site access requirements pursuant to N.J.A.C. 7:26C-8.2. If a property owner is refusing site access and lines of evidence cannot be used to demonstrate protectiveness, then it is recommended that the PRCR reach out to the local/county health department for assistance. It is also recommended that the PRCR encourages the property owner(s) or tenant(s) to visit the “Providing Access to Your Property” webpage at <https://www.nj.gov/dep/srp/community/access.html>.

Additional Department guidance is available at <https://www.nj.gov/dep/srp/offsite/>.

This also applies to any other required sampling of off-site properties.

Example related to Q27, Receptor Evaluation



- A property owner across the street from a vapor concern (VC) condition did not want his property tested because he was concerned about his property value. The property included a basement apartment
- The VC site had previously been a publicly-funded Immediate Environmental Concern (IEC) case. Owner would not allow NJDEP access

Example related to Q27, Receptor Evaluation (continued)

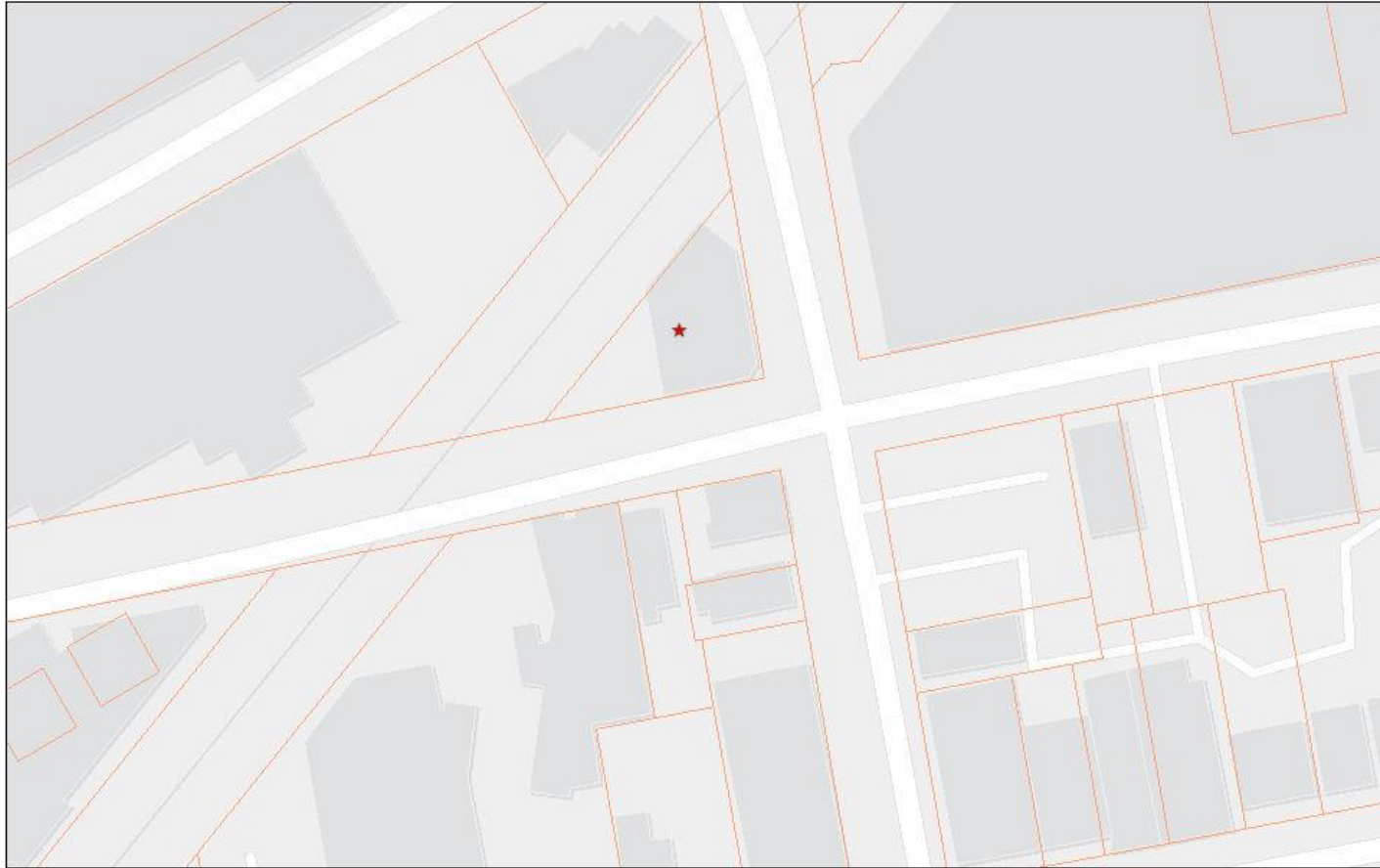


- The PRCR and LSRP contacted the local Health Department, who reached out to the property owner
- The LSRP also sent request letters and had several conversations with the owner, and then met with him to show him neighboring property results that were less than VI standards
- The LSRP also printed out the Known Contaminated Sites map from NJ-GeoWeb, which showed a red star on the contaminated property across the street and explained this was publicly available information that any prospective purchaser or tenant could access

Known Contaminated Sites Map

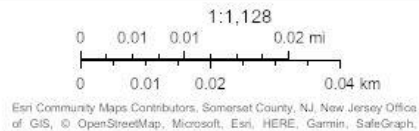


NJ-GeoWeb



6/14/2023, 9:53:45 AM

- County Boundaries
- Municipalities
- Known Contaminated Site List
- Parcels Data (Block and Lot)



Esri Community Maps Contributors, Somerset County, NJ, New Jersey Office of GIS, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph.

New Jersey Department of Environmental Protection

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The property owner granted access, testing was completed, and no VI issues were identified

RAP Application and RAR Submittal FAQs and Flow Charts Training

July 26, 2023



Questions?

Reminders!



- **Questions not answered today will be answered via email in the coming weeks**
- **Please fill out the Course Evaluation here:**
<https://www.surveymonkey.com/r/2SCY8HW>
- **Look out for an email from the LSRPA for CEC certificate access**
- **Slides and presentation will be posted on the CSRR Training page**



Thank you!

