



Phase-In Period Guidance for the Use of Remediation Standards, N.J.A.C. 7:26D

Version 2.0, May 2021

On May 17, 2021, the New Jersey Department of Environmental Protection (Department) adopted amended [Remediation Standards](#) rules at N.J.A.C. 7:26D. Applicability of the Remediation Standards is addressed at N.J.A.C. 7:26D-1.4(b).

1. The person responsible for conducting the remediation shall comply with the amended remediation standards (N.J.A.C. 7:26D) effective May 17, 2021, except as provided below. The exceptions provided below may be applied only to a site or an area of concern for which (a) a remedial action workplan or remedial action report has either been approved by the Department or certified by the retained Licensed Site Remediation Professional but (b) does not have a final remediation document (i.e., a No Further Action Letter or Response Action Outcome).
2. On June 2, 2008, the Department adopted new Remediation Standards rules at N.J.A.C. 7:26D. The soil remediation standards contained in those rules were effective on June 2, 2008. The person responsible for conducting the remediation may use a site-specific remediation standard or criterion the Department developed prior to June 2, 2008 for the soil ingestion-dermal exposure pathway and the soil inhalation exposure pathway under N.J.S.A. 58:10B-12a, or other authority if (inclusive):
 - The standard or criterion is not greater than or equal to an order of magnitude than the otherwise applicable remediation standard adopted in the May 17, 2021 version of the Remediation Standards (N.J.A.C. 7:26D);
 - A remedial action workplan or a remedial action report containing standards or criteria developed for the site or an area of concern under N.J.S.A. 58:10B-12a, or other authority, was submitted to the Department by December 2, 2008 (six months after the effective date of the Remediation Standards rule);
 - The remedial action workplan or remedial action report was approved by the Department (or certified by a Licensed Site Remediation Professional); and
 - The person responsible for conducting the remediation completes the remedial action within the applicable remedial action regulatory timeframe pursuant to the Technical Requirements for Site Remediation, N.J.A.C. 7:26E-5.8.
3. On September 18, 2017, the Department updated the soil remediation standards for 19 contaminants. The updated soil remediation standards reflected revisions to the toxicity information for these contaminants, as contained in the United States Environmental Protection Agency (USEPA) Integrated Risk Information System (IRIS) database, on which the soil remediation standards are based. The person responsible for conducting the



remediation may use a direct contact soil remediation standard that was in effect between June 2, 2008, and September 17, 2017, which the Department adopted or developed for the soil ingestion-dermal exposure pathway or the soil inhalation exposure pathway under N.J.S.A. 58:10B-12a, or other authority, if (inclusive):

- The standard is not greater than or equal to an order of magnitude than the otherwise applicable remediation standard adopted in the May 17, 2021 version of the Remediation Standards (N.J.A.C. 7:26D);
 - A remedial action workplan or a remedial action report containing standards or criteria developed for the site or an area of concern under N.J.S.A. 58:10B-12a, or other authority, was submitted to the Department between December 3, 2008, and March 18, 2018 (six months after the September 18, 2017 effective date of the rule amendment);
 - The remedial action workplan or remedial action report was either approved by the Department or certified by a Licensed Site Remediation Professional; and
 - The person responsible for conducting the remediation completes the remedial action within the applicable remedial action regulatory timeframe pursuant to the Technical Requirements for Site Remediation, N.J.A.C. 7:26E-5.8.
4. The person responsible for conducting the remediation (1) may use a remediation standard the Department adopted or developed for the soil ingestion-dermal exposure pathway or the soil inhalation exposure pathway pursuant to N.J.S.A. 58:10B-12a, or other authority, that was in effect between September 18, 2017, and May 16, 2021 and (2) may use a site-specific remediation standard or criterion that the Department developed for the migration to ground water exposure pathway and the vapor intrusion pathway under N.J.S.A. 58:10B-12a, or other authority, between June 2, 2008, and May 16, 2021; if (inclusive):
- The standard is not greater than or equal to an order of magnitude than the otherwise applicable remediation standard adopted in the May 17, 2021 version of the Remediation Standards (N.J.A.C. 7:26D);
 - A remedial action workplan or a remedial action report containing standards or criteria developed for the site or an area of concern under N.J.S.A. 58:10B-12a was submitted to the Department between March 19, 2018, and November 17, 2021 (six months after the May 17, 2017 effective date of the rule amendment);
 - The remedial action workplan or remedial action report was either approved by the Department or certified by a Licensed Site Remediation Professional; and
 - The person responsible for conducting the remediation completes the remedial action within the applicable remedial action regulatory timeframe pursuant to the Technical Requirements for Site Remediation, N.J.A.C. 7:26E-5.8.