



**New Jersey
Department of Environmental Protection**



**Site Remediation and
Waste Management Program**

Response Action Outcome Guidance Document

October 2021

Version 3.0

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Guidance for the Issuance of Response Action Outcomes

I. Introduction

The New Jersey Department of Environmental Protection (Department) has issued this guidance document to assist Licensed Site Remediation Professionals (LSRPs) with the following:

- When an LSRP may issue a Response Action Outcome (RAO)
- The different types of RAOs
- The structure of an RAO
- To whom the RAO may be issued
- When to include specific notices and reporting requirements in an RAO
- How to modify an RAO
- How to amend an RAO
- How to withdraw an RAO

With the enactment of the Site Remediation Reform Act (SRRA; N.J.S.A. 58:10C-1 et seq.), and related amendments to the Brownfield and Contaminated Site Remediation Act (Brownfield Act; N.J.S.A. 58:10B-1 et seq.), the determination that a remediation of a contaminated site or area of concern (AOC) is protective of public health and safety and the environment will rest with an LSRP. An LSRP will make that determination based on the remediation conducted, supervised and/or reviewed, and ultimately accepted by the LSRP using their independent professional judgment in accordance with SRRA, N.J.S.A. 58:10C-16.h. In accordance with SRRA, an LSRP is authorized to memorialize the completion of remediation by issuing an RAO to the person(s) responsible for conducting the Remediation [PRCR(s)].

The RAO represents the LSRP's determination that the remediation is in compliance with all applicable statutes, rules and regulations protective of public health, safety and the environment, and:

1. There are no discharged hazardous substances or hazardous wastes present at a site or area of concern; or
2. There are discharged hazardous substances or hazardous wastes, present at the site or area of concern or are migrating from the site that have been remediated in accordance with all applicable statutes, regulations, and guidance; or
3. There are discharged hazardous substances migrating onto the site for which the PRCR is not responsible to remediate.

Pursuant to the Administrative Requirements for the Remediation of Contaminated Sites (ARRCS, N.J.A.C. 7:26C), an LSRP is expressly prohibited from modifying the content of an RAO except as provided for in this guidance, or if written pre-approval was obtained from the Department. An LSRP cannot apply any other variance provisions from any Department rule to modify or vary from the language provided within the promulgated RAO shell and subsequent additional notices.

References to Child Care Facilities in the model RAO document must not be included in non-child care RAOs. For additional information regarding Child Care RAOs, refer to the “Environmental Guidance for All Child Care Facilities and Educational Facilities” at www.nj.gov/dep/dccrequest/.

Do not include ISRA case number(s) and ISRA transaction(s) when issuing Area of Concern RAOs for ISRA subject sites. These identifiers should only be included when issuing an ISRA Entire Site or Multi-Tenant Leasehold RAO.

II. Issuing Response Action Outcomes

A. To Whom an RAO is issued

The LSRP shall issue a RAO to the PRCR. The LSRP shall not issue the RAO until (a) remediation is completed and (b) if necessary, all remedial action permits have been issued by the Department. For a comprehensive list of requirements refer to the Administrative Requirements for the Remediation of Contaminated Sites (ARRCS) N.J.A.C. 7:26C-6.2

Pursuant to the Brownfield Act at N.J.S.A. 58:10B-1.3d(2)(b), an LSRP is not required to be retained when conducting a due diligence investigation for the purpose of all appropriate inquiry into previous ownership and uses of the property, as defined in the Spill Compensation and Control Act (Spill Act) at N.J.S.A. 58:10-23.11g. If, as a result of the due diligence investigation, contamination is identified in accordance with N.J.S.A. 58:10-23.11.b, N.J.S.A. 58:10B-1, or N.J.S.A. 58:10C-2, or it is desired to obtain a final remediation document (i.e., an RAO), the PRCR is required to retain an LSRP and perform the remediation pursuant to ARRCS, N.J.A.C. 7:26C-2.3.

If the PRCR is not the property owner (example: prospective buyer, tenant, discharger), include the property owner in the cc list of the RAO letter.

B. When to Issue an RAO

An LSRP may issue an RAO if the following items were completed in accordance with ARRCS N.J.A.C. 7:26C, and the Technical Requirements for Site Remediation (Technical Requirements) N.J.A.C. 7:26E, and applicable guidance:

- The completion of any phase of remediation that demonstrates that the site or AOC has no discharges or that the site or AOC has been remediated; and
- All applicable permits were obtained; and
- All monitoring wells installed as part of the remediation have been properly decommissioned (see General Notices for specific requirements, below); and
- All annual remediation fees and outstanding Department oversight costs owed have been paid (see III. Payment of Department Fees, below).

An LSRP may issue an RAO when contamination remains on-site, only when that LSRP determines and documents that:

- Contamination is migrating or has migrated onto the site and a Preliminary Assessment (PA), and, if necessary, Site Investigation (SI) for the contaminant(s) migrating onto the site have shown that the site receiving the RAO has not contributed to that contamination;
- The contamination was naturally occurring and there were no discharges of the same contaminants related to site operations;
- The Department has issued a remedial action permit that includes institutional and/or engineering controls;
- All other applicable permits have been issued and obtained prior to issuing the RAO; Contamination had been remediated to levels established in an approved remedial action work plan and if a new remediation standard was subsequently established for a contaminant at the site, then the new standard decreased by less than an order of magnitude from the previous standard;
- Contamination has been remediated and there is **less than** an order of magnitude difference between a new remediation standard and the standard approved in an RAWP, or less than an order of magnitude between the new remediation standard and residual contamination that has been left at the property that is subject to a final remediation document. Reference N.J.S.A. 58:10B-12.j. [No Further Action (NFA)/Response Action Outcome (RAO)];
- Contamination has been remediated, a final remediation document has been issued and there is **more than** an order of magnitude difference between a new remediation standard and the level or concentration of a contaminant remaining at the property and the remediation is still protective due to the use of engineering and institutional controls. Reference N.J.S.A. 58:10B-13.e.;
- An area of concern RAO can be issued for AOC(s) that have been remediated, regardless of whether contamination remains from the other AOC(s) that is/are undergoing remediation at the site;
- A soils-only RAO can be issued when it is determined that soils have been fully remediated and soil contamination is no longer impacting ground water, while ground water contamination remains from the site or AOC(s) that is/are undergoing remediation;
- All Immediate Environmental Concern (IEC) conditions have been mitigated prior to issuing the RAO. AOC-specific RAOs not associated with the IEC condition may be issued prior to mitigation of the IEC.

NOTE: Do not attach any RAO correspondence/items to any of the non-RAO online services. Send the RAO submission to Bureau of Case Assignment and Initial Notice (BCAIN) as a stand-alone submission package until the RAO online service is available.

III. Payment of Department Fees

In accordance with N.J.A.C. 7:26C-6.2(a)3, prior to the issuance of any RAO, the PRCR and the LSRP must ensure that all annual remediation fees and outstanding Department oversight costs owed by the PRCRs have been paid.

IV. Response Action Outcome – Reference “Re:” Section Overview

The following is a brief overview of the Reference section of the RAO letter. The RAO is defined by the information provided within it.

Remedial Action Type

1. Unrestricted Use Remediation

No restrictions

2. Limited Restricted Use Remediation

Institutional Control {Deed Notice and/or Classification Exception Area (CEA) [Remedial Action (RA) Permit]}

3. Restricted Use Remediation

Engineering Control and Institutional Control {Deed Notice and/or CEA [Remedial Action (RA) Permit]}

Scope of Remediation

Entire site vs. one (1) or more AOCs

AOC can be a specific area or media.

ISRA Industrial Establishment - Entire Site (Single-Tenant) or Multi-Tenant Leasehold

Include the ISRA case number(s) and all ISRA transaction triggering event(s) specific to the RAO-Entire Site (Single-Tenant) or Multi-Tenant Leasehold being issued. (Note: When issuing a Multi-Tenant Leasehold RAO attach a site map identifying the extent of the entire Leasehold area in relationship to the site.)

Do not include ISRA case number(s) and ISRA transaction(s) when issuing Area of Concern RAOs for ISRA subject sites. These identifiers should only be included when issuing an ISRA Entire Site or Multi-Tenant Leasehold RAO.

Site Information

Name

Address

Municipality

County

Block and Lot

Preferred ID (PI #)

LSR activity number

Known Contaminated Site List (KCSL) # NJL000000000/NJD000000000

Communication Center # (a/k/a DEP Hotline, Incident #) *

UST Registration**, UST Closure#

ISRA transaction (list all that apply), ISRA Case #***

Well Permit #****

Explanations are provided for the use of select case identifiers, highlighted with asterisk(s) and located within the “Re” section. Clarification as to when each case identifier should be included or excluded within the RAO is included below.

- * Communication Center #: Only Communication Center Numbers (Aka Incident Numbers , DEP Hotline Numbers) that are being closed should be included in the reference section of the RAO.

To include an Incident Number in the reference section, all contamination and media associated with the incident must be addressed. Incident Numbers being listed in the reference section of the RAO are for the purpose of closing the number (i.e., all remediation is complete with regards to that incident). Any Incident Number listed in the reference section of the RAO should not be used in the notices section.

Any Incident Numbers being left open would be included in applicable Notices (i.e., the remediation is not complete with regards to that incident).

- ** UST Registration: ensure that the UST registration database is up to date for the quantity, size, contents, and status (i.e., removed, in-use, abandoned in place, etc.) for each UST being closed at the site. The LSRP must compare the online UST registration record to the site records. Discrepancies must be reconciled and corrected prior to the LSRP issuing a RAO. The reference section of the RAO letter and the UST registration database must match.
- *** ISRA transaction(s) and ISRA case #(s) must be included when issuing an ISRA Leasehold or ISRA Entire Site RAO. These identifiers must not be included when issuing an Area of Concern RAO for an ISRA case.
- **** Well Permit numbers must only be included when monitoring wells were installed as part of the remediation of the AOC(s) or Entire Site and are no longer required following the issuance of the RAO.

Likewise, any permit number for any well(s) associated with the Site that will no longer be used for site activities but are being transferred (Redesignated Use) for an investigation associated with an unrelated site must also be listed here. Once the wells are transferred, new well permit numbers will be assigned to that case. See Transfer of Monitoring Well Use (Redesignated Use) Notice below for additional guidance.

The Well Permit information is not required when monitoring wells remain open for the purpose of evaluating other AOCs still under investigation at the Site.

V. Response Action Outcome Variations

The LSRP shall consider the Remedial Action Type (Extent of Remediation) and the Scope of the Remediation (entire site or area(s) of concern) when determining which type of RAO is to be issued. If a final remediation document was previously issued with a restricted use Remedial Action Type, then the restriction should carry forward to subsequent entire site or ISRA leasehold RAOs. See Attachment 4 RAO Template Scenarios/Instructions for further detail.

A. Remedial Action Type (Extent of Remediation)

The PRCR may use institutional and engineering controls, as appropriate to protect public health and safety and the environment. As a result, there are three Extent of Remediation RAO types, defined by how compliance with the applicable remediation standards has been attained. To define the

extent of remediation in the RAO, the LSRP shall include only one of the following Remedial Action Types:

1. Unrestricted Use RAO

An LSRP may only issue an Unrestricted Use RAO when either:

- a. There are no site-related contaminants found at an area of concern or entire site above the most stringent remediation standards following the completion of a PA and SI, as appropriate; or
- b. All contaminants were remediated to or below the most stringent remediation standards, including any site-specific or alternative remediation standards.

Note: If a Limited Restricted Use or Restricted Use RAO or NFA was previously established for a specific AOC or Entire Site, subsequent RAOs cannot be issued as Unrestricted Use for that specific AOC or Entire Site unless the contamination is remediated to or below the most restrictive standard. Once the contamination is remediated, as specified above, the LSRP may apply for a termination of the Remedial Action Permit (RAP). The Department must review and approve the termination of the RAP (Refer to The Remedial Action Permit for Soils and The Remedial Action Permit for Ground Water) which can be found within the Site Remediation Guidance Library. The LSRP may issue an Unrestricted Use RAO only after the Department approves the termination of the permit.

An Unrestricted Use RAO for an Area of Concern can exist while a Restricted Use RAO is present for the Entire Site or another Area of Concern at the site. See Attachment 4 RAO Shell Scenarios/Instructions.

2. Limited Restricted Use RAO

An LSRP may only issue a Limited Restricted Use RAO when either:

- a. **Soil** - remediated at a non-residential site to or below the non-residential direct contact soil standard, including any site-specific or alternative non-residential direct contact remediation standard(s) but above the residential direct contact standard; no engineering control is required; but a Deed Notice is required, and the Department has issued a Remedial Action Permit for the Deed Notice. **Note: A Limited Restricted Use RAO for soils is not appropriate for a residential site.**

Conditions when a Limited Restricted use RAO is required:

- Contamination remains above the residential soil remediation standard(s) but at or below the non-residential soil remediation standard(s);
- Impact to Ground Water Soil Screening Levels (IGWSSL) or Migration to Ground Water Soil Remediation Standards (MGWSRS), as applicable have been addressed (via remediation, compliance option, site-specific standard, etc.);
- A Deed Notice is required to ensure that a change to residential use does not occur without additional remediation (i.e., treatment/removal of contamination, use of an engineering control) protective of a residential exposure scenario; and
- The Department has issued a soil remedial action permit.

- b. Ground water** - Contaminants exist above applicable remediation standards or screening levels for ground water, soil contamination is no longer impacting ground water, no engineering control is utilized, the Department has established a CEA, and the Department has issued a ground water remedial action permit or Virtual Institutional Control (VIC), as appropriate for the CEA.

A Limited Restricted use RAO is required for ground water contamination when:

- A natural attenuation remedy is implemented for the entire ground water contaminant plume;
- No engineering control is needed for any portion of the ground water contaminant plume;
- The Department has established a CEA for impacts to ground water that are not due to the presence of historic fill;
- The Department has issued a ground water remedial action permit; or the Department establishes a CEA for historic fill impacting ground water, and a ground water remedial action permit is not required.

3. Restricted Use RAO

An LSRP may only issue a restricted use RAO when a remedial action permit including both an engineering control (for soil and/or ground water) and an institutional control (Deed Notice or CEA) has been issued by the Department, to ensure the long-term protectiveness of the remedy.

A restricted use RAO is required when:

- The IGWSSL or MGWSRS, as applicable have been addressed (via remediation, compliance option, site-specific standard, etc.);
- An engineering control (e.g., a cap, soil vapor extraction system, vapor intrusion mitigation system, pump and treat system, etc.) is required to prevent an unacceptable exposure; and
- A Deed Notice, CEA or Deed Notice and CEA, and all applicable Remedial Action Permits were approved.

B. Scope of Remediation for RAOs:

1. Area(s) of Concern [AOC(s)]

By definition, each AOC includes all contaminants originating from that AOC, as well as all contaminants in all media that may have migrated from that AOC (N.J.A.C. 7:26E-1.8). A media specific RAO can also be issued (see Option 2, below). For an LSRP to issue an “Area of Concern RAO,” an assessment and, if necessary, an applicable investigation must be conducted at the AOC. The LSRP must also determine that all contaminants from that AOC, whether on or off site, have been remediated pursuant to all applicable statutes, regulations, and guidance. The RAO scope:

- Can be a specific AOC or medium (type of contamination e.g., unleaded gasoline, tetrachloroethylene in ground water, chlorinated volatile organic compounds);
- Must describe the AOC or medium (soils, ground water, sediment, etc.);
- Must include the phrase “and no other areas” following the AOC description;
- Cannot be for receptors (e.g., Vapor Intrusion, Potable Well, Direct Contact Pathway);

Below are various scenarios and accompanying examples in which Areas of Concerns can be presented independently or in combination with other Areas of Concern. The following are the four common ways in which AOCs are presented:

Option 1: This option is used when All media for one or more Area(s) of Concern has been evaluated and remediated, as necessary. This scenario can include frequent situations in which soils have been evaluated/remediated and it has been determined that no pathway to other media such as ground water exists.

Option 2: This option is used when an individual medium for one or more Area(s) of Concern has been evaluated and remediated; however other media associated with these AOCs remain impacted and will be addressed in a separate RAO.

Option 3: This option is used when multiple AOCs are being addressed which combine evaluation situations from Options 1 and 2 above.

Option 4: This option is used when an RAO is issued for a single medium at a specific block/lot (s) and a Preliminary Assessment has been conducted. Note: This option only applies to Area of Concern RAOs.

Option 1: Area(s) of Concern (all media) - all media associated with a single discharge have been remediated.

This option is to be used when all impacted media (soil, ground water, surface water, air, sediment) associated with a discharge from that Area of Concern have been remediated.

Examples:

Scope of Remediation: Areas of Concern: AOC-1: two 10,000-gallon diesel Underground Storage Tanks (USTs) and associated appurtenances; AOC-2: one 550-gallon waste oil UST and associated appurtenances; AOC-3: chlorinated volatile organic compounds in ground water and no other areas

Scope of Remediation: Areas of Concern: AOC-3: one diesel fuel surface spill (approximately 110 gallons) located at dispenser #2; and no other areas

Scope of Remediation: Areas of Concern: AOC-4: Suspected discharge associated with Incident Number xx-xx-xx-xxxx-xx; and no other areas

Scope of Remediation: Areas of Concern: AOC-5: Gasoline Surface Spill at Pump Island #1; and no other areas

Medium Specific (Soil, Ground Water, Surface Water or Sediment) only RAOs: For a specific AOC or the Entire Site

Options 2 and 3 below are used **only** when a single medium has been remediated and other contaminated media remain for a single AOC, multiple AOCs, or the entire site.

Note: While an RAO can be issued for a single medium for an entire site, it is still considered an Area of Concern RAO given that all remaining media have not yet been addressed for the entire site.

Note: When issuing an RAO where the scope of remediation is only for soils medium, then the “Soils Only RAO” must be included in the notices section of the RAO and can be any level of restriction (example: Unrestricted Use) independent of the remaining associated ground water contamination.

Option 2: Individual Medium only AOC specific—For an RAO that addresses one or more Areas of Concern, whether or not a PA was completed, use the following Scope of Remediation language:

“Area(s) of Concern: (Soils or Ground Water, etc.); followed by a list of the remediated area(s) of concern; and no other areas”.

Example:

Scope of Remediation: Areas of Concern: SOILS ONLY associated with AOC-1: two 10,000-gallon diesel Underground Storage Tanks (USTs) and associated appurtenances; and no other areas

Option 3: Areas of Concern (all Media) combined with Individual Medium only AOCs – For an Area of Concern RAO in which all media associated with a single discharge have been remediated is combined with other individual medium only AOC(s), use the following Scope of Remediation language, whether or not a PA has been completed.

This option is to be used when all impacted media (soil, ground water, surface water, air, sediment) associated with a discharge from specific Area(s) of Concern have been remediated and an individual medium specific AOC is also being issued in the same RAO under the **same** Remedial Action Type (Unrestricted, Limited Restricted or Restricted Use).

Example:

Remedial Action Type: Unrestricted Use

Scope of Remediation: Areas of Concern:

- AOC-1: two 3,000-gallon leaded gasoline Underground Storage Tanks (USTs) and associated appurtenances; AOC-2: one 550-gallon waste oil UST and associated appurtenances; and
- SOILS ONLY associated with AOC-3: two 10,000-gallon diesel USTs and associated appurtenances; and no other areas

Option 4: Individual Medium only for Specific Block(s) and Lot(s) – A Preliminary Assessment (PA) has been conducted and a single medium associated with an entire site has been remediated, use the following Scope of Remediation language:

“Area of Concern: (Soils or Ground Water, etc.) for Block(s) #### and Lot(s) ##### and no other areas.”

Example:

Scope of Remediation: Areas of Concern: Soils associated with Block 3, Lot 25; and no other areas

2. Entire Site

At a minimum, the LSRP must conduct a PA and, as necessary, SI for the entire site. All affected media at the site must be remediated. In this instance, the individual AOCs are not listed. See the following section for ISRA subject sites.

3. ISRA Industrial Establishment as defined according to N.J.A.C. 7:26B

At a minimum, the LSRP must conduct a PA and, as necessary, SI for the industrial establishment. All affected media, including contaminated Historic Fill material associated with the industrial establishment must be remediated.

Note: If there are one or more existing ISRA cases that have **not** received a final remediation document, a remediation in progress waiver may be appropriate rather than an RAO. Refer to the ISRA rule, N.J.A.C. 7:26B-5.4 for details.

a. Entire Site

For sites which are owner occupied or are solely leased and utilized by a single-tenant and the industrial establishment includes all of the block(s) and lot(s) upon which the business is conducted, then per joint and several liability, the property owner and tenant are responsible for the remediation of the entire site. The resulting RAO should reference the scope as “**ISRA Industrial Establishment as defined according to N.J.A.C. 7:26B – Entire Site.**”

b. Leasehold

There are two scenarios for leasehold remedial obligations:

Scenario 1: If there are multiple buildings on site and an ISRA subject tenant leases one or more entire buildings but has no access to other buildings, then without regard to fault, the ISRA liable parties are responsible to conduct a PA and remediation of **all** current or historic areas of concern associated with the building and any external leased spaces under the control of the tenant. The resulting RAO should reference the scope as “**ISRA Industrial Establishment as defined according to N.J.A.C. 7:26B - Leasehold.**”

Scenario 2: If an ISRA subject tenant leases part of a multi-tenant building, the scope of the investigation is limited to the tenant's leased space and **any** external areas currently or historically used to convey hazardous materials to and from that leased space. The resulting RAO should reference the scope as “**ISRA Industrial Establishment as defined according to N.J.A.C. 7:26B - Leasehold.**”

Without regard to use or fault, if an area of concern exists at an ISRA subject tenant's leasehold it must be investigated. This includes Historic Fill material if present.

The tenant is not responsible for investigating areas that the tenant did not have access to during tenure on the site. To exclude an area from the ISRA investigation, access to the area(s) of concern must have been removed before the tenant began operations.

Example: if floor drains were sealed before the tenant began their lease of the site, then the floor drain discharge point is not required to be investigated.

The resulting RAO should reference the scope as “**ISRA Industrial Establishment as defined according to N.J.A.C. 7:26B - Leasehold**” and must include the Notice for ‘ISRA Specific Multi-Tenant Situations - Bureau of Case Assignment and Initial Notice Referral’ and an attached site map identifying the Leasehold in relation to the surrounding property. The notice should include option 1, see Section VIII, C. “ISRA Specific Notices”

c. **Limited Conveyance**

In accordance with N.J.A.C. 7:26B-5.7, limited conveyance is for up to one-third (1/3) of the value of an industrial establishment that remains in operation (i.e., cannot be used for a cessation of operations). The Department's approval of a certificate of limited conveyance shall be valid for three years from the date of issuance and authorizes the owner of an operating industrial establishment to transfer up to one-third the total appraised value of the real property of the industrial establishment upon the licensed site remediation professional's issuance of an RAO or certification of a remedial action workplan or remediation certification for the subject portion of the industrial establishment to be conveyed without the owner or operator conducting a remediation of the entire industrial establishment.

At the time of issuing an RAO, the Scope of Remediation should be: “**Area of Concern - ISRA Industrial Establishment as defined according to N.J.A.C. 7:26B - Limited Conveyance and no other areas.**”

At a minimum, the following are necessary for submissions related to **limited conveyance**:

- A PA is required for the area of limited conveyance.
- The RAO-A must include a figure of the entire site, depicting the area of limited conveyance.
- The Case Inventory Document (CID) must include all potential areas of concern within the area of limited conveyance, including but not limited to, discharges from off-site that are migrating on-site.
- Block/Lot must be included. If the limited conveyance property is not a separate block/lot, then the statement “portion of Block / Lot ...” must be included.
- The site must be an operating Industrial Establishment. A portion of the site cannot be conveyed if the Industrial Establishment has already ceased operations.
- Pursuant to N.J.A.C. 7:26B 5.7(e), upon the Department's issuance of the certificate of limited conveyance, the owner or operator shall remediate the portion of the real property certified for transfer or conveyance prior to the transfer or conveyance. The

remediation of the real property subject to the certificate of limited conveyance shall include any discharges from the remaining portion of the industrial establishment that have migrated or are migrating to the real property certified for conveyance.

4. Child Care Facility

References to Child Care Facilities in the Model RAO document should not be included in non-child care RAOs. For additional information regarding child care facility RAOs, refer to the “Environmental Guidance for All Child Care Facilities & Educational Facilities” at www.nj.gov/dep/dccrequest/.

VI. Issuing RAOs Involving Ground Water Remedies and Coordination with Remedial Action Permits

An LSRP shall issue an RAO for ground water contamination as follows:

A. Ground water is remediated to the Ground Water Remediation Standards (N.J.A.C. 7:26D): Unrestricted Use RAO

When ground water is in compliance with the ground water remediation standards there is no need to obtain a RAP for ground water.

B. Ground water contamination remains above the Ground Water Remediation Standards: Limited Restricted Use RAO

Whenever ground water contamination remains above a remediation standard, the PRCR is required to obtain a ground water remedial action permit prior to the LSRP issuing an RAO. The permit will include any necessary long-term ground water monitoring and reporting conditions.

Prior to applying for a ground water remedial action permit soil compliance must be demonstrated as follows:

1. All soil contamination above the static ground water table has been remediated to the default IGWSSL or MGWSRS, as applicable (IGWSSL or MGWSRS, as applicable only apply to soil contamination above the water table) or to a site-specific impact to ground water screening level; **or**
2. Pursuant to N.J.A.C. 7:26E-5.7, soil compliance has been determined via appropriate evaluation using the Introduction to Soil Remediation Standards Guidance dated September 2017 (available at <https://www.state.nj.us/dep/srp/guidance/rs/index.html>) for additional details.

C. Ground water remains above the standards and cannot be remediated due to technical impracticability: Restricted Use RAO.

Containment is required to address any product or otherwise high levels of contamination in ground water that is technically impracticable to treat or remove. The ground water remedial action may

utilize a long-term containment strategy (e.g., slurry walls, hydraulic control, etc.) to prevent migration of some (or all) of the contaminated ground water plume while another portion of the plume is remediated via natural attenuation. A ground water remedial action permit to address an active remedial action must be obtained prior to issuance of the RAO. If a portion of the contaminated ground water plume is being remediated by natural attenuation, a separate ground water remedial action permit is required to address that portion of the plume.

The LSRP may issue a restricted use RAO for ground water when the following criteria are met:

When the remedial action includes complete containment of the ground water plume, the PRCR has demonstrated the engineering control is deemed operational and functional and is effectively controlling the contaminated ground water for a period of one year following completion of construction/system start-up and has obtained a ground water remedial action permit.

When the ground water remedial action involves splitting the plume (i.e., a portion of the plume will be contained via an engineering control while the other portion will naturally attenuate) one Restricted Use RAO can be issued. The PRCR shall demonstrate the engineering control is effectively controlling the contaminated ground water for a period of one year following completion of construction/system start-up, has demonstrated a decreasing trend for the portion of the plume subject to natural attenuation, and has been issued separate ground water remedial action permits for both the containment remedy and the natural attenuation remedy. For more information regarding monitored attenuation, refer to the “Monitored Natural Attenuation Guidance,” available at: www.nj.gov/dep/srp/guidance/#mon_nat_atten.

VII. Compliance with All Remedial Action Permits

Long term monitoring and reporting requirements will be specified in the Remedial Action Permits issued to the PRCR. The RAO must include the permit identification number(s) and effective date(s) of the permit(s) to ensure responsible parties and subsequent purchaser(s) are aware of the permit and associated responsibilities that are required to remain in full compliance with the RAO. RAO and site remediation permit compliance is required to maintain the benefits provided in the Covenant Not to Sue (CNS). Non-compliance with the remedial action permit could result in the invalidation of the RAO and revocation of the CNS.

Whenever a property is sold, transferred or a new entity becomes the person(s) responsible for the cleanup, any statutory permittee (see N.J.A.C. 7:26C-1.3 for definition) is responsible for requesting a remedial action permit transfer and the new statutory permittee must apply for a remedial action permit pursuant to N.J.A.C. 7:26C-7.11 .

VIII. List of Notices in the RAO

Notices are to be included in the RAO letter when appropriate and applicable to site conditions. Each notice description will indicate the type of Scope of Remediation (RAO-A, RAO-E, or RAO-A and E) in which the notice can be utilized. **As they pertain to the notices below, an RAO-E includes Non-ISRA Entire Site, ISRA Entire Site, and ISRA Multi-Tenant Leasehold.**

The following section of this guidance describes the Notices to be included in the RAO letter. The descriptions include those Notices found in the Model RAO Document (ARRCS, Appendix D), as well

as several that are not included in the Model RAO Document.

For any notices below in which an Incident Number is required but not available, the Department will accept alternative identifiers (i.e., ISRA number, Federal Resource Conservation and Recovery Act (RCRA) number, Known Contaminated Site List (KCSL) number NJL000000000/NJD000000000, chromate ore processing residue (COPR) # as applicable, etc.) in lieu of the Incident Number.

Child Care Facility: References to Child Care Facilities in the Model RAO document should not be included in non-child care RAOs. For additional information regarding Child Care facility RAOs, refer to the “Environmental Guidance for All Child Care Facilities & Educational Facilities” at www.nj.gov/dep/dccrequest/.

A. Well Decommissioning and Well Transfer Notices

This section provides guidance when wells are being decommissioned and when wells are being transferred for use at another site. Use all the notices in this section, as applicable, for each situation.

Note: Before the issuance of the final RAO, all remediation related wells should be sealed unless:

- The wells are being used to evaluate other on-site discharges;
- They are used to monitor a Remedial Action Permit; or
- They are being transferred for use associated with another site.

Well Decommissioning – (RAO-A and E) This Notice (indented below) is used to indicate when a monitoring well(s) is no longer being used as part of remedial activities. Monitoring wells that will no longer be used for monitoring purposes must be properly decommissioned prior to the issuance of the RAO pursuant to the Well Construction and Maintenance; Sealing of Abandoned Wells Rules, N.J.A.C. 7:9D. Any wells that will be used for monitoring under a remediation permit may remain open but must be properly decommissioned later as part of the well permit termination process. In addition, if monitoring wells are damaged, destroyed or lost and were not properly decommissioned, the property owner or its agent shall contact the Bureau of Water Allocation and Well Permitting pursuant to N.J.A.C. 7:9D-3.5(a).

- Site Related Wells are decommissioned - The first option presented in the Notice should be used when **all** site related monitoring wells have been properly decommissioned.
- Some wells are decommissioned and remaining well(s) stay open for the continuing ground water investigation as part of a Remedial Action Permit - The second option presented in the Notice should be used when all site related monitoring wells have not been properly decommissioned. Example: Limited Restricted Use or Restricted Use RAO where a Remedial Action Permit is established, and some monitoring wells will remain in place to evaluate the ground water plume.

“Well Decommissioning

[Select One:

- Pursuant to N.J.A.C. 7:9D-3, all wells installed as part of this remediation have been properly decommissioned by a New Jersey licensed well driller of the proper class in accordance with the

procedures set forth in N.J.A.C. 7:9D and I have verified that the well driller's well decommissioning report has been submitted to the Bureau of Water Allocation and Well Permitting. **OR**

- Pursuant to N.J.A.C. 7:9D-3 any wells installed as part of this remediation that will no longer be used for remediation have been properly decommissioned by a New Jersey licensed driller of the proper class and I have verified that the well driller's well decommissioning report has been submitted to the Bureau of Water Allocation and Well Permitting. Wells considered to be abandoned, lost, damaged, or destroyed pursuant to N.J.A.C. 7:9D have been reported to the Bureau of Water Allocation and Well Permitting pursuant to N.J.A.C. 7:9D. Pursuant to N.J.S.A. 58:4A, any monitoring wells remaining onsite shall be properly decommissioned prior to the termination of the applicable remedial action permit. A New Jersey licensed well driller shall decommission the well(s) in accordance with the requirements of N.J.A.C. 7:9D-3 and submit the decommissioning report on your behalf to the Bureau of Water Allocation and Well Permitting. More information about regulations regarding the maintenance and decommissioning of wells in New Jersey can be found at www.nj.gov/dep/watersupply. For a list of New Jersey Well Drilling Companies under "Wells" on the left side of the page, click on "Well Permits & Information"; then click on the "Online Reports"; and scroll down to "WS Well Permits" and select "Well Drilling Companies" Questions can be emailed to wellpermitting@dep.nj.gov.]

Transfer of Monitoring Well Use (Redesignated use)– (RAO-A and E) This Notice (indented below) is used to indicate that monitoring well(s) will remain open for the purposes of a ground water remediation associated with an unrelated case. An Incident and Program Interest Number are required for the unrelated case. The Department will accept an ISRA transaction number, a RCRA number, a KCSL number, or a chromate ore processing residue (COPR) number as applicable in lieu of the Incident Number. Use this notice for Redesignated well use and the well decommissioning notice above if any of the site wells are being decommissioned.

The following steps should be followed in order to have monitoring wells remain open for the purposes of a ground water remediation associated with an unrelated case.

- An access agreement, between the property owner and the party requesting use and decommissioning of said wells, should be established.
- If available a copy of the signed access agreement should be submitted with the Remedial Action Report and/or Response Action Outcome form.
- A Licensed Well Driller must submit a well permit application for an *Existing Constructed Permitted Well* through the NJDEP Online electronic permit submittal portal. The well permit application would include any changes in property ownership and new Program Interest number of the site that will be using the well(s).

- When using the below notice within the corresponding Response Action Outcome, copy the Responsible Entity, and retained Licensed Site Remediation Professional that will be using these monitoring wells as part of the referenced, unrelated case.
- Any wells that are to remain open for the purposes of a Redesignated use must be decommissioned in accordance with N.J.A.C. 7:9D-1.11(a) and (b) prior to the issuance of the Response Action Outcome for the referenced unrelated case.

“Transfer of Monitoring Well Use (Redesignated Use)

The following monitoring wells (Well Permit #'s **[\$\$ insert well permit numbers \$\$]**) will remain open as part of an unrelated ground water investigation. Pursuant to N.J.A.C. 7:9D these wells are now Redesignated and permitted for use under the Department’s Incident Number(s) 00-00-00-0000-00) and Department Program Interest # **[\$\$ insert Program Interest number of the unrelated site that will be utilizing the Redesignated monitoring wells\$\$].”**

B. Building Interiors Notices

Building Interiors – (RAO-A and E) The Department of Environmental Protection does not regulate the remediation of building interiors unless:

- 1) there is a known or suspected discharge of a hazardous substance or hazardous waste that may result in a discharge to the environment, or
- 2) if a discharge from outside of the building is determined to be entering the building (for example, blooms of hexavalent chromium).

The following two notices are not required if there is no building present at the time the RAO is issued.

Building Interiors Not Addressed (Non-Child Care) - This Notice (indented below) is intended to clarify to all parties that the RAO did not address contamination that may be in the building. The insert (bracketed) in the below notice should only be used when a discharge occurred within an on-site building prompting remediation of a portion of the building and the media (soil, ground water, etc.) outside of the building. Example: A leak from an above ground storage tank has migrated through the building floor and contaminated the soil below. A portion of the stained floor along with the underlying soil were removed for off-site disposal.

******Always include the last sentence of the notice regardless of whether the insert is used. ******

Use this Notice **only** for:

RAO - Entire Site (ISRA and Non-ISRA subject sites unless no building is present);

ISRA leaseholds;

RAO - Area of Concern - only if an AOC is located within a building and has discharged to the environment (soil, ground water, etc.).

Do NOT use this notice when:

There is no building present at the time the RAO is issued

“Building Interiors Not Addressed (Non-Child Care)

Please be advised that the remediation that is covered by this Response Action Outcome does not address the remediation of hazardous substances that may exist in building interiors or equipment, including, but not limited to, radon, asbestos and lead. As a result, any risks to human health presented by any building interior or equipment remains. **[\$\$Select if applicable:** The only exception to this building interior exclusion is the release of specify contaminant from specify the AOC that discharged outside the building.\$\$]” A complete building interior evaluation should be completed before any change in use or re-occupancy is considered.”

Building Interiors Addressed – This notice only applies to discharges from outside the building that have impacted the interior of the building. For example, blooms of hexavalent chromium or an oil discharge seeping into the building, where the interior of the building was remediated along with the exterior source.

“Site specific:

language to be developed by licensed site professional in coordination with the Department.”

The LSRP shall consult with the Department (Bureau Chief, Bureau of Inspection and Review and/or Assistant Director, Remediation Review Element) and obtain pre-approval of the language to be used in this notice, before issuing the RAO.

Note: This notice should not be used for receptor controls for Vapor Intrusion, Potable Well or direct contact impacts.

C. Natural Background Notices

Regional Natural Background Levels of Materials in Soil – (RAO-A and E) Use this Notice (indented below) whenever soil contamination, identified above Direct Contact Standards, is associated with natural background levels of materials. This notice should not be used for constituents above IGWSSL or MGWSRS, as applicable. Prior to using this Notice, the LSRP must ensure that the soil contamination present at the site is not associated with any possible on-site historical uses/discharges. The PRCR is not required to remediate to levels below natural background.

The reference in the following Notice to Child Care Facilities should only be included in child care RAOs. It should not be included in non-child care RAOs.

“Regional Natural Background Levels of Materials in Soil

Please be advised that concentrations of **[\$\$Insert specific materials\$\$]** were detected in the soil at this site above the Department’s (**\$\$Select: Residential OR Non-residential\$\$**) Direct Contact Remediation Standards. However, these concentrations are associated with natural background levels of these material(s) in the soil. Pursuant to N.J.S.A. 58:10B, remediation beyond natural background levels is not required. **[\$\$Select for Response Action Outcomes involving Child Care Facilities Only:** However, to minimize potential direct contact at this Child Care Center an impermeable barrier should be installed over the surface of the outdoor play area in its entirety in accordance with Department guidance for presumptive remedies found at:

https://www.state.nj.us/dep/srp/guidance/srra/presumptive_remedy_guidance.pdf The Department recommends that any such barrier consists of impermeable materials, such as hard surfacing, poured rubber, or rubber matting, etc. Finally, the Department recommends that the Child Care Center maintain documentation that provides proof of installation and proper maintenance of the integrity of the barrier.**\$\$]**”

Naturally Occurring Levels of Constituents in Ground Water - (RAO-A and E) Use this Notice (indented below) when exceedances of the Ground Water Remediation Standards are caused by naturally occurring constituents found in ground water.

This notice primarily applies to metals, and excludes on-site sources and anthropogenic background contamination including, but not limited to, synthetic organic chemicals such as petroleum byproducts/hydrocarbons, chlorinated compounds, and any compound that cannot be considered naturally occurring.

“Naturally Occurring Levels of Constituents in Ground Water

Please be advised that concentrations of **[\$\$Insert specific materials\$\$]** were detected in the ground water at this site above the Department’s Ground Water Remediation Standards (N.J.A.C. 7:26D-2). However, these concentrations are associated with naturally occurring levels of these constituent(s) in the ground water. Pursuant to N.J.S.A. 58:10B, remediation beyond naturally occurring levels is not required. Development or redevelopment on this site should take into consideration the potential for exposure to constituents that exceed the Ground Water Quality Standards (N.J.A.C. 7:9C).”

D. Contamination not yet Investigated and/or Remediated Notices

Soils Only RAO when Ground Water Contamination remains from that AOC or Site - (RAO-A) Use this Notice (indented below) whenever soil contamination at a site has been remediated, and ground water contamination remains as a result of the discharge.

Use this Notice when:

- Issuing an Area of Concern RAO only.
- The Scope of Remediation identifies “SOILS ONLY associated with an AOC or Block and Lot for a site, and no other areas”.

Do NOT use this Notice when:

- The requirement for ground water sampling was not triggered at the AOC or at the site.

“Soils Only Response Action Outcome when Ground Water Contamination remains from that Area(s) of Concern or Site

This Response Action Outcome only applies to the soils at the referenced location. By issuing this Response Action Outcome, I have relied on both the implementation of the remedial action for soil and on the ground water data to support the determination that soil contamination is no longer affecting ground water. Please be advised that if changes in future ground water data no longer support this conclusion, additional soil remediation may be necessary. Also, any redevelopment on this site should take into consideration the potential for vapor intrusion from the ground water contamination. Please note that you may have an affirmative obligation, pursuant to the Brownfield and Contaminated Site Remediation Act, N.J.S.A. 58:10B-1.3, to remediate the remaining contamination, within specific regulatory and mandatory timeframes or within the statutory timeframe specified at N.J.S.A. 58:10C-27.”

Ground Water Contamination Not Yet Investigated – (RAO-A) This Notice (indented below) notifies all parties that a ground water AOC, associated with this site, remains open. Do not use this Notice for Entire Site RAOs or ISRA leaseholds. This Notice should **only** be used in Area of Concern RAOs when one or a combination of any of the below conditions exist:

- Ground water contamination is detected onsite during the site investigation, but the remedial investigation has not been completed;
- A CEA/Ground Water RA Permit has not been established;
- A Preliminary Assessment and background investigation in accordance with N.J.A.C. 7:26E-3.9 (if an offsite source is being claimed) has not yet been conducted;

- It has been determined that the AOC(s) receiving the RAO has not contributed or is no longer contributing to the observed ground water contamination;
- There is an outstanding remediation obligation at this property, the discharge has been reported to the Department, and the PRCRs are aware of their obligations to remediate the discharge;
- There is knowledge of ground water contamination present at the site that is being remediated by another LSRP or RP.

“Ground Water Contamination Not Yet Investigated

This Response Action Outcome does not address the ground water contamination (specifically, **\$\$\$identify contaminants\$\$\$**) at this site. This contamination was reported to the Department and assigned the Department’s Hotline Incident Number 00-00-00-0000-00. Pursuant to the Technical Requirements for Site Remediation, N.J.A.C. 7:26E-4.3, a remedial investigation of ground water (including a background investigation pursuant to N.J.A.C. 7:26E-3.9, if an offsite source is being claimed) is required. In order to identify any onsite areas of concern that may be contributing to the noted contamination a preliminary assessment and site investigation (as applicable), pursuant to N.J.A.C. 7:26E-3 should be conducted. **\$\$\$Select if Applicable** This contamination is being addressed under Department Program Interest #. **\$\$\$** Please note that you may have an affirmative obligation, pursuant to the Brownfield and Contaminated Site Remediation Act, N.J.S.A. 58:10B-1.3, to remediate the contamination (not otherwise determined to be from an offsite source) within specific regulatory and mandatory timeframes and within the statutory timeframe specified at N.J.S.A. 58:10C-27. Be advised that ground water contamination exists above the Ground Water Quality Standards (N.J.A.C. 7:9C-1.7) which may limit ground water use at this site. Also, any redevelopment on this site should take into consideration the potential for vapor intrusion from the ground water contamination.”

Known On-site Contamination Source Not Yet Remediated – (RAO-A) Use this Notice (indented below) for Area of Concern RAOs only. Do not use this Notice for Entire Site RAOs or ISRA leaseholds. This notice notifies all parties that other known contaminated AOCs associated with this site remain open. Do not use this notice for Historic Fill related contamination. For Historic Fill not yet investigated use “Known On-site Contamination Source Not Remediated – Historic Fill” notice.

Use this Notice when:

- A known contaminated AOC is not being addressed by the RAO that is being issued. This could be an AOC that was newly discovered as contaminated, is being addressed by a different PRCR, or there are other AOCs at the site that require remediation. This notice is typically used for soil contamination but can also be used for sediment or surface water.

- There is an outstanding remediation obligation at this property, the discharge has been reported to the Department, and the responsible parties are aware of their obligation to remediate the discharge.

Do NOT use this Notice:

- When contamination is emanating from an off-site source;
- For AOCs which have Deed Notices and/or previous RAOs;
- For ground water contamination - other ground water specific Notices would apply.

“Known Onsite Contamination Source Not Yet Remediated

This Response Action Outcome specifically does not address the **[\$\$Specify any known areas of concern at the site\$\$]** contaminated with **[\$\$Add contaminant type, i.e., lead, benzene, etc.\$\$]**. This aspect of this site was reported to the Department and assigned the Department’s Hotline Incident Number(s) 00-00-00-0000-00. **[\$\$Select if Applicable:** This contamination is being addressed under Department Program Interest #. \$\$] Please note that you may have an affirmative obligation, pursuant to the Brownfield and Contaminated Site Remediation Act, N.J.S.A. 58:10B-1.3, to remediate the remaining contamination, within specific regulatory and mandatory timeframes and within the statutory timeframe specified at N.J.S.A. 58:10C-27.”

Note: The Department will accept an ISRA transaction number, a RCRA number, a KCSL number, or a chromate ore processing residue (COPR) number as applicable in lieu of the Incident Number. A Program Interest number is required if the contamination is being addressed by another case.

In-Service Railroad Line, Spurs and Sidings Not Remediated - (RAO-A and E) Use this Notice (indented below) when one or more railroad lines, spurs and/or sidings have (contamination identified) or have not been investigated and/or remediated and will remain active or in-service at the site. This notice may be used in Unrestricted, Limited Restricted or Restricted Use RAO-A or RAO-E documents.

Do NOT use this Notice when:

- The railroad infrastructure is no longer active or in-service.
- The railroad infrastructure is located off-site.

“In-Service Railroad Line, Spurs and Sidings Not Remediated

Please be advised that this Response Action Outcome does not include the remediation of contamination that may be present within, or directly adjacent to, the in-service railroad line, spur and/or siding at this site. Contamination that may be present may include, but is not limited to, polynuclear aromatic hydrocarbons, polychlorinated biphenyls (PCBs) and metals. Remediation of this

area is not required while the railroad line, spur and/or siding remain in-service. Please note that you may have an affirmative obligation, pursuant to the Brownfield and Contaminated Site Remediation Act, N.J.S.A. 58:10B-1.3, to remediate any contamination associated with the railroad line, spur and/or siding within specific regulatory and mandatory timeframes and within the statutory timeframe specified at N.J.S.A. 58:10C-27 at such time that these areas are no longer in-service. Please consult www.nj.gov/dep/srp/srra/ for additional guidance.”

Historically Applied Pesticides Not Addressed – (RAO-E, not appropriate for RAO-A without a completed Preliminary Assessment.) Use this Notice (indented below) when pesticides may have been historically applied at a site but **were not investigated** as part of the remediation. This notice may be used for all restriction levels (Unrestricted Use, Limited Restricted Use and Restricted Use). If pesticide contamination was detected during any phase of the investigation at the site a full investigation and remediation of pesticide contamination is required.

Do NOT use this Notice:

- If analytical data identify pesticides exceeding standards during any phase of the investigation.
- When manufacturing, mixing, or other handling of these chemicals resulted in a discharge to the environment.
- For properties that are undergoing a change in use to or new construction of residences, schools, child care centers, and/or playgrounds.

“Historically Applied Pesticides Not Addressed

Please be advised that the remediation that is covered by this Response Action Outcome does not address the remediation of contaminants that may exist from the historical application of pesticides. As a result, any risks presented by the historical application of pesticides may remain. An evaluation of historical pesticides should be completed if there is a land use change to residences, schools, child care centers and playgrounds. This exclusion does not apply if the pesticide contamination is from a discharge due to manufacturing, mixing, or other handling of these chemicals and not from application.”

E. Contaminated Historic Fill Notices

Known On-site Contamination Source Not Remediated - Historic Fill (Area of Concern RAO) – (RAO-A only) The following Notice (indented below) should be used when an Area of Concern RAO is issued, and historic fill has been visually characterized and/or confirmed via sampling (mapped identification alone is not sufficient) at the site but has not been remediated. (Example: An RAO is issued for a clean UST closure or remediation is limited to one or more AOCs but Historic

Fill (including ground water contamination from the Historic Fill) has not been remediated via excavation or capping);

Do NOT use this Notice for:

- Any RAO where there will be new construction of, or change in use to, a residence, child care center or school as it is necessary pursuant to N.J.S.A. 58:10B-a2(g), to either remove historic fill (issue an unrestricted use RAO), implement presumptive remedies for historic fill in accordance with table 5.1 in N.J.A.C. 7:26E-5.3, or get an approved alternative remedy in accordance with N.J.A.C. 7:26E-5.3.
- Entire Site RAOs
- Any ISRA RAOs

“Known On-site Contamination Source Not Remediated – Historic Fill
(Area of Concern RAO)”

Please be advised that this Response Action Outcome does not include the remediation of contamination in the form of historic fill. In the event that an Entire Site RAO is to be issued, the historic fill must be remediated in accordance with N.J.A.C. 7:26E.”

Ground Water Contamination due to Regional Historic Fill – (RAO-A and E) Use this Notice (indented below) when:

- Ground water contamination that remains on-site, is not from site related activities and is solely from regional historic fill material that extends beyond the boundaries of the property;
- Historic fill impacted soils have been addressed (i.e., Remedial Action Permit, historic fill removed); and
- An application for a Classification Exception Area for Historic Fill has been submitted to the Department prior to issuance of the RAO. Pursuant to N.J.A.C. 7:26E-4.7 and N.J.A.C. 7:26C-7.3, specific to this situation, the person conducting the remediation is not required to obtain a ground water Remedial Action Permit for the RAO to be issued. The PRCR shall prepare and submit the CEA Fact Sheet for the footprint of the property. The Department will establish and maintain a “Virtual CEA.” Biennial certifications are not required. When a CEA is being established for this AOC, at a minimum, the Remedial Action Type shall be “Limited Restricted Use with Permit Requirements”.

“Ground Water Contamination due to Regional Historic Fill

Please be advised that ground water contamination (specifically. **[\$\$identify contaminants\$\$]**) at this site exists above the Ground Water Quality Standards (N.J.A.C. 7:9C) which may limit ground water use at this site. It has been determined that this contamination is solely related to regional historic fill and there is no other onsite source of contamination contributing to this ground water contamination. Based on ground water data collected as part of this remediation

and provided to the Department, a Classification Exception Area (CEA) pursuant to N.J.A.C. 7:26E-4.7(b) is required for the footprint of this property. Since this contamination is from regional historic fill only, the Department will maintain the Classification Exception Area and a Remedial Action Permit for this contamination is not required. The duration of this Classification Exception Area is for an “indeterminate” period.”

Ground Water Contamination due to Regional Historic Fill (Ground Water confirmation sampling has not been conducted) – (RAO-A and E) Use this Notice (indented below) when:

- ground water sampling was not conducted but it is assumed that ground water contamination is present onsite, and that the source of the contamination is solely from regional historic fill material that extends beyond the boundaries of the property and
- Historic fill impacted soils have been addressed (i.e. remedial action permit, historic fill removed).

Pursuant to N.J.A.C. 7:26E-4.7 and N.J.A.C. 7:26C-7.3, the person conducting the remediation does not have to obtain a remedial action permit for the RAO to be issued. The person conducting remediation shall prepare and submit the CEA Fact Sheet for the footprint of the property. Note: A CEA for a discharge at the site, not related to historic fill, must be submitted separately. The Department will establish and maintain a “Virtual CEA.” Biennial certifications are not required. When a CEA is being established for this AOC, at a minimum, the Remedial Action Type shall be “Limited Restricted Use with Permit Requirements”.

“Ground Water Contamination due to Regional Historic Fill (Ground Water confirmation sampling has not been conducted)

Please be advised that ground water contamination at this site may exist above the Ground Water Quality Standards (N.J.A.C. 7:9C), which may limit ground water use at this site. Ground water sampling has not been conducted at this site, but based on the observed presence of historic fill (through methods including, but not limited to, sampling, physical characterization, and/or mapping), it is concluded that contamination related to regional historic fill may be present in the ground water underlying the site. It has been determined that this presumed contamination is solely related to regional historic fill and there is no other on-site source of contamination contributing to this presumed ground water contamination. Based on these presumptions and conclusions, a Classification Exception Area (CEA) pursuant to N.J.A.C. 7:26E-4.7(b) is required for the footprint of this property. Since the source of this presumed contamination is from regional historic fill only, the Department will maintain the Classification Exception Area, and a Remedial Action Permit for this contamination is not required. The duration of this Classification Exception Area is for an “indeterminate” period.”

F. Existing Classification Exception Area or Deed Notice from Prior Remediations Notice

Existing Classification Exception Area or Deed Notice from Prior Remediations – (RAO-A and E) Use this Notice (indented below) whenever the site for which the RAO is being issued has an existing CEA or Deed Notice established as part of a previous remediation associated with other AOCs that exist on or off the site. This Notice is not required for sites with a CEA or Deed Notice for which a remedial action permit has been issued and included in the current RAO.

- The CEA or Deed Notice can be from a verified off-site source migrating onto the property for both an RAO-A or RAO-E;
- The CEA or Deed Notice can be associated with another AOC at the site that is not included in the RAO-A.

“Existing Classification Exception Area or Deed Notice from Prior Remediations

Please be advised that this Response Action Outcome does not address the contamination at this site covered under the **[\$\$Select if applicable: Classification Exception Area(s) OR Deed Notice(s) OR Classification Exception Area(s) and Deed Notice(s)\$\$]** for the case(s) covered under Department Program Interest # 00000.”

G. Off-Site Source Notices

Soil Contamination from an Off-Site Source Not Remediated - General - (RAO-A and E) Use this Notice (indented below) when soil contamination that was caused by an off-site source has not been remediated. The PRCR must complete a PA of the entire site pursuant to N.J.A.C. 7:26E-3.9 and, if necessary, an SI for those AOCs that are potential sources of the onsite contamination. The PA/SI is necessary to document that the source of contamination is from off-site, and that activities at the site did not contribute to the contamination. This notice may be used in Unrestricted, Limited Restricted or Restricted Use RAO-A or RAO-E documents.

An Incident Number associated with the referenced contamination is required to be used in this Notice. If an Incident Number does not exist for the off-site source, the LSRP issuing the RAO for an off-site source of contamination migrating onto the site, should call in a new Incident Number and include it within the below notice.

“Soil Contamination from an Off-Site Source Not Remediated - General

Please be advised that contamination in the soil at this site exists above the Department’s applicable soil Remediation Standards, N.J.A.C. 7:26D-4. Based on completion of a preliminary assessment and site investigation (PA/SI) of the entire site, as applicable, pursuant to N.J.A.C. 7:26E-3, I have confirmed that the source of this contamination is from an

off-site source and that there is no on-site contribution to this contamination. This aspect of the site was reported to the Department and assigned the Department's Hotline incident number(s) **00-00-00-0000-00**. Any redevelopment on this site should take into consideration the potential for direct contact soil exposure."

Sediment Contamination from an Off-Site Source Not Remediated – General - (RAO-A and E) Use this Notice (indented below) when sediment contamination that was caused by an off-site source has not been remediated. The PRCR must complete a PA of the entire site pursuant to N.J.A.C. 7:26E-3.9 and, if necessary, an SI for those AOCs that are potential sources of the onsite contamination. The PA/SI is necessary to document that the source of contamination is from off-site, and that activities at the site did not contribute to the contamination. This notice may be used in Unrestricted, Limited Restricted or Restricted Use RAO-A or RAO-E documents.

An Incident Number associated with the referenced contamination is required to be used in this Notice. If an Incident Number does not exist for the off-site source, the LSRP issuing the RAO for an off-site source of contamination migrating onto the site, should call in the incident. The Department will issue the Incident Number and the LSRP will include it in the below notice.

"Sediment Contamination from an Off-Site Source Not Remediated -- General

Please be advised that contamination in the sediment at this site exists above ecological screening criterion, Lowest Effects Levels (LELs) and Severe Effects Levels (SELs). Based on completion of a preliminary assessment and site investigation (PA/SI) of the entire site, as applicable, pursuant to N.J.A.C. 7:26E-3, I have confirmed that the source of this contamination is from an off-site source and that there is no on-site contribution to this contamination. This aspect of the site was reported to the Department and assigned the Department's Hotline incident number **00-00-00-0000-00**. [\$\$\$Select only if there is a verified **known** off-site source: **This sediment contamination is being addressed under Department Program Interest # _____.\$\$] Any redevelopment on this site should take into consideration the potential for ecological exposure to contaminated sediment."**

Soil Contamination from an Off-Site Source Not Remediated - Diffuse Anthropogenic Pollution - (RAO-A and E) Use this Notice (indented below) when surficial soil contamination is identified consistent with diffuse anthropogenic pollution (DAP) and has not been remediated. The PRCR must ensure that activities or conditions at the site did not contribute to the contamination.

The Child Care Facilities reference in the following Notice should only be included in child care RAOs. It should not be included in non-child care RAOs.

“Soil Contamination from an Off-Site Source Not Remediated - Diffuse Anthropogenic Pollution

Please be advised that contamination in the soil at this site exists above the Department’s applicable soil Remediation Standards, N.J.A.C. 7:26D-4. Based on an evaluation of data and the Department’s “Diffuse Anthropogenic Pollution (DAP) Guidance,” it has been determined that surficial contamination that was identified during the evaluation of the site is consistent with DAP. This impact to soils at the site was not required to be reported to the Department’s Hotline and therefore no incident number was generated. Development or redevelopment on this site should take into consideration the potential for direct contact soil exposure to contaminants in soil caused by DAP. **\$\$\$Select for Response Action Outcomes involving Child Care Facilities Only:** However, to minimize potential direct contact at this Child Care Center an impermeable barrier should be installed over the surface of the outdoor play area in its entirety in accordance with Department guidance for presumptive remedies found at www.nj.gov/dep/srp/guidance/srra/presumptive_remedy_guidance.pdf. The Department recommends that any such barrier consists of impermeable materials, such as hard surfacing, poured rubber, or rubber matting, etc. Finally, the Department recommends that the Child Care Center maintain documentation that provides proof of installation and proper maintenance of the integrity of the barrier. **\$\$]**”

Contamination Remains On-site Due to Off-site Contamination – (RAO-A and E) Use this Notice (indented below) whenever contamination is not being addressed by an RAO, due to documented ground water migrating from either a known or unknown off-site source. This notice can be used for RAOs with any level of restriction (Unrestricted, Limited Restriction or Restricted Use). Both scenarios are discussed below.

This notice should only be used when:

- A Preliminary Assessment has been completed; and
- An off-site source investigation pursuant to N.J.A.C. 7:26E-3.9 and in accordance with the Department’s “Off-Site Source Ground Water Investigation Technical Guidance” has been completed; and
- The RAO addresses an on-site contaminant plume under a Limited or Restricted Use scenario and an off-site source with **dissimilar** constituents is also present on-site regardless of whether they are overlapping; and
 - Example: A benzene plume associated with the on-site tanks is present on-site and a chlorinated solvent plume is migrating onto the site and may be commingled with the on-site benzene plume.
- This notice may also be used when both an on-site and off-site plume with **similar** contaminants are on-site but are not commingled.

- Example 1: The on-site plume and off-site plume are in the same aquifer on entirely different parts of the site and are not commingled.
- Example 2: The unconsolidated on-site water table plume has been demonstrated to not have impacted a deeper bedrock plume emanating from off-site.

Do NOT use this notice when:

- There is a commingled plume situation. Commingled plume notices are addressed in a separate section below. Please refer to the Departments “Commingled Plume Technical Guidance Document” for additional information guidance on addressing commingled ground water plumes.

This notice should be used in the following scenarios:

- **Unknown Source:** The LSRP should call in a new Incident in accordance with the “Off-Site Source Ground Water Investigation Technical Guidance” for a verified, unknown off-site source. A Program Interest # is not required for this scenario.
- **Known Source:** The LSRP may choose to identify the verified, known off-site source if an existing, active Classification Exception Area (CEA) is mapped from an off-site source with the same contamination and within the same area in which ground water contamination was detected on-site.
 - Enter an Incident and Program Interest Number in the notice, which is associated with the ground water contaminant plume for the verified known off-site source (off-site case) or
 - If an Incident Number does not exist for the off-site source, the LSRP issuing the RAO for an off-site source of contamination migrating onto their site, should call in a new Incident in accordance with the “Off-Site Source Ground Water Investigation Technical Guidance.” At the time of the call the LSRP should notify the Operator of the off-site PI number. The newly created Incident Number should be entered within the “**Contamination Remains On-site Due to Off-site Contamination**” Notice. The LSRP shall include the off-site PI number within the Notice.

“Contamination Remains On-site Due to Off-site Contamination

Please be advised that contamination in the ground water at this site exists above the Ground Water Quality Standards (N.J.A.C. 7:9C-1.7) which may limit ground water use at this site. Based on completion of a preliminary assessment and site investigation (as applicable), pursuant to N.J.A.C. 7:26E-3, and completion of a background investigation pursuant to N.J.A.C. 7:26E-3.9, there is no onsite contribution to this contamination,

and I have confirmed the source of this contamination is from offsite. This aspect of the site was reported to the Department and assigned the Department's Hotline incident number 00-00-00-0000-00. [\$\$Select if applicable: **This ground water contamination is being addressed under Department Program Interest # ____.** \$\$] Any redevelopment on this site should take into consideration the potential for vapor intrusion from the ground water contamination.”

H. Commingled Plume Notices

Use the “Contamination Remains On-site Due to Off-site Contamination” notice in Section G. Use the Off-site Source Notices (above) if the RAO addresses an on-site contaminant plume under a Limited or Restricted Use and an off-site source with dissimilar constituents is also present on-site.

On-site Commingled Plume Condition Exists: Similar constituents - On-site and Off-site Sources – (RAO-A and E) Use this Notice (indented below) when similar contaminants are discovered on the subject site, in which contribution is the result of an existing on-site discharge which overlaps a portion of an off-site contaminant plume. The plume originating from on-site is being addressed by a Ground Water Remedial Action Permit. The plume originating from the off-site source is not being addressed by this RAO and associated Hotline incident #'s.

Include a Department Program Interest number when:

- A Classification Exception Area associated with the off-site plume extends onto the subject property or
- the PRCR for the contamination originating from the off-site property has accepted responsibility for the contamination migrating onto the subject property and has retained a LSRP to address the contamination.

To use this Notice, an off-site source investigation is required pursuant to N.J.A.C. 7:26E-3.9 and in accordance with the Department's “Off-Site Source Ground Water Investigation Technical Guidance” and “Commingled Plume Technical Guidance Document.”

“On-site Commingled Plume Condition Exists: Similar constituents - On-site and Off-site Sources

Please be advised that contamination in the ground water at this site exists above the Ground Water Quality Standards (N.J.A.C. 7:9C-1.7) which may limit ground water use at this site. Based on completion of a preliminary assessment, site investigation, and/or remedial investigation pursuant to N.J.A.C. 7:26E-3&4 I have confirmed that a commingled plume condition exists as a result of contamination associated with an off-site source is combining with similar contamination associated with an on-site source. Contribution from the discharges being addressed by this RAO have been remediated. The separate discharge(s) contributing to

the commingled plume condition was/were reported to the Department and assigned the Department's Hotline incident number(s) **00-00-00-0000-00**. **[\$\$Select if applicable:** The additional ground water contaminant plume(s) not being addressed under this RAO is/are being addressed under Department Program Interest # _____. **\$\$]** Any redevelopment on this site should take into consideration the potential for receptor impacts (i.e., vapor intrusion, potable wells) from the ground water contamination."

On-site Commingled Plume Condition Exists: Similar constituents – multiple on-site discharges (RAO-A and E) Use this Notice (indented below) when similar contaminants are discovered on the subject site associated with one or more on-site discharges from one or more responsible entities. The contaminant plume that is the subject of this RAO has been remediated via a CEA and corresponding Ground Water Remedial Action Permit.

To use this Notice, refer to the Department's "Off-Site Source Ground Water Investigation Technical Guidance" and "Commingled Plume Technical Guidance Document."

"On-site Commingled Plume Condition Exists: Similar constituents – multiple on-site discharges

Please be advised that contamination in the ground water at this site exists above the Ground Water Quality Standards (N.J.A.C. 7:9C-1.7) which may limit ground water use at this site. Based on completion of a preliminary assessment, site investigation, and/or remedial investigation pursuant to N.J.A.C. 7:26E-3&4 I have confirmed that a commingled plume condition exists as a result of multiple on-site discharges with similar constituents ("overprinting"). Contribution from the discharges being addressed by this RAO have been remediated. The separate discharge(s) contributing to the commingled plume condition was/were reported to the Department and assigned the Department's Hotline incident number(s) **00-00-00-0000-00**. **[\$\$Select if applicable:** The additional ground water contaminant plume(s) not being addressed under this RAO is/are being addressed under Department Program Interest # _____. **\$\$]** Any redevelopment on this site should take into consideration the potential for receptor impacts (i.e., vapor intrusion, potable wells) from the ground water contamination."

On-site Commingled Plume Condition Exists: Dissimilar constituents - multiple on-site discharges (RAO-A and E) Use this Notice (indented below) when dissimilar contaminants are discovered on the subject site associated with one or more on-site discharges from one or more responsible entities. The contaminant plume that is the subject of this RAO has been remediated via a CEA and corresponding Ground Water Remedial Action Permit.

To use this Notice, refer to the Department's "Off-Site Source Ground Water Investigation Technical Guidance" and "Commingled Plume Technical Guidance Document."

“On-site Commingled Plume Condition Exists: Dissimilar constituents - multiple on-site discharges

Please be advised that contamination in the ground water at this site exists above the Ground Water Quality Standards (N.J.A.C. 7:9C-1.7) which may limit ground water use at this site. Based on completion of a preliminary assessment, site investigation, and/or remedial investigation pursuant to N.J.A.C. 7:26E-3&4 I have confirmed that a commingled plume condition exists as a result of multiple on-site discharges with dissimilar constituents. Contribution from the discharges being addressed by this RAO have been remediated. The separate discharge(s) contributing to the commingled plume condition was/were reported to the Department and assigned the Department’s Hotline incident number(s) **00-00-00-0000-00**. **\$\$\$Select if applicable:** The additional ground water contaminant plume(s) not being addressed under this RAO is/are being addressed under Department Program Interest #_____. **\$\$]** Any redevelopment on this site should take into consideration the potential for receptor impacts (i.e., vapor intrusion, potable wells) from the ground water contamination.”

I. Vapor Intrusion Requirement Notices

- **Indeterminate Vapor Intrusion (VI) Pathway Not Yet Evaluated** (RAO-A and RAO-E) Use this Notice (indented below) when a complete VI evaluation of an existing on or off-site building/structure has not been conducted associated with an on-site discharge. Specifically, a VI evaluation was triggered which identified contamination above Soil Gas Screening Level(s). However, indoor air (IA) samples were not collected since these same constituents are present within the building associated with operational use, handling, storage of, or other technical reasons. Examples include active service stations, dry cleaning operations or refinery buildings. This notice may be used in Unrestricted, Limited Restricted or Restricted Use RAO-A or RAO-E documents. A VI evaluation of the site should be conducted when site/building use or conditions change, in accordance with N.J.A.C 7:26E-1.12 and the most recent version of the “Vapor Intrusion Technical Guidance,” specifically Section 3.1.3. A change in site/building use or change in conditions could include, but not be limited to, no longer using the same chemicals associated with the discharge or building use changes from commercial to residential. Additional guidance regarding the evaluation of indeterminate VI Pathways can be found within the “Vapor Intrusion Technical Guidance” located at <https://www.state.nj.us/dep/srp/guidance/vaporintrusion/>.

“Indeterminate Vapor Intrusion (VI) Pathway Not Yet Evaluated

Be advised on **\$\$\$enter most recent sampling date\$\$\$** the following site related contaminants of concern, **\$\$\$list contaminant(s)\$\$\$**, exceeding the Department’s Soil Gas Screening Levels (SGSLs) were detected in the soil gas near/under the **\$\$\$identify the building/structure\$\$\$** located at **\$\$\$enter street address and Block/Lot\$\$\$**. Operational use, handling and storage of these same contaminants of concern or other

technical reasons prevented collection of indoor air (IA) samples. Therefore, the VI pathway is considered indeterminate, at this time. If site use or conditions change, in which these similar constituents are no longer used on the property, the VI pathway will be evaluated to include resampling of soil gas; and sampling of indoor air, as necessary in accordance with N.J.A.C 7:26E-1.12.”

- **Long-Term Vapor Intrusion Monitoring – (RAO-A and RAO-E)** Use this Notice (indented below) when long-term monitoring is necessary because contamination is present above the Department’s applicable Soil Gas Screening Levels (SGSL) but below the Indoor Air Screening Levels (IASL) or Indoor Air Remediation Standards (IARS), as applicable. Specifically, this notice is used to notify the PRCR of their obligation when these conditions exist and long-term monitoring, without system installation, is an appropriate mitigative action. Evaluation should be conducted in accordance with the most recent version of the “Vapor Intrusion Technical Guidance,” specifically Section 6.5.2 Long-Term Monitoring. Monitoring at non-residential structures/buildings must be protective of future use and in compliance with residential screening levels.

“Long-Term Vapor Intrusion Monitoring

Be advised on **[\$\$enter most recent sampling date\$\$]** the following site related contaminants of concern, **[\$\$list contaminant(s)\$\$]**, exceeding the Department’s Soil Gas Screening Levels (SGSLs) were detected in the soil gas near/under the **[\$\$identify the building/structure\$\$]** located at **[\$\$enter street address and Block/Lot\$\$]**. Ongoing indoor air monitoring is the appropriate mitigative action and a vapor intrusion system is not required and has not been installed because the applicable Indoor Air Screening Levels (IASL) [or Indoor Air Remediation Standards (IARS)] were not exceeded.”

J. Order of Magnitude Change Notices

Order of Magnitude Change to a Remediation Standard after Approval of a Remedial Action Work Plan – (RAO-A and E) This Notice (indented below) serves to notify persons that contamination remains at the site above the remediation standard(s) in effect at the time the RAO is issued. Use this Notice only when the following three conditions are met:

1. a remedial action work plan was previously approved by the Department or certified by an LSRP for a site or area of concern,
2. a new remediation standard was adopted subsequent to that approval or certification, and
3. the new remediation standard is less than an order of magnitude lower than the originally approved remediation standard.

“Order of Magnitude Change to a Remediation Standard after Approval of a Remedial Action Work Plan

Please be advised that this Response Action Outcome is based on the implementation and completion of the Remedial Action Workplan and any addenda in accordance with the terms of the **[Select\$\$: \$\$date\$\$]**

Department approval **OR** **\$\$\$date\$\$** Remedial Action Workplan approved by **---Name LSRP---**, Licensed Site Remediation Professional. Subsequent to the approval of the Remedial Action Workplan, the Department changed remediation standards as such, **\$\$\$list contaminants\$\$\$** exist on site above the current **\$\$\$Select as applicable: soil, ground water or surface water\$\$\$** remediation standards. However, as the standards for these contaminants did not change by an order of magnitude, additional remediation is not required at this time pursuant to N.J.S.A. 58:10B-12j.”

Order of Magnitude Change to a Remediation Standard after Approval of a Final Remediation Document - (RAO-A and E) Use this Notice (indented below) only when the following three conditions are met:

1. a final remediation document was previously issued for the site or area of concern,
2. a new remediation standard was adopted subsequent to the issuance of the final remediation document, and
3. there is less than an order of magnitude difference between the residual contaminant(s) of concern remaining at the site and the remediation standard(s) in effect at the time of the issuance of this RAO.

“Order of Magnitude Change to a Remediation Standard after Approval of a Final Remediation Document

Please be advised that this Response Action Outcome is being issued for a site that is subject to a No Further Action Letter issued by the **[Select\$\$: \$\$\$date\$\$]** Department **OR** **\$\$\$date\$\$** Response Action Outcome prepared by **---Name LSRP---**, Licensed Site Remediation Professional. Subsequent to the issuance of that final remediation document, the Department changed remediation standards. **\$\$\$list contaminants\$\$\$** exist on site above the current **\$\$\$Select as applicable: soil, ground water or surface water\$\$\$** remediation standards. However, these contaminant concentrations are within an order of magnitude of the current remediation standards and as a result additional remediation is not required at this time pursuant to N.J.S.A. 58:10B-13e.”

K. ISRA Specific Notices

ISRA Specific – Multi-Tenant Situations – Bureau of Case Assignment and Initial Notice Referral – (ISRA multi-tenant Leasehold only) Use this Notice (indented below) whenever the ISRA case only addresses a part of a property which includes more than one tenant. This Notice also includes a note that the RAO does not address specific AOC(s) located at the above referenced property which service(s) the multi-tenant facility including non-subject tenants. This Notice requires the inclusion of a site map enclosed with the RAO. The map should show the extent of the

leasehold in relation to the entire property and should include the property boundaries. Use the following guidance to select one of the three bullet items to be included after the leading paragraph identified below:

- First bullet: Include this option which states that no other areas of concern are associated with the ISRA leasehold for which the RAO is being issued.
- Second bullet: Include this option when an AOC with no known reported discharge services this leasehold **and** other leaseholds at the site. Example: An In-Service (or out of service) Above Ground Storage Heating Oil Tank, which operates a boiler to provide heat to the subject and surrounding leasehold(s).
- Third bullet: Include this Option to identify a known contaminated AOC which serviced or services this leasehold **and** other leaseholds at the site. An Incident Number must be created when using this option and included with a corresponding Program Interest #. Example: A leaking Underground Heating Oil UST which serviced the subject and surrounding leasehold(s).

“ISRA Specific – Multi-Tenant Situations – Bureau of Case Assignment and Initial Notice Referral

Please be advised that this Response Action Outcome is for the leasehold portion of the above referenced property only. The leasehold portion is the area defined by **[\$\$Define the Area of the leasehold portion\$\$]** and identified on the enclosed map.

[Select One:

- It does not include any other areas of concern on the property. OR
- It does not include the **[\$\$specify any known Area(s) of Concern\$\$]** located at the above referenced property which service(s) the multi-tenant facility including non-subject tenants. OR
- It does not include the **[\$\$specify any known Contaminated Area(s) of Concern\$\$]** located at the above referenced property which service(s) the multi-tenant facility including non-subject tenants. This aspect of this site was reported to the Department and assigned the Department’s Hotline incident number(s) **00-00-00-0000-00**. Please note that there is an affirmative obligation, pursuant to the Brownfield and Contaminated Site Remediation Act, N.J.S.A. 58:10B-1.3, on any “person responsible for conducting remediation” to remediate the remaining contamination, within specific regulatory and mandatory timeframes and within the statutory timeframe specified at N.J.S.A. 58:10C-27. **[\$\$Select if applicable: This contamination is being addressed under Department Program Interest #_____.\$\$]**”

ISRA Specific – Landfill Situations – Bureau of Case Assignment and Initial Notice Referral – (RAO-E) Pursuant to NJAC 7:26B-2.1(b) use this Notice (indented below) whenever a sanitary

landfill is located at the industrial establishment. This Notice indicates that the RAO does not cover or address the environmental impacts of the sanitary landfill.

“ISRA Specific – Landfill Situations – Bureau of Case Assignment and Initial Notice Referral

Please be advised that this Response Action Outcome does not cover or address the **[\$\$Specify Landfill Name\$\$]** sanitary landfill and the environmental impacts of the landfill were not evaluated under this ISRA case. This aspect of this site was reported to the Department and assigned the Department’s Hotline incident number(s) **00-00-00-0000-00**. **[\$\$Select if Applicable:** This contamination is being addressed under Department Program Interest #.\$\$] Please note that you may have an affirmative obligation, pursuant to the Brownfield and Contaminated Site Remediation Act, N.J.S.A. 58:10B-1.3, to remediate any contamination associated with the landfill within specific regulatory and mandatory timeframes and within the statutory timeframe specified at N.J.S.A. 58:10C-27. Please consult www.nj.gov/dep/srp/srra/ for additional guidance.”

ISRA Specific - RCRA Situations - Bureau of Case Assignment and Initial Notice Referral – (RAO-E) Use this Notice (indented below) whenever there is an area at the site that is regulated under the Federal Resource Conservation and Recovery Act (RCRA) and that area is being addressed under a RCRA Closure Plan and not under ISRA.

“ISRA Specific - RCRA Situations - Bureau of Case Assignment and Initial Notice Referral

Please be advised that this Response Action Outcome does not cover the **[\$\$Specify the Known Area(s) of Concern\$\$]** area regulated under the Federal Resource Conservation and Recovery Act (RCRA), 42 U.S.C. §§ 6901 et seq., and currently being addressed under a RCRA Closure Plan. The environmental impact of this area was not evaluated. This aspect of this site was reported to the Department and assigned the Department’s Hotline incident number(s) **00-00-00-0000-00**. **[\$\$Select if Applicable** This contamination is being addressed under Department Program Interest #.\$\$] Please note that you may have an affirmative obligation, pursuant to the Brownfield and Contaminated Site Remediation Act, N.J.S.A. 58:10B-1.3, to remediate the contamination, within specific regulatory and mandatory timeframes and within the statutory timeframe specified at N.J.S.A. 58:10C-27.”

L. Child Care Facility Notices - To Be Used for Child Care RAOs Only

Child Care Building Interiors Not Addressed – This Notice (indented below) is intended to clarify to all parties that the RAO did not address contamination that may be in the building. The investigator should contact the Department of Health’s Indoor Environments Program to determine what steps, if any, are necessary to address the risks posed by the prior historical use.

“Child Care Building Interiors Not Addressed

Please be advised that this Response Action Outcome does not address the remediation of hazardous substances that may exist in building interiors or equipment, including, but not limited to, radon, asbestos and lead. **[Select one:** As a result, any risks to human health presented by any building interior or equipment remains. The requirements in the Department of Children and Families licensing regulation requires you to contact the Department of Health, Indoor Environments Program to determine what steps, if any, are necessary to address the risks posed by the prior historical use. The Department of Health, Indoor Environments Program can be reached at 609-826-4950. Department of Health guidance can be found at www.nj.gov/health/eoh/tsrp. **OR** However, these issues were evaluated as part of an Indoor Environmental Health Assessment conducted pursuant to N.J.A.C. 8:50. Documentation related to the Indoor Environmental Health Assessment [Select one: has been **OR** will be] submitted to the Department of Health - Indoor Environments Program under separate cover.]

[Select if applicable: The only exception to this building interior exclusion is the release of specify contaminant from specify the AOC that discharged outside the building.]”

Child Care Center Notices (as established in N.J.A.C. 7:26C Appendix C)

Outdoor Play Area - Use the following Notice (indented below) to state whether there is an outdoor play area, and if so, whether that play area is located on-site or off-site, and whether it is located on public land. This Notice requires the inclusion of a site map enclosed with the RAO. The map should show the location and extent of the play area.

“[Select one:

The outdoor play area is located on-site and is adjacent to/near (Briefly describe location, size, fence, and construction of play area). **{Add the following sentence if there is capped play area contamination:** The integrity of the play area shall be maintained at all times.} **OR**

The outdoor play area is located off-site. **(Briefly describe size and construction of play area, and provide location identification (park name, etc.), address, block and lot, and ownership with description).** **{Add the following sentence if the play area is on public land:** This

site is not listed on the Department's Known Contaminated Site List (KCSL) as either an active or pending case.} **OR**

There is no outdoor play area for this child care center.]"

Child Care Center Specific - Multi-Tenant Situations - Use the following Notice (indented below) whenever the Child Care Center is located in a multi-tenant facility and the remediation only addresses the child care "leasehold portion" of the referenced property. This Notice also includes a note that the RAO does not address specific AOC(s) located at the above referenced property, which service(s) the multi-tenant facility including non-subject tenants. This Notice requires the inclusion of a site map enclosed with the RAO. The map should show the extent of the leasehold in relation to the entire property and should include the property boundaries.

"Child Care Center Specific - Multi-Tenant Situations

Please be advised that this Response Action Outcome is for the leasehold portion of the above referenced site only, including all play areas where the potential for direct contact with soil exists. It does not include the **[Specify any known Area(s) of Concern]** located at the above referenced property which service(s) the multi-tenant facility. The leasehold portion is the area defined by **[Define the Area of the leasehold portion]** and identified on the enclosed map. Relocation and/or expansion of the existing licensed Child Care Center into other portions of the multi-tenant facility requires a new Response Action Outcome determination."

Child Care Center Relocation or Expansion - Use the following Notice (indented below) to state that a new RAO is required if the Child Care Center is relocated or expanded.

"Child Care Center Relocation or Expansion

Be advised that any relocation and/or expansion of the existing licensed Child Care Center into other portions of the building or play areas, on or off-site, requires a new RAO Letter."

Potable Well Evaluation - Use the following Notice (indented below) when it has been established that a potable well is either not present at the site or is present at the site and is utilized by the Child Care but has been sampled within the previous three (3) years:

“Potable Well Evaluation

[Select one:

The potable well at this location has been sampled within the past 3 years and it has been demonstrated that the potable water utilized at the Child Care Center does not contain contaminants above the Maximum Contaminant Levels established for any of the contaminants required to be tested pursuant to N.J.A.C. 7:10-5 in non-transient noncommunity water systems or private wells, including radiological contaminants, nitrates, and coliform. **OR**

I certify that the Child Care Center is connected to a public community water system.]”

Off-site Contamination Evaluation - Use the following Notice (indented below) to state whether the Child Care Center has been impacted by off-site contamination, and if so, that the contamination has been mitigated:

“Off-site Contamination Evaluation

This RAO is based on my determination that **[Select One:** there is no impact to this Child Care Center from offsite contamination. **OR** the impact to the Child Care Center from an offsite contamination source has been mitigated.]”

IX. Approval Process for Modification of the RAO Model or RAO Notices

Remediating parties and LSRPs must receive the Department’s written approval PRIOR to making any changes to the RAO model language other than the additional RAO Notices, which were incorporated in Section VIII above. The procedures for the Department’s approval are outlined herein:

1. Contact both the Assistant Director and Bureau Chief of the Bureau of Inspection and Review by email to request changes to the model RAO language.
2. Include an explanation of why the change(s) is/are necessary in the email. Prepare the proposed language and attach it to the email.
3. The Department will provide its acceptance, rejection or suggested modification of the proposed change(s) via email.
4. After the Department accepts the change(s), it is strongly recommended that the LSRP include a description of the change and document the Department’s approval in the case record such as in appropriate sections of the Remedial Action Report (RAR) and Case Inventory Document (CID).

Attachment 1
RAO Shell Document

Reference in the following RAO Shell Document to Child Care Facilities should not be included in non-child care RAOs. Refer to the “Environmental Guidance for All Child Care Facilities & Educational Facilities” at www.nj.gov/dep/dccrequest/.

[\$\$Only Insert Name and address of Person(s) Responsible for Conducting the Remediation\$\$]

[\$\$Date\$\$]

Re: Response Action Outcome

Remedial Action Type: [\$\$\$Select One Restricted Use with Permit Requirements OR Limited Restricted Use with Permit Requirements OR Unrestricted Use\$\$]

Scope of Remediation: [\$\$\$Select One Area(s) of Concern: (followed by a list of the remediated area(s) of concern) and no other areas OR Entire Site OR ISRA Industrial Establishment as defined according to N.J.A.C. 7:26B - Entire Site OR ISRA Industrial Establishment as defined according to N.J.A.C. 7:26B - Leasehold OR Child Care Facility Note: Entire Site, Child Care Facility or ISRA Industrial Establishment Response Action Outcomes can only be issued if a complete preliminary assessment and site investigation, as applicable was completed for the Entire Site, Child Care Facility or an ISRA Industrial Establishment\$\$]

Case Name:

Address:

Municipality:

County:

Block: ____ Lot: ____

Preferred ID: 000000

Child Care License #

KCSL # NJL000000000

Communication Center # 00-00-00-0000-00 [\$\$\$List all that apply\$\$], UST Registration #: 0000000, UST Closure #C00-0000

ISRA Transaction: [Select as applicable to this ISRA Case: Sale of Property, Cessation, Sale of Business, Bankruptcy - List Type, Foreclosure, Partnership Change, Sale of Assets, Stock Transfer/Corporate Merger, List Other Applicable ISRA Transactions]

ISRA Case # E00000

Well Permit #

Dear:

As a Licensed Site Remediation Professional authorized pursuant to N.J.S.A. 58:10C to conduct business in New Jersey, I hereby issue this Response Action Outcome for the remediation of the **\$\$\$Select one: site OR, industrial establishment as defined according to N.J.A.C. 7:26B OR area(s) of concern\$\$\$** specifically referenced above. I **\$\$\$Select one or both of the following:** directly oversaw and supervised all of the referenced remediation, **AND/OR** personally reviewed and accepted all of the referenced remediation**\$\$\$** and based upon this work, it is my professional opinion that this remediation has been completed in compliance with the Administrative Requirements for the Remediation of Contaminated Sites (N.J.A.C. 7:26C), that is protective of public health, safety and the environment. Also, full payment has been made for all Department fees and oversight costs pursuant to N.J.A.C. 7:26C-4.

This remediation includes the completion of a **\$\$\$Select all that apply: Preliminary Assessment, Site Investigation, Remedial Investigation and Remedial Action\$\$\$** as defined pursuant to the Technical Requirements for Site Remediation (N.J.A.C. 7:26E),

My decision in this matter is made upon the exercise of reasonable care and diligence and by applying the knowledge and skill ordinarily exercised by licensed site remediation professionals in good standing practicing in the State at the time these professional services are performed.

As required pursuant to N.J.A.C. 7:26C-6.2(b)2ii, a copy of all records related to the remediation that occurred at this location is being simultaneously filed with the New Jersey Department of Environmental Protection (Department). These records contain all information upon which I based my decision to issue this Response Action Outcome.

By operation of law a Covenant Not to Sue pursuant to N.J.S.A. 58:10B-13.2 applies to this remediation. The Covenant Not to Sue is subject to any conditions and limitations contained herein. The Covenant Not to Sue remains effective only as long as the real property referenced above continues to meet the conditions of this Response Action Outcome **\$\$\$Select if Limited Restricted Use or Restricted Use RAO: and applicable permits\$\$\$**.

CONDITIONS

Pursuant to N.J.S.A. 58:10B-12o, **\$\$\$Insert Name of Person(s) Responsible for Conducting the Remediation\$\$\$** and any other person who is liable for the cleanup and removal costs, and remains liable pursuant to the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11 et seq. shall inform the Department in writing, on a form available from the Department, within 14 calendar days after its name or address changes. Any notices you submit pursuant to this paragraph shall reference the above case numbers and shall be sent to:

New Jersey Department of Environmental Protection
Bureau of Case Assignment and Initial Notice
Mail Code 401-05H

401 East State Street, 5th floor
PO Box 420
Trenton, New Jersey 08625-0420

[\$\$Add the Following if a Remedial Action Permit has been Issued Related to this Response Action Outcome: Any such name or address change may also trigger a transfer or modification of the remedial action permit pursuant to N.J.A.C. 7:26C-7.11 and 7.12. **\$\$]**

[\$\$Select if Limited Restricted Use or Restricted Use Response Action Outcome: Based on my professional opinion you have obtained all applicable permit(s) and authorization(s) to ensure this remedial action remains protective of public health, safety and the environment into the future provided that you, and any other persons responsible for conducting remediation, remain in full compliance with the terms and conditions of those permit(s) and authorization(s). The designated remedial action permit number(s) is/are **\$\$Add Permit Number(s) effective Insert Date(s)\$\$\$\$]**

NOTICES

[\$\$Insert All of the Following Notices that are Applicable to this Remediation\$\$].

Well Decommissioning

[\$\$Select One:

- Pursuant to N.J.A.C. 7:9D-3, all wells installed as part of this remediation have been properly decommissioned by a New Jersey licensed well driller of the proper class in accordance with the procedures set forth in N.J.A.C. 7:9D and I have verified that the well driller's well decommissioning report has been submitted to the Bureau of Water Allocation and Well Permitting. OR
- Pursuant to N.J.A.C. 7:9D-3 any wells installed as part of this remediation that will no longer be used for remediation have been properly decommissioned by a New Jersey licensed driller of the proper class and I have verified that the well driller's well decommissioning report has been submitted to the Bureau of Water Allocation and Well Permitting. Wells considered to be abandoned, lost, damaged, or destroyed pursuant to N.J.A.C. 7:9D have been reported to the Bureau of Water Allocation and Well Permitting pursuant to N.J.A.C. 7:9D. Pursuant to N.J.S.A. 58:4A, any monitoring wells remaining onsite shall be properly decommissioned prior to the termination of the applicable remedial action permit. A New Jersey licensed well driller shall decommission the well(s) in accordance with the requirements of N.J.A.C. 7:9D-3 and submit the decommissioning report on your behalf to the Bureau of Water Allocation and Well Permitting. More information about regulations regarding the maintenance and decommissioning of wells in New Jersey can be found at www.nj.gov/dep/watersupply. For a list of New Jersey licensed well drillers, click on the "reports" button in the left column and select "access the well permit reports." Questions can be emailed to wellpermitting@dep.nj.gov."]

Building Interiors Not Addressed (Non-Child Care)

Please be advised that the remediation that is covered by this Response Action Outcome does not address the remediation of hazardous substances that may exist in building interiors or equipment, including, but not limited to, radon, asbestos and lead. As a result, any risks to human health presented by any building interior or equipment remains. A complete building interior evaluation should be completed before any change in use or re-occupancy is considered. **\$\$\$Select if applicable:** The only exception to this building interior exclusion is the release of specify contaminant from specify the AOC that discharged outside the building. **\$\$]**

Building Interiors Addressed

Site specific: to be developed by licensed site professional in coordination with the Department.

Regional Natural Background Levels of Materials in Soil

Please be advised that concentrations of **\$\$\$Insert specific materials\$\$\$]** were detected in the soil at this site above the Department's **\$\$\$Select: Residential OR Non-residential\$\$\$)** Direct Contact Remediation Standards. However, these concentrations are associated with natural background levels of these material(s) in the soil. Pursuant to N.J.S.A. 58:10B, remediation beyond natural background levels is not required. **\$\$\$Select for Response Action Outcomes involving Child Care Facilities Only:** However, to minimize potential direct contact at this Child Care Center an impermeable barrier should be installed over the surface of the outdoor play area in its entirety in accordance with Department guidance for presumptive remedies found at www.nj.gov/dep/srp/guidance/srra/presumptive_remedy_guidance.pdf . The Department recommends that any such barrier consists of impermeable materials, such as hard surfacing, poured rubber, or rubber matting, etc. Finally, the Department recommends that the Child Care Center maintain documentation that provides proof of installation and proper maintenance of the integrity of the barrier. **\$\$]**

Existing Classification Exception Area or Deed Notice from Prior Remediations

Please be advised that this Response Action Outcome does not address the contamination at this site covered under the **\$\$\$Select if applicable: Classification Exception Area(s) OR Deed Notice(s) OR Classification Exception Area(s) and Deed Notice(s)\$\$\$]** for the case(s) covered under Department Program Interest # 00000.

Child Care Building Interiors Not Addressed

Please be advised that this Response Action Outcome does not address the remediation of hazardous substances that may exist in building interiors or equipment, including, but not limited to, radon, asbestos and lead. **\$\$\$Select one:** As a result, any risks to human health presented by any building interior or equipment remains. The requirements in the Department of Children and Families licensing regulation requires you to contact the Department of Health to determine what steps, if any, are necessary to address the risks posed by the prior historical use. The Department of Health, Indoor Environments Program, can be reached at 609-826-

4950. Guidance can be found at <https://www.nj.gov/health/ceohs/environmental-occupational/indoor-envi-education-facilities/index.shtml> OR However, these issues were evaluated as part of an Indoor Environmental Health Assessment conducted pursuant to N.J.A.C. 8:50. Documentation related to the Indoor Environmental Health Assessment [Select one: has been OR will be] submitted to the Department of Health - Indoor Environments Program under separate cover. \$\$]

[\$\$Select if applicable: The only exception to this building interior exclusion is the release of specify contaminant from specify the AOC that discharged outside the building. \$\$]

Child Care Center Notices

[\$\$Select one: The potable well at this location has been sampled within the past 3 years and it has been demonstrated that the potable water utilized at the Child Care Center does not contain contaminants above the Maximum Contaminant Levels established for any of the contaminants required to be tested pursuant to N.J.A.C. 7:10-5 in nontransient noncommunity water systems or private wells, including radiological contaminants, nitrates and coliform. **OR** I certify that the Child Care Center is connected to a public community water system. \$\$]

This RAO is based on my determination that **[\$\$Select One:** there is no impact to this Child Care Center from offsite contamination. **OR** the impact to the Child Care Center from an offsite contamination source has been mitigated. \$\$]

[\$\$Select one: The outdoor play area is located on-site, and is adjacent to/near (Briefly describe location, size, fence and construction of play area). **{Add the following sentence if there is capped play area contamination:** The integrity of the play area shall be maintained at all times.} **OR** The outdoor play area is located off-site. (Briefly describe size and construction of play area, and provide location identification (park name, etc.), address, block and lot, and ownership with description). **{Add the following sentence if the play area is on public land:** This site is not listed on the Department's Known Contaminated Site List (KCSL) as either an active or pending case.} **OR** There is no outdoor play area for this child care center. \$\$]

Be advised that any relocation and/or expansion of the existing licensed Child Care Center into other portions of the building or play areas, on or off-site, requires a new RAO Letter

Child Care Center Specific - Multi-Tenant Situations

Please be advised that this Response Action Outcome is for the leasehold portion of the above referenced site only, including all play areas where the potential for direct contact with soil exists. It does not include the **[\$\$Specify any known: Area(s) of Concern\$\$]** located at the above referenced property which service(s) the multi-tenant facility. The leasehold portion is the area defined by **[\$\$Define the Area of the leasehold portion\$\$]** and identified on the enclosed map. Relocation and/or expansion of the existing licensed Child Care Center into other portions of the multi-tenant facility requires a new Response Action Outcome determination.

Soils Only Response Action Outcome when Ground Water Contamination remains from that Area(s) of Concern or Site

This Response Action Outcome only applies to the soils at the referenced location. By issuing this Response Action Outcome, I have relied on both the implementation of the remedial action for soil and on the ground water data to support the determination that soil contamination is no longer affecting ground water. Please be advised that if changes in future ground water data no longer support this conclusion, additional soil remediation may be necessary. Also, any redevelopment on this site should take into consideration the potential for vapor intrusion from the ground water contamination. Please note that you may have an affirmative obligation, pursuant to the Brownfield and Contaminated Site Remediation Act, N.J.S.A. 58:10B-1.3, to remediate the remaining contamination, within specific regulatory and mandatory timeframes and within the statutory timeframe specified at N.J.S.A. 58:10C-27.

Known Onsite Contamination Source Not Yet Remediated

This Response Action Outcome specifically does not address the **[[Specify any known areas of concern at the site]]** contaminated with **[[Add contaminant type, i.e., lead, benzene, etc.]]**. This aspect of this site was reported to the Department and assigned the Department's Hotline incident number(s) 00-00-00-0000-00. **[[Select if Applicable: This contamination is being addressed under Department Program Interest #.]]** Please note that you may have an affirmative obligation, pursuant to the Brownfield and Contaminated Site Remediation Act, N.J.S.A. 58:10B-1.3, to remediate the remaining contamination, within specific regulatory and mandatory timeframes and within the statutory timeframe specified at N.J.S.A. 58:10C-27.

Ground water Contamination due to Regional Historic Fill

Please be advised that ground water contamination (specifically, **[[Identify contaminants]]**) at this site exists above the Ground Water Quality Standards (N.J.A.C. 7:9C) which may limit ground water use at this site. It has been determined that this contamination is solely related to regional historic fill and there is no other onsite source of contamination contributing to this ground water contamination. Based on ground water data collected as part of this remediation and provided to the Department, a Classification Exception Area (CEA) pursuant to N.J.A.C. 7:26E-4.7(b) is required for the footprint of this property. Since this contamination is from regional historic fill only, the Department will maintain the Classification Exception Area and a Remedial Action Permit for this contamination is not required. The duration of this Classification Exception Area is for an "indeterminate" period.

Ground Water Contamination not yet Investigated

This Response Action Outcome does not address the ground water contamination (specifically, **[[Identify contaminants]]**) at this site. This contamination was reported to the Department and assigned the Department's Hotline incident number 00-00-00-0000-00. Pursuant to the Technical Requirements for Site Remediation, N.J.A.C. 7:26E-4.3, a remedial investigation of ground water (including a background investigation pursuant to N.J.A.C. 7:26E-3.9 if an offsite source is being claimed) is required. In order to identify any onsite areas of concern that may be contributing to the noted contamination a preliminary assessment and site investigation (as applicable), pursuant to N.J.A.C. 7:26E-3 should be conducted. **[[Select if Applicable This contamination is being addressed under Department Program**

Interest # _____. **\$\$\$** Please note that you may have an affirmative obligation, pursuant to the Brownfield and Contaminated Site Remediation Act, N.J.S.A. 58:10B-1.3, to remediate the contamination (not otherwise determined to be from an offsite source) within specific regulatory and mandatory timeframes and within the statutory timeframe specified at N.J.S.A. 58:10C-27. Be advised that ground water contamination exists above the Ground Water Quality Standards (N.J.A.C. 7:9C-1.7) which may limit ground water use at this site. Also, any redevelopment on this site should take into consideration the potential for vapor intrusion from the ground water contamination.

Contamination Remains On-Site due to Off-site Contamination

Please be advised that contamination in the ground water at this site exists above the Ground Water Quality Standards (N.J.A.C. 7:9C-1.7) which may limit ground water use at this site. Based on completion of a preliminary assessment and site investigation (as applicable), pursuant to N.J.A.C. 7:26E-3, and completion of a background investigation pursuant to N.J.A.C. 7:26E-3.9, there is no onsite contribution to this contamination, and I have confirmed the source of this contamination is from offsite. This aspect of the site was reported to the Department and assigned the Department's Hotline incident number 00-00-00-0000-00. **\$\$\$Select if applicable: This ground water contamination is being addressed under Department Program Interest # _____.\$\$\$** Any redevelopment on this site should take into consideration the potential for vapor intrusion from the ground water contamination.

Order of Magnitude Change to a Remediation Standard after approval of a Remedial Action Workplan

Please be advised that this Response Action Outcome is based on the implementation and completion of the Remedial Action Workplan and any addenda in accordance with the terms of the **[Select\$\$: \$\$\$date\$\$\$** Department approval **OR \$\$\$date\$\$\$** Remedial Action Workplan approved by ---Name LSRP---, Licensed Site Remediation Professional. Subsequent to the approval of the Remedial Action Workplan, the Department changed remediation standards as such, **\$\$\$list contaminants\$\$\$** exist on site above the current **\$\$\$Select as applicable: soil, ground water or surface water\$\$\$** remediation standards. However, as the standards for these contaminants did not change by an order of magnitude, additional remediation is not required at this time pursuant to N.J.S.A. 58:10B-12j.

Order of Magnitude Change to a Remediation Standard after Approval of a Final Remediation Document

Please be advised that this Response Action Outcome is being issued for a site that is subject to a No Further Action Letter issued by the **[Select\$\$: \$\$\$date\$\$\$** Department **OR \$\$\$date\$\$\$** Response Action Outcome prepared by ---Name LSRP---, Licensed Site Remediation Professional. Subsequent to the issuance of that final remediation document, the Department changed remediation standards. **\$\$\$list contaminants\$\$\$** exist on site above the current **\$\$\$Select as applicable: soil, ground water or surface water\$\$\$** remediation standards. However, these contaminant concentrations are within an order of magnitude of the current remediation standards and as a result additional remediation is not required at this time pursuant to N.J.S.A. 58:10B-13e.

ISRA Specific - RCRA Situations - Bureau of Case Assignment and Initial Notice Referral

Please be advised that this Response Action Outcome does not cover the **[\$\$Specify the Known Area(s) of Concern\$\$]** area regulated under the Federal Resource Conservation and Recovery Act (RCRA), 42 U.S.C. §§ 6901 et seq., and currently being addressed under a RCRA Closure Plan. The environmental impact of this area was not evaluated. This aspect of this site was reported to the Department and assigned the Department's Hotline incident number(s) 00-00-00-0000-00. **[\$\$Select if Applicable** This contamination is being addressed under Department Program Interest #.\$\$] Please note that you may have an affirmative obligation, pursuant to the Brownfield and Contaminated Site Remediation Act, N.J.S.A. 58:10B-1.3, to remediate the contamination, within specific regulatory and mandatory timeframes and within the statutory timeframe specified at N.J.S.A. 58:10C-27.

ISRA Specific - Multi-Tenant Situations - Bureau of Case Assignment and Initial Notice Referral

Please be advised that this Response Action Outcome is for the leasehold portion of the above referenced property only. The leasehold portion is the area defined by **[\$\$Define the Area of the leasehold portion\$\$]** and identified on the enclosed map. **[\$\$Select One:** It does not include any other areas of concern on the property. **OR** It does not include the **[\$\$specify any known Area(s) of Concern\$\$]** located at the above referenced property which service(s) the multi-tenant facility including non-subject tenants. **OR** It does not include the **[\$\$specify any known Contaminated Area(s) of Concern\$\$]** located at the above referenced property which service(s) the multi-tenant facility including non-subject tenants. This aspect of this site was reported to the Department and assigned the Department's Hotline incident number(s) 00-00-00-0000-00. Please note that there is an affirmative obligation, pursuant to the Brownfield and Contaminated Site Remediation Act, N.J.S.A. 58:10B-1.3, on any "person responsible for conducting remediation" to remediate the remaining contamination, within specific regulatory and mandatory timeframes and within the statutory timeframe specified at N.J.S.A. 58:10C-27. **[\$\$Select if applicable:** This contamination is being addressed under Department Program Interest #.\$\$]

ISRA Specific - Landfill situations - Bureau of Case Assignment and Initial Notice Referral

Please be advised that this Response Action Outcome does not cover or address the **[\$\$Specify Landfill Name\$\$]** sanitary landfill and the environmental impacts of the landfill were not evaluated under this ISRA case. This aspect of this site was reported to the Department and assigned the Department's Hotline incident number(s) 00-00-00-0000-00. **[\$\$Select if Applicable:** This contamination is being addressed under Department Program Interest #.\$\$] Please note that you may have an affirmative obligation, pursuant to the Brownfield and Contaminated Site Remediation Act, N.J.S.A. 58:10B-1.3, to remediate any contamination associated with the landfill within specific regulatory and mandatory timeframes and within the statutory timeframe specified at N.J.S.A. 58:10C-27. Please consult www.nj.gov/dep/srp/srra/ for additional guidance.

[\$\$End APPLICABLE Notices\$\$]

In concluding that this remediation has been completed, I am offering no opinions concerning whether either primary restoration (restoring natural resources to their pre-discharge condition) or compensatory restoration (compensating the citizens of New Jersey for the lost interim value of the natural resources) has been completed.

Pursuant to N.J.S.A. 58:10C-25, the Department may audit this Response Action Outcome and associated documentation up to three years following issuance. Based on a finding by the Department that a Response Action Outcome is not protective of public health, safety and the environment, the Department can invalidate the Response Action Outcome. Other justifications for the Department's invalidation of this Response Action Outcome are listed in the Administrative Requirements for the Remediation of Contaminated Sites at N.J.A.C. 7:26C-6, including, but not limited to, a Department audit following issuance of this document may be initiated at any time if: a) undiscovered contamination is found that was not addressed by the Response Action Outcome, b) if the Site Remediation Professional Licensing Board conducts an investigation of the Licensed Site Remediation Professional issuing the Response Action Outcome or, c) if the license of that person is suspended or revoked.

Thank you for your attention to these matters. If you have any questions, please contact me at (xxx)xxx-xxxx.

Sincerely,

Name,
Licensed Site Remediation Professional #

Enclosure(s): Child Care Center map (including all play areas) (as applicable for Child Care Centers)

- c: Local, County Environmental Health Act Agency and Regional Health Department(s)
Mayor/Clerk/Town Council, City of [City]
Municipal Clerk
Local Construction Code Official (Child Care Center applicable for Madden Bill Subject Sites in need of local construction permits)
Case Manager (If assigned)
ISRA Authorized Agent (as applicable)
Highlands Commission (as applicable)
Pinelands Commission (as applicable)
NJDEP Bureau of Case Assignment and Initial Notice
NJDEP Bureau of Enforcement and Investigations - (ACO, Remediation Agreement or Child Care Center Applicable)
NJDEP-Bureau of Safe Drinking Water (Child Care Center Applicable when water source is a private well or a non-community water system)
NJ Department of Children and Families (NJDCF) - Office of Licensing (Child Care Center applicable)

NJ Department of Health and Senior Services (NJDHSS) (Child Care Center applicable)
Others

Attachment 2
Amended Response Action Outcome Language
To Be Used When Amending Administrative Issues

This Attachment can be used to amend RAOs issued for both non-Child Care and Child Care facilities.

Administrative issues associated with an RAO will need to be corrected by the LSRP. The Department will ask the LSRP to correct such issues by issuing an Amended signed RAO letter to all parties on the copy list of the RAO except for NJDEP Bureau of Case Assignment and Initial Notice (BCAIN). Instead, an electronic copy in pdf or word formatting should be sent via E-mail to the Inspector or Reviewer of BIR to whom the issue is being addressed. The RAO is a legal document, and the original RAO and date of issuance remain unchanged.

The following language should be used to amend an RAO letter that was issued.

[\$\$Only Insert Name and address of Person(s) Responsible for Conducting the Remediation\$\$]

[\$\$Date\$\$]

Re: This correspondence amends and supplements the Response Action Outcome dated (date of Original Response Action Outcome)

Remedial Action Type: [\$\$\$Select One Restricted Use with Permit Requirements OR Limited Restricted Use with Permit Requirements OR Unrestricted Use\$\$\$]

Scope of Remediation: [\$\$\$Select One Area(s) of Concern: (followed by a list of the remediated area(s) of concern) and no other areas OR Entire Site OR ISRA Industrial Establishment as defined according to N.J.A.C. 7:26B - Entire Site OR ISRA Industrial Establishment as defined according to N.J.A.C. 7:26B - Leasehold OR Child Care Facility Note: Entire Site, Child Care Facility or ISRA Industrial Establishment Response Action Outcomes can only be issued if a complete preliminary assessment and site investigation, as applicable was completed for the Entire Site, Child Care Facility or an ISRA Industrial Establishment\$\$\$]

Case Name:

Address:

Municipality:

County:

Block(s): Lot(s):

Preferred ID: 000000

KCSL # NJL000000000

Communication Center # 00-00-00-0000-00 [\$\$\$List all that apply\$\$\$]

UST Registration #: 0000000

**UST Closure #C00-0000 [\$\$List all that apply\$\$]
ISRA Transaction: [Select as applicable to this ISRA Case: Sale of Property,
Cessation, Sale of Business, Bankruptcy - List Type, Foreclosure, Partnership
Change, Sale of Assets, Stock Transfer/Corporate Merger, List Other Applicable
ISRA Transactions]
ISRA Case # E00000
Well Permit #**

Dear:

This correspondence amends the Response Action Outcome issued on **[\$\$ Date of Original Response Action Outcome \$\$]**, which remains in full force and effect, by correcting the following administrative issues:

List changes here

Please be advised this correspondence, with the above amendments and supplements, corrects administrative issues identified in the original Response Action Outcome issued on **[\$\$ Date of Original Response Action Outcome \$\$]**. This correspondence should be attached to the original Response Action Outcome and be maintained as part of your environmental records for the above reference site.

Thank you for your attention to these matters. If you have any questions, please contact me at (xxx) xxx-xxxx.

Sincerely,

Name,

Licensed Site Remediation Professional

Attachment(s): Original Response Action Outcome

c: Copy all listed on original Response Action Outcome **[\$\$with the exception of BCAIN\$\$]**
NJDEP – BIR (Electronic Copies Only)

Attachment 3

Withdrawing Response Action Outcome and Corresponding Phase Reports

When the RAO does not accurately reflect the site or the remediation that was conducted, and the LSRP is unable to correct the issues within 30 days, the Department will ask the LSRP who issued the RAO to withdraw the RAO, or, if the LSRP independently concludes that the RAO should be withdrawn prior to the Department's inspection and review, then the LSRP should email the Department at srpbir@dep.nj.gov to coordinate withdrawal of the RAO.

To withdraw an RAO the LSRP will issue a letter to the PRCR, to whom the RAO was issued, which states that they are withdrawing the RAO and any associated remedial phase documents, as appropriate. The RAO Withdrawal letter should be sent to all parties who received the original RAO letter, except Bureau of Case Assignment and Initial Notice. For notification to the Department **only** an electronic copy via E-mail should be sent to the Department's assigned Inspector or Reviewer.

Notice to Withdraw RAO Shell

[\$\$Only Insert Name and address of Person(s) Responsible for Conducting the Remediation\$\$]

[\$\$Date\$\$]

Re: Response Action Outcome Withdrawal

Case Name:

Address:

Municipality:

County:

Block: ____ Lot: ____

LSD of Phase Report(s) (Optional)

Preferred ID: 000000

Dear:

Please be advised that I am providing **Notice to Withdraw** the **[\$\$include the following phases, as appropriate: PA, SI, RI, RAW and/or RAR) and type of RAO (example: Unrestricted Area of Concern Response Action Outcome)\$\$]** dated **[\$\$Include date of submittals\$\$]** associated with **[\$\$name of site and corresponding P.I. # and Service ID#\$\$]**.

Thank you for your attention to these matters. If you have any questions, please contact me at (xxx) xxx-xxxx.

Sincerely,

Name,
Licensed Site Remediation Professional

Attachment(s): Original Response Action Outcome

c: Copy all listed on original Response Action Outcome [\$\$with the exception of BCAIN\$\$]
NJDEP – BIR (Electronic Copies Only)

Attachment 4

RAO Shell Scenarios/Instructions

The below information may be incorporated into the Model RAO Document, as appropriate. These scenarios also apply if a No Further Action was previously issued.

Issuing a non-ISRA Entire Site, ISRA Entire Site, ISRA Leasehold or Childcare Facility RAO when a Restricted or Limited Restricted Final Remediation Document Exists Scenario:

A Final Remediation Document with a restriction was previously issued. A subsequent Entire Site RAO is being issued for the site and no additional remediation was performed to change the original restrictions on the site. The subsequent RAO did not generate any new or modified Remedial Action Permits. The subsequent RAO must maintain the same level of restriction unless the contamination was remediated to reduce the level of restriction.

Instructions:

The below inserts/omissions should be incorporated within the body of RAO shell document

- **Remedial Action Type:** must use *“Restricted Use with Permit Requirements”* or *“Limited Restricted Use with Permit Requirements”*.
- Include the 4th paragraph which is located on the 2nd page of the RAO shell document and include the phrase: *“and applicable permits”: “By operation of law a Covenant Not to Sue pursuant to N.J.S.A. 58:10B -13.2 applies to this remediation. The Covenant Not to Sue is subject to any conditions and limitations contained herein. The Covenant Not to Sue remains effective only as long as the real property referenced above continues to meet the conditions of this Response Action Outcome and applicable permits.”*
- Remove all remaining references to permit requirements on the 2nd page of the RAO shell document, since a permit was not established as part of the remediation for this RAO.
- Under the “Notice” section, the LSRP must include *“Existing Classification Exception Area or Deed Notice from Prior Remediations”* notice.

RAO Issued for Multiple Media with Multiple Restrictions

When preparing to issue an RAO for multiple media, such as soils and ground water, in which one media has a remedial action permit and the other does not, only one RAO Remedial Action Type is appropriate. The media with the restriction is defined in the remedial action permit. Therefore, it is not necessary to issue a separate RAO for each media. Example: When addressing three 10,000-gallon leaded gasoline underground storage tanks where soils are unrestricted and ground water is under a permit, the Remedial Action Type of the RAO should be *“Limited Restricted Use with Permit Requirements”*. It is clear when reviewing the RAO and the referenced Remedial Action Permit that soils are Unrestricted and ground water is Limited Restricted Use.

Multiple AOCs in an RAO

When preparing to issue RAOs for multiple AOCs, the LSRP should submit one RAO addressing multiple AOCs rather than multiple RAOs addressing individual AOCs. Example: The remediation of all AOCs was completed at a site with ten AOCs. Rather than issuing individual RAOs for each AOC, one RAO should be issued for all AOCs, as appropriate.

Issuing an Unrestricted Use RAO-A (Area of Concern) while a Limited or Restricted Use RAO for another AOC exists at the site.

Scenario: An RAO with a restriction was previously issued. An Unrestricted RAO-A can be issued for any other AOC provided no discharge occurred or any discharge was remediated and the AOC that is included in the Unrestricted RAO-A did not contribute to the contamination that is associated with the existing restriction.

Instructions:

The below inserts should be incorporated within the body of RAO shell document

- **Remedial Action Type:** Unrestricted Use
- **Scope of Remediation:** must be an Area of Concern RAO (cannot be an Entire Site RAO).
- Under the “Notice” section, the LSRP must include “Existing Classification Exception Area or Deed Notice from Prior Remediations” notice.

Soil Contamination Remains Off-site due to an On-site Discharge

Scenario: A discharge has occurred on-site, which, also resulted in impacts to soils on a neighboring off-site property. Permanent remediation, such as excavation or in-situ treatment could not be conducted due to the limiting nature of the property. Such examples include active In-service roadway(s), utilities, railway(s), etc. Therefore, remediation is prohibited until such time as it is out of service; permanently or possibly temporarily, such as for repairs. To issue a Limited Restricted or Restricted Use RAO delineation must be horizontally and vertically completed for contamination associated with the on-site related discharge. To address this situation, one RAO can be issued for the site from which the contamination has emanated to include the off-site.

Instructions:

- **Restriction Notice:** Since the contamination is remaining on the off-site impacted property a notice must be filed with the appropriate municipality, county, or state office. Two types of institutional controls are available. For more information refer to the Soil Remedial Action Permit Guidance document.
 - Deed Notice: required in the event the property has a Block(s) and Lot(s) designation.
 - Notice in Lieu of Deed Notice: If the property is not located within Block(s) and Lot(s) the LSRP representing the Responsible Entity may issue a “Notice In lieu of Deed Notice”.

- **Soils Permit:** Once a Notice is established a Soil Permit must be issued by the Department. The PRCR along with the owner of the off-site property at which the contamination remains shall be Co-permittees on the Soil Permit.
- **Response Action Outcome (RAO):**
 - **RAO-A:** Once the above steps are completed the LSRP may issue **one** Area of Concern (AOC) RAO-A which reflects the most restrictive Remedial Action Type for both the on and off-site conditions associated with that AOC. Example: Since the off-site conditions prohibit the removal or treatment of the contamination at the time the RAO-A is issued the Remedial Action Type will either be Limited or Restricted use. If the on-site discharge is remediated without restrictions but a limited restricted use soils permit is required for off-site, then the Remedial Action Type will be Limited Restricted Use.

Scope of Remediation: Area of Concern: AOC-[\$\$insert AOC #\$\$]: [\$\$insert contaminant(s) of concern\$\$] remain above the applicable soil remediation standards on the following [\$\$choose: on-site and/or off-site property(ies)\$\$] located at [insert each street address including city and Block and Lot\$\$] and no other areas (attached scale map identifies impacted areas)

Example:

Scope of Remediation: Area of Concern: AOC-1: Surface discharge of Polychlorinated biphenyl remain above the applicable soil remediation standards at off-site property located at 11 Hotspot Way, Calloway (Block 3 Lot 11) and no other areas (attached scale map identifies impacted areas)

- **RAO-E:** If an Entire Site RAO is desired or in the case of an ISRA subject property is required, the RAO-E for the site must include the most protective restrictions and associated permits of both the on-site and off-site properties. For example, if the off-site property has restrictions associated with a Soils Permit and the on-site property has no restrictions the Entire Site RAO would be Restricted Use. An attached scale map identifying the impacted off-site areas should be attached to the RAO.

CEA/Deed Notice Terminations and RAO Status

If a ground water or soil Remedial Action Permit (RAP) is terminated in association with a previously issued Limited Restricted Use or Restricted Use RAO, there is no requirement to file/change the use restriction associated with the RAO. Additional guidance is provided within the RAP Termination letter.

Writing a Historic Fill Ground Water Only RAO

Scenario: Historic Fill related contaminants in soils are either remediated or not present above standard, but ground water impacts have been identified and a Virtual Institutional

Control (VIC) was established by the Department. For those instances in which soils have been tested and Historic Fill has not been found to be contaminated but Historic Fill related ground water contamination is present the following guidance can be used.

Instructions:

The below inserts/omissions should be incorporated within the body of RAO shell document

- **Remedial Action Type: Limited Restricted Use with Permit Requirements**
- **Scope of Remediation: Ground water contamination associated with Historic Fill and no other areas**
- Include the 4th paragraph which is located on the 2nd page of the RAO shell document and include the phrase: “and applicable permits”: *“By operation of law a Covenant Not to Sue pursuant to N.J.S.A. 58:10B -13.2 applies to this remediation. The Covenant Not to Sue is subject to any conditions and limitations contained herein. The Covenant Not to Sue remains effective only as long as the real property referenced above continues to meet the conditions of this Response Action Outcome and applicable permits.”*
- Remove all remaining references to permit requirements on the 2nd page of the RAO shell document, since a permit was not established as part of the remediation for this RAO.
- under the “Notice” section, the LSRP must include “Ground water Contamination due to Regional Historic Fill” notice.

Attachment 5

Response Action Outcome Type Decision Matrix

	PA	SI (No PA)	PA/SI	SI/RI/RA	PA/SI/RI/RA
No AOCs identified or no AOCs requiring sampling	Unrestricted Entire Site				
AOCs identified and sampling conducted but no contamination found		Unrestricted AOC	Unrestricted Entire Site		
Soil Contamination found and remediated to unrestricted soil remediation standards				Unrestricted AOC	Unrestricted Entire Site
Soil contamination remains above residential soil remediation standards, but below non-residential soil remediation standards and permit issued				Limited Restricted AOC	Limited Restricted Entire Site
Soil contamination remains above residential and non-residential soil remediation standards. Engineering controls apply and permit issued.				Restricted AOC	Restricted Entire Site
Ground water contamination found and remediated to Ground Water Quality Standards				Unrestricted AOC	Unrestricted Entire Site
Ground water contamination remediated via natural attenuation and permit issued				Limited Restricted AOC	Limited Restricted Entire Site
Ground water contamination being remediated via an active system (engineering control) and permit issued.				Restricted AOC	Restricted Entire Site

Notes: The matrix is intended only as guidance for the issuance of an individual RAO. If compliance options are used, then an unrestricted RAO may apply provided that residential soil standards are achieved. There should be only one Remedial Action Type on an RAO and it should follow the most stringent restriction as indicated in the matrix above.

Attachment 6

Response Action Outcome Quick Reference Checklist

Response Action Outcome (RAO) letters are legal documents. It is critical that the information contained in the RAO letter is accurate. If the information in the RAO is not accurate, then the RAO does not truly define the site/case and the remediation, and the RAO will be required to be amended. The LSRP should make every attempt to resolve administrative issues prior to issuing an RAO.

The following Quick Reference Checklist can be used with the **Guidance for the Issuance of RAOs**. The Quick Reference Checklist is not intended to replace the **Guidance for the Issuance of RAOs**. LSRPs should stay current on any changes to the **Guidance for the Issuance of RAOs**.

Response Action Outcome – Reference Section

Remedial Action Type: was the applicable remedial action type indicated?

Unrestricted Use

Limited Restricted Use

Restricted Use

Scope of Remediation: was the applicable scope of remediation indicated?

Entire Site

Area(s) of Concern: (followed by a list of the remediated area(s) of concern) and no other areas

ISRA Industrial Establishment as defined according to N.J.A.C. 7:26B - Entire Site

ISRA Industrial Establishment as defined according to N.J.A.C. 7:26B - Leasehold

Child Care Facility

Case Name: was the applicable case name used? If the site is also known as (aka) another name, was that name included?

Address:

Municipality:

County:

Block: ___ Lot: ___ : was the Block and Lot verified with the municipality?

(NOTE: If there is no address or block/lot, provide a detailed location description. The description should be detailed enough wherein the reader is able to determine the location. This description should include X and Y coordinates and may also include mile marker (i.e. major highway), right of way descriptions, nearest intersection, or other description location.)

Preferred ID (PI #)

Child Care Center License #: if applicable

KCSL # NJL000000000/ NJD000000000: if applicable

Communication Center #: List all that apply; only Incident Numbers being **CLOSED** go in this section (all media associated with the discharge have been remediated). To reconcile Incident Numbers at the case, the LSRP may contact BCAIN's duty officer at 609-292-2943.

UST Registration # 0000000: if applicable; did the LSRP verify that the UST Registration accurately reflects any USTs included in the RAO? This includes the number of tanks, sizes, contents and status (i.e., removed, in-use, abandoned in place, etc.). **The Reference section of the RAO and the UST Registration database must match.**

UST Closure #C00-0000 or NG000000000UCL000000: if applicable

ISRA Transaction: if applicable; (Only include this information when no contaminated AOCs remain and the final ISRA RAO is being issued)

ISRA Case # E00000: if applicable; only ISRA case numbers being closed go in this section. (Only include this information when no contaminated AOCs remain and the final ISRA RAO is being issued)

Well Permit #: List all that apply (i. e. were properly abandoned for AOCs addressed as part of this RAO; Do not include well permit #'s here if wells remain in-use for other site related activities)

Response Action Outcome – Body of the Letter

- 1st paragraph of the letter:** Is the scope of remediation accurately described?
- 1st paragraph of the letter:** Does it accurately reflect whether the LSRP:
 - Directly oversaw and supervised all of the referenced remediation, **AND/OR**
 - Personally reviewed and accepted all of the referenced remediation
- 2nd paragraph of the letter:** Does it include all applicable Phase(s) of the remediation?
 - Preliminary Assessment
 - Site Investigation
 - Remedial Investigation
 - Remedial Action
- 5th paragraph of the letter:** Does it include the language for Limited Restricted or Restricted Use RAOs, if applicable?

Response Action Outcome – Conditions Section

- 1st paragraph of the section:** Does it include the name of the PRCR(s)?
- 2nd paragraph of the section:** Does it include the Remedial Action Permit language, if applicable?

- 3rd paragraph of the section:** Does it include the language for Limited Restricted or Restricted Use RAOs, if applicable? Does it include the Remedial Action Permit number and effective date, if applicable?

Response Action Outcome – Notices Section

- Did you use any of the following Notices?
- General Notices:
 - Well Decommissioning
 - Building Interiors Not Addressed (Non-Child Care)
 - Building Interiors Addressed: Did you obtain Department pre-approval prior to including this Notice?
- Contamination Remaining Onsite: Did you include PI#s and Incident #s, as applicable?
 - Regional Natural Background Levels of Materials in Soil
 - Existing Classification Exception Area or Deed Notice from Prior Remediations
 - Soils Only Response Action Outcome when Ground Water Contamination remains from that Area(s) of Concern or Site
 - Known Onsite Contamination Source Not Yet Remediated
 - Ground water Contamination due to Regional Historic Fill
 - Ground Water Contamination not yet Investigated
 - Contamination Remains On-Site due to Off-site Contamination
 - Order of Magnitude Change to a Remediation Standard after approval of a Remedial Action Workplan
 - Order of Magnitude Change to a Remediation Standard after Approval of a Final Remediation Document
- ISRA Specific Notices:
 - ISRA Specific - RCRA Situations - Bureau of Case Assignment and Initial Notice Referral
 - ISRA Specific - Multi-Tenant Situations - Bureau of Case Assignment and Initial Notice Referral
 - Was the required map defining the leasehold portion of the property included?
 - ISRA Specific - Landfill situations - Bureau of Case Assignment and Initial Notice Referral
- Child Care Facility Notices - To Be Used for Child Care RAOs Only:

- Child Care Building Interiors Not Addressed
- Potable Well Evaluation
- Off-site Contamination Evaluation
- Outdoor Play Area
- Child Care Center Relocation or Expansion
- Child Care Center Specific – Multi-Tenant Situations
- Additions to the Model Document:
 - Transfer of Monitoring Well Use (Redesignated Use)
 - In-Service Railroad Line, Spurs and Sidings Not Remediated
 - Historically Applied Pesticides Not Addressed
 - Known On-site Contamination Source Not Remediated – Historic Fill (Area of Concern RAO)
 - Ground Water Contamination due to Regional Historic Fill (Ground Water confirmation sampling has not been conducted)
 - Soil Contamination from an Off-Site Source Not Remediated – General
 - Sediment Contamination from an Off-Site Source Not Remediated – General
 - Soil Contamination from an Off-Site Source Not Remediated - Diffuse Anthropogenic Pollution
 - On-site Commingled Plume Conditions Exist: Similar constituents – On-site and Off-site Sources
 - On-site Commingled Plume Conditions Exist: Similar constituents – multiple on-site discharges
 - On-site Commingled Plume Conditions Exist: Dissimilar constituents – multiple on-site discharges

Response Action Outcome – Closing Section

- Does it include the LSRP's phone number?
- Is the RAO signed?
- Appropriate maps enclosed? (Leasehold ISRA, leasehold Child Care, play area Child Care)
- Does it include all the applicable CC's?
 - Local, County Environmental Health Act Agency and Regional Health Department(s)
 - Mayor/Clerk/Town Council, City of [City]
 - Municipal Clerk

- Case Manager (If assigned)
- ISRA Authorized Agent (as applicable)
- Highlands Commission (as applicable)
- Pinelands Commission (as applicable)
- NJDEP Bureau of Case Assignment and Initial Notice
- NJDEP Bureau of Enforcement and Investigations - (ACO, Remediation Agreement, or Child Care Center Applicable)
- Others (such as Property owner, Attorneys, etc.)