

# New Jersey Department of Environmental Protection

## Guidance for the Preparation of a **BIENNIAL CERTIFICATION MONITORING REPORT for a** **GROUND WATER CLASSIFICATION EXCEPTION AREA (CEA)\***

\* Please note for clarification purposes Classification Exception Area shall be referred to as CEA for the remainder of the document.

The purpose of this guidance is to facilitate compliance with the continuing obligations that certain persons have (i.e., “persons responsible”, see below) concerning engineering and institutional controls that are part of a cleanup of a contaminated site. The Technical Requirements for Site Remediation (see, N.J.A.C. 7:26E-8.4) require the persons responsible to maintain the engineering and institutional controls that are part of a remedial action for a contaminated site to: **(1) maintain those controls, (2) perform periodic monitoring for compliance, and (3) submit biennial certifications to the Department that the engineering and institutional controls are being properly maintained and continue to be protective of public health and safety and of the environment.** The benefits of the Department’s Covenant Not to Sue, for a site, may not be maintained if these biennial certifications are not made. These biennial certifications must also state the underlying facts and include the results of any tests or procedures performed to support the certification.

Please note below the regulations applicable to all sites utilizing engineering and institutional controls. Copies of these regulations may be obtained by contacting the:

**New Jersey Office of Administrative Law Publications**  
**P.O. Box 049**  
**Trenton, New Jersey 08625**  
**Telephone # (609) 588-6606**

Or by logging onto our web site at:

**[www.state.nj.us/dep/srp](http://www.state.nj.us/dep/srp)**

Please refer to the complete regulations for specific requirements and /or revisions. A list of the applicable regulations is included in **Attachment 1: Comparison of Applicable Laws and Regulations.** Following is a condensed list of definitions and requirements:

### **Monitoring Report for the Biennial Certification**

Pursuant to N.J.A.C. 7:26E-8.4(c), the biennial certification is due **every two years** on the anniversary of the date that the Department established the ground water CEA’s. The information required for the biennial certification shall be accompanied by the certifications required in N.J.A.C. 7:26C-1.2 (a) 1. Checklists (as follows) have been prepared to assist in the preparation of the biennial certifications. **Please be advised the biennial certification requirement applies to all CEA’s that have not otherwise been removed by the Department based upon sampling, pursuant to N.J.A.C.E-8.6 (a) 7, demonstrating that the Ground Water Quality Standards have been met,**

Include with the written monitoring report for the biennial certification an electronic copy of the report and certification in a read only format acceptable to the Department.

### **Review Fee**

Each monitoring report for the biennial certification shall be submitted with a \$375 review fee pursuant to N.J.A.C. 7:26C-9.2(a) 4. The check or money order shall be made out to “Treasurer – State of New Jersey”.

### **Submission of Sampling Data**

Please note that a Memorandum of Agreement, pursuant to N.J.A.C. 7:26C shall accompany any sampling data associated with a previously closed case. The data shall be submitted in an electronic format pursuant to N.J.A.C. 7:26E. Also, the certification and any additional information shall be submitted in an electronic copy (for acceptable formats see [www.state.nj.us/dep/srp](http://www.state.nj.us/dep/srp) ).

### **Person Responsible**

The persons responsible for monitoring the protectiveness of a remedial action that includes an engineering and/or institutional control and for submitting the biennial certifications pursuant to this subchapter include, without limitation, each of the following:

1. Any person with a legal obligation to conduct the remediation, including, without limitation, each of the following:
  - i. A person in any way responsible, pursuant to the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11a et seq., for the hazardous substance that was the subject of the remedial action that includes the engineering and/or institutional control;
  - ii. The owner of the site of the discharge at the time of the remedial action that includes the engineering and/or institutional control;
  - iii. An owner or operator that triggered the Industrial Site Recovery Act, N.J.S.A. 13:1K-6 et seq., for the industrial establishment that was the subject of the remedial action that includes the engineering and/or institutional control;
  - iv. An owner or operator of an underground storage tank that was the subject of the remedial action that includes the engineering and/or institutional control;
  - v. A holder of a security interest in the site, who actively participated in the management of the site or underground storage tank facility, that was the subject of the remedial action that includes the engineering and/or institutional control; or
  - vi. A holder of a security interest in the site, who negligently caused a new discharge at the site after the date of foreclosure on a security interest in the site or the underground storage tank facility, that was the subject of the remedial action that includes the engineering and/or institutional control.

**The Biennial Certification Monitoring Report Form for a Ground Water CEA shall be Submitted to the following Bureau.**

Department of Environmental Protection  
Division of Remediation Management and Response  
Bureau of Operation, Maintenance, and Monitoring  
Deed Notice Inspection Program  
P.O. Box 413  
401 E. State Street  
Trenton, NJ 08625-0413

Instructions For Preparation of a  
**BIENNIAL CERTIFICATION MONITORING REPORT for a**  
**CLASSIFICATION EXCEPTION AREA (CEA)**

Note: Please review this sample document thoroughly in order to assist you in completing the biennial certification monitoring report correctly. Guidance and examples are identified in *bold and italics*.

**I. Site Background Information**

**A. Facility Name and Location:**

Site Name at the time the CEA was issued: *ABC Company*

Current Site/Property Name *(if different than above)*:

Site/Property Street Address: *126 Copper Street*

Municipality (-ies): *List City (ies)* County (ies): *List County (ies)*

Blocks (Impacted On-Site): *1B* Lots (Impacted On-Site): *.11 and 12*

Blocks (Impacted Off-Site): *1B* Lots (Impacted Off-Site): *13 and 14*

*For Multiple Blocks/Lots: Block 20, Lot 1,2,3 and Block 21, Lot 1,4,6 should read as Blocks: 20;21, Lots: 1,2,3; 1,4,6*

Year of Tax map from which this information is obtained: *1999*

**B. Person responsible for maintaining the CEA and submitting the associated Biennial Certification:**

Person Responsible (Name of Individual or Legal Entity): *John Doe*

Name of Business responsible for submitting this report: *EFG Company (if different than original site name listed above, complete as appropriate)*.

Relationship to the Site (check as appropriate): Owner  Operator

Lessee  Person Conducting the Cleanup

Other (describe) \_\_\_\_\_

Street Address: *127 Mercury Street*

City: *List City* State: *Provide State Initials (PA)* Zip code: *00000-0000*

Telephone Number: *(555) 000-0000*

FAX Number: *(555) 000-1111*

E-mail Address: *Provide E-mail Address*

**C. All Current Owner, Lessee(s) and Operator(s) (complete all that apply)**

**Owner**

Contact Person Name: *Jane Ownit*

Contact Person Affiliation: *President of ABC Company*

Business Name: *ABC Company*

Street Address: *126 Copper Street*

City: *List City* State: *Provide State Initials (NJ)* Zip code: *00000-0000*

Telephone Number: *(555) 000-0000*

FAX Number: *(555) 000-1111*

E-mail Address: *Provide E-mail Address*

**Lessee(s)**

Contact Person Name: *Joe Rentit*

Contact Person Affiliation: *President of XYZ Lease Corporation*

Business Name: *XYZ Lease Corporation*

Street Address: *72 Metal Way*

City: *List City* State: *Provide State Initials (NJ)* Zip code: *00000-0000*

Telephone Number: *(555) 000-0000*

FAX Number: *(555) 000-1111*

E-mail Address: *Provide E-mail Address*

**Operator(s)**

Contact Person Name: *John Operator*

Contact Person Affiliation: *Owner of Truck Hauling*

Business Name: *Truck Hauling, Inc.*

Street Address: *72 DriveWay*

City: *List City* State: *Provide State Initials (NJ)* Zip code: *00000-0000*

Telephone Number: *(555) 000-0000*

FAX Number: *(555) 000-1111*

E-mail Address: *Provide E-mail Address*

**D. Case Specific Information (Complete all that apply)**

- Program Interest Name: *ABC Company*
- Program Interest Number: *126555 (PI Number)*
- Known Contaminant Site List (KCSL) Number (if available): *NJL555555555 (12 characters)*
- Incident Report Number *99-10-10-1000-10* (10 or 12 Digit Case Number)
- Industrial Site Recovery Act Number: *E95555 or E955555555* (6 or 9 digits)
- UST Registration Number: *0055555* (7 digits)
- Date Department approved CEA: *12/03/09*
- Name and Bureau of assigned Case Manager at the time the CEA was issued: *Mr. Ian Reviewer, Bureau of Operations , Maintenance and Monitoring*

## E. Existing Site Conditions

- Describe the physical characteristics of the site: *The site is 2 acres in size and is capped with asphalt with the exception of one manufacturing/office building with a concrete floor.*
- Describe the current site operations: *ABC Company is operating at the site. Lighting fixtures are manufactured.*
- Describe each remedial action that included the CEA. Please check and describe, as required, the appropriate selection below.

Natural Attenuation

Other (please describe below)

*Pump and treatment system that includes a receptor trench along southern edge of the property boundary and a treatment system with a re-injection trench along the northern property boundary.* \_\_\_\_\_

## II. CEA Protectiveness Evaluation

### A. Inspection and Evaluation of the CEA

*(The appropriate box on the left must be checked for each of the following items.)*

#### 1. Changes to Laws and Regulations

- a. Are there any subsequently promulgated or modified laws or regulations, which apply to the remedial action, which includes the CEA? **Complete Columns 1 and 2 of Attachment 1: Comparison of Applicable Laws and Regulations.**

Yes  No  (If No, proceed to #2 below)

If Yes, complete **Column 3 of Attachment 1: Comparison of Applicable Laws and Regulations** providing the actions taken to demonstrate how the remedial action, which includes the CEA, conforms to current statutes and regulations.

#### 2. Evaluation of Future Water Uses

- a. Are there any planned changes within the 25-year water use planning horizon for the aquifer(s), in which the CEA is located, since the Department established the CEA or the last completed biennial review, whichever is more recent? Ensure that all sources in **Attachment 2: Results of the 25-Year Water Use Planning Review** have been reviewed and are checked off.

Yes  No  (If No, please proceed to #3)

If Yes, provide details of the changes in **Attachment 2: Results of the 25-Year Water Use Planning Review.**

- b. Will any of the proposed changes in the ground water use, identified above, possibly influence the protectiveness of the remedial action that includes the ground water CEA?

Yes  No  Provide explanations in **Attachment 2: Results of the 25-Year Water Use Planning Review.**

- c. Is there a need to reevaluate the fate and transport of the ground water contamination plume and to revise the CEA to ensure that the remedial action remains protective of the public health and safety and the environment?

Yes  No  (In No, proceed to #3)

If Yes, provide a brief explanation below and attach the revised CEA model prepared in accordance with N.J.A.C. 7:26E-8.6(b) 10. Provide calculations and a scaled map including delineation of the plume extent and all Blocks and Lots that are within the extent of the CEA and include this in **Attachment 3: Revised CEA.**

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### **3. Well Search**

- a. Have there have been any actual changes in ground water use, pursuant to N.J.A.C. 7:26E-8.6(a)3., since the Department established the ground water CEA or the last completed biennial review, whichever is more recent? Provide results of well searches in **Attachment 4: Well Search**

Yes  No  (If No proceed to #4, below)

- b. Have any of the actual changes in the ground water use, identified above, influenced or may influence the protectiveness of the remedial action that includes the ground water CEA?

Yes  No  (In No, proceed to #4, below)

If Yes, provide explanations in **Attachment 4: Well Search.**

**4. Ground Water Monitoring Wells associated with the CEA**

- a. During inspections was the physical integrity of each well acceptable and the security measures adequate as documented in an inspection log? Include the inspection logs in **Attachment 5: Maintenance Records for Monitoring Wells**.

Yes \_\_\_ No X (If **Yes**, proceed to #5, below)

If **No**, describe the associated problem(s) and how each of the situations was corrected.

*Example: Monitoring well MW-3 was inadvertently covered during paving activities. The well was uncovered, inspected, and resurveyed to ensure that the well elevation was maintained to the common datum point.*

- b. Include in **Attachment 6: Well Abandonment Forms** copies of the well abandonment forms for all monitoring well(s) used to establish the ground water CEA that have been decommissioned since the previously submitted biennial certification or establishment of the CEA, whichever is later.

**5. Land Use Disturbance**

- a. Has there been any land use disturbance, such as the installation of a detention basin that intercepted the water table within the area of the ground water CEA?

Yes X No \_\_\_ (If **No** proceed to #6, below)

If **Yes**, present the data and evaluation required in accordance with N.J.A.C. 7:26E-8.6(a) 5 and 8.6(b)7. Present the sampling results, and the associated reduced laboratory data deliverables Quality Assurance/Quality Control package as per N.J.A.C. 7:26E-2.1 (a) 13ii. and evaluation in **Attachment 7: Results of Land Use Disturbance Analysis**.

**6. CEA Status** (check the appropriate box below )

Present the sampling results, the associated reduced laboratory data deliverables Quality Assurance/Quality Control package pursuant to N.J.A.C. 7:26E-2.1 (a) 13ii and evaluation in **Attachment 8: Results of Ground Water Analysis** for the appropriate situation, as necessary.

\_\_\_ The currently effective termination date of the CEA has not passed and no ground water sampling has been conducted.



\_\_\_\_\_ The currently effective termination date of the CEA has passed and the required ground water samples were collected and evaluated in accordance with N.J.A.C. 7:26E-8.6(a) 7ii, or reference 8.6(a) 8. Do the sampling results confirm that the contaminant concentrations are at or below the applicable Ground Water Quality Standards throughout the entire ground water CEA?

Yes   X   No \_\_\_\_\_ If **Yes** provide the results of the analysis in **Attachment 8: Results of Ground Water Analysis** and then proceed to III. Certification, below.

If **No**, present the data, an explanation of why ground water contamination is still present and a re-evaluation of the ground water quality standards pursuant to N.J.A.C. 7:26E-8.3(b), 8.6(b) 10 and 8.6(b) 13. Present this information in **Attachment 8: Results of Ground Water Analysis**

  X   The currently effective termination date of the CEA has not passed, however ground water samples have been voluntarily collected and evaluated in accordance with N.J.A.C. 7:26E-8.6(a) 7ii or 8.6(a) 6ii.

### III. Certification

#### A. Certification, Copying and Reporting Requirement

Provide both a paper and an electronic copy of this certification, in accordance with N.J.A.C. 7:26E-8.6(c) 2, to the following people. Provide documentation in **Attachment 9 (Name and Address Copy List)** confirming that each of the following groups of people received a copy of the Certification:

1. The municipal and county clerks for each municipality and county in which any real property overlying the CEA is located;
2. The local, county and regional health department for each municipality and county in which any real property overlying the CEA is located;
3. Each owner of the real property which is overlying the CEA; and
4. Each current operator at the real property which is overlying the CEA.

**B. Person Responsible for the Biennial Certification:** *(The following certification shall be signed according to N.J.A.C. 7:26E-1.5, N.J.A.C. 7:26C-1.2 and the covenant not to sue (if issued) as follows:*

1. *For a Limited Liability Company a member of the Limited Liability Company; or*
2. *For a Corporation by a person authorized by a resolution of the board of directors to sign the document. A copy of the resolution, certified as a true copy by the secretary of the corporation, shall be submitted along with the certification; or*
3. *For a partnership or sole proprietorship, by a general partner or the proprietor, respectively; or*
4. *For a municipality, State, federal or other public agency by either a principal executive officer or ranking elected Official.*

“I certify under penalty of law that I have personally examined and am familiar with the information submitted herein and all attached documents, and that based on my

inquiry of those individuals immediately responsible for obtaining the information, to the best of my knowledge I believe that the submitted information is true, accurate, and complete. I am aware that there are significant civil penalties for knowingly submitting false, inaccurate, or incomplete information and that I am committing a crime of the fourth degree if I make a written false statement, which I do not believe to be true. I am also aware that if I knowingly direct or authorize the violation of any statute, I am personally liable for the penalties.”

I also understand that in order to maintain the benefits of the Covenant Not to Sue, the engineering and institutional controls (as applicable) must be evaluated and maintained to remain protective of public health and safety and of the environment.

Based upon all of the information that I have provided above, I hereby certify that the remedial action(s) for which this Classification Exception Area was established remain protective of public health and safety and of the environment.

Name (print or type): John **Doe** \_\_\_\_\_

Title: **President** \_\_\_\_\_

Signature: **John Doe** \_\_\_\_\_

Name of Limited Liability Company, Corporation or General or Limited Partnership:

**ABC Company** \_\_\_\_\_

Date: **August 5, 2003** \_\_\_\_\_

Sworn to & Subscribed before me

On this     **Fifth**     day of **August**     **2003**    

**I. M. Authorized** \_\_\_\_\_

Notary

## Attachments to the CEA Biennial Certification

### Attachment 1: Comparison of Applicable Laws and Regulations

Evaluation of Laws and Regulations must include, but is not limited to the following list. These Statutes and Regulations can be found at the following web sites <http://www.njleg.state.nj.us/> or [http://www.state.nj.us/dep/legal/nj\\_env\\_law.htm](http://www.state.nj.us/dep/legal/nj_env_law.htm).

List all statutes and regulations that are applicable.	Subsequent changes that apply to the CEA	Actions taken to conform the CEA with current statutes and regulations
Spill Compensation Control Act, N.J.S.A. 58:10-23.11 et seq. Brownfields and Contaminated Site Remediation Act, N.J.S.A. 58:10B-1 et seq. Water Pollution Control Act, N.J.S.A. 58:10A-1, et seq.  Technical Requirements for Site Remediation, N.J.A.C. 7:26E Procedures for Department Oversight of the Remediation of Contaminated Sites, N.J.A.C. 7:26C Underground Storage Tank Regulations, N.J.A.C. 7:14B Industrial Site Recovery Act Regulations, N.J.A.C. 7:26B Others	<i>None</i>	<i>Not Applicable</i>

### Attachment 2: Evaluation of Future Water Uses (Results of the 25-Year Water Use Planning Review)

All plans, records and other relevant information shall be obtained from the following sources, without limitation. Please check the following boxes to confirm that the following sources were evaluated.

- i. The New Jersey Water Supply Master Plan;
  - ii. Department of Environmental Protection, Bureau of Water Allocation;
  - iii. Municipal master plans;
  - iv. Zoning plans;
  - v. Local water purveyor plans and planning data pertaining to the existence of water lines and proposed future installation of water lines;
  - vi. Local planning officials;
  - vii. Local and county ordinances restricting installation of potable wells; and
  - vii. County and local boards of health.
- a. Changes within the 25-year water use planning horizon (as appropriate):**

*Two public water systems are being proposed to serve two individual housing developments. The closest withdrawal point will be located approximately*

*1,000 feet downgradient of the existing CEA. The proposed wells will be screened from 80 to 150 feet below grade. The CEA is defined to a vertical depth of 100 feet below grade.*

- b. **Determination of actual or proposed changes in the ground water use above have influenced or may influence the protectiveness of the remedial action that includes the ground water CEA (as appropriate).**

*The estimated time frame to construct the development and install the potable wells is approximately 20 years from the date of this correspondence (September 25, 2023). The estimated termination date for the CEA is August 5, 2005. The on-site monitoring wells associated with the CEA will be sampled 6 months prior to the CEA expiration date to determine compliance with the Ground Water Quality Standards (GWQS). In the event constituents are detected above the GWQS at that time a contingency plan will be provided to ensure protectiveness.*

**Attachment 3: Revised CEA**

*Attach the appropriate calculations for a revised CEA in this section, as necessary.*

**Attachment 4: Well Search**

*Attach results of computer well search (contact the Bureau of Water Allocation) for all wells within one mile up-gradient, side-gradient and down-gradient of the ground water CEA. Identify all wells, other than ground water monitoring wells, within this one-mile radius since the Department established the ground water CEA or the last completed biennial certification, whichever is more recent.*

*Example: No potable wells were identified within a one-mile downgradient/sidegradient direction of the CEA. One irrigation well is located approximately 1,000-feet upgradient (southeast) of the site CEA. Well information including well owner, screening interval, pumping rate, date in which well was installed and well search map identifying site and irrigation well is provided in attachment. Water elevations were resurveyed in existing monitoring wells associated with this CEA and ground water flow direction was reconfirmed. Current flow direction (northwest) is consistent with previous flow directions. In addition, ground water samples were collected from the site monitoring wells. The concentration gradient is consistent with historical trends and no contaminant concentrations are present in the site upgradient monitoring well. Based upon this information the existing remedial action remains protective of the public health and safety and the environment.*

**Attachment 5:**

**Maintenance Records for Monitoring Wells  
Please check the appropriate box below.**

No monitoring wells, associated with this site, are present.

Monitoring wells and records, associated with this site, are enclosed.

***Provide the following information for each monitoring well including the frequency and dates of inspections:***

- *The identification, integrity and location of the well (on a scaled site map);*
- *The presence of a functioning pad lock; and*
- *The presence of any additional security measures such as a fence or patrolling of the site.*

***Example: On-site monitoring wells (MW-1 through MW-4) are identified on the attached, scaled site plan. The site is inspected on a quarterly basis (March, June, September and December) on the first Monday of the corresponding month. During each visit the surrounding six-foot chain link fence is inspected for security including breeches and or damage to the fence or the one main gate entrance (see site plan). In addition, all monitoring wells are inspected for integrity. During inspection, the flush mount monitoring wells were inspected. The pad lock on MW-1 was rusted shut. This pad lock was replaced with a new functioning pad lock. The concrete pad surrounding the steel plate (also known as the "Road Box") protecting MW-3 was crushed apparently due to on-site construction activities. The interior 4" well casing with locking cap were not damaged during inspection. The Road Box was replaced and two bollards were installed to prevent further damage in this high traffic area. Remaining monitoring wells MW-2 and MW-4 were also inspected and determined to be sound.***

**Attachment 6**

**Well Abandonment Forms**

No Well Abandonment Forms are required at this time.

Well Abandonment Forms are enclosed.

***Copies of the well abandonment form(s) shall be included within this attachment.***

**Attachment 7**

**Results of Land Use Disturbance**

*Example: A swale was installed the downgradient leading edge of the CEA. Ground water elevation is located approximately 4 feet below grade however; it can fluctuate as high as two feet below grade due to seasonal influences. The detention basin has been excavated to approximately 3 feet below the original surface grade. A ground water sample has been collected from the most downgradient monitoring well. The results and associated QA/QC package is included within this attachment. No contamination has been identified above the Ground Water Quality Standards or the Surface Water Quality Standards. In addition, the existing fate and transport model (CEA model) for the ground water contaminant plume ensures that the remedial action remains protective of the public health and safety and the environment.*

## **Attachment 8**

### **Results of Ground Water Analysis**

*Example: Since the establishment of the CEA all contaminant concentrations in site monitoring wells have continued to exhibit a decreasing trend. Contaminant concentrations were not detected in Sentinel well MW-4. While the wells have not achieved concentrations at or below the Ground Water Quality Standards the reduction in contaminant concentrations is consistent with the existing CEA model. The results and associated QA/QC package are included within this attachment. Plans are proposed to collect at least two rounds of ground water samples such that the time between sampling events shall account for seasonal fluctuations in the ground water table and the number of ground water samples. This will be conducted within 120 calendar days after the projected expiration of the ground water CEA pursuant to 7:26E-8.6(a) 7.*

## **Attachment 9**

### **Name and Address Copy List**

Final Version: 10/21/03  
Creator: Gerald M.Hahn