



**New Jersey
Department of Environmental Protection**



**SRWMP Site Remediation and
Waste Management Program**

Guidance for the Issuance of Response Action Outcomes

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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) in 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, an LSRP is authorized to memorialize the completion of remediation by issuing an RAO to the person(s) responsible for conducting the remediation.

The RAO represents the LSRP's opinion that:

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, area of concern and/or 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 person responsible for conducting the remediation is not responsible to remediate; and
4. The remedial action undertaken is protective of public health, safety and the environment.

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 variance provisions in any Department rule to an RAO.

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 RAOs, refer to the "Environmental Guidance for All Child Care Facilities and Educational Facilities" at www.nj.gov/dep/dccrequest/.

II. Issuing Response Action Outcomes

A. To Whom an RAO is issued

An LSRP shall issue an RAO to the person(s) responsible for conducting the remediation. 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. Additional requirements are described elsewhere in this document, and in 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, it is desired to obtain a final remediation document (i.e., an RAO), the person responsible for conducting remediation is required to retain an LSRP and perform the remediation pursuant to ARRCs, N.J.A.C. 7:26C-2.3.

If the person responsible for conducting the remediation is not the property owner, include the property owner in the cc list of the RAO letter.

B. When to Issue an RAO

An LSRP may issue an RAO after the completion of any phase of remediation that demonstrates that the site or AOC has been investigated and, if necessary, a remedial action implemented, 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.

An LSRP may issue an RAO when contamination remains on-site, only when that LSRP determines and/or 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 has 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 from the site.

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 has 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 residual contamination that has been left on a site that is subject to a final remediation document [No Further Action (NFA)/Response Action Outcome (RAO)];

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, while ground water contamination remains from the site or AOC(s) that is/are undergoing remediation;

Contamination remains on-site associated with a specific ISRA industrial establishment exempted AOC(s). Refer to the Industrial Site Recovery Act Rules, N.J.A.C. 7:26B-5.9, for additional information.

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.

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 person responsible for conducting the remediation and the LSRP must ensure that all fees and outstanding oversight costs owed by the person(s) responsible for conducting the remediation 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

1. Entire site vs. one (1) or more AOCs
AOC can be specific area or media
2. ISRA Industrial Establishment - Entire Site vs. Leasehold
Include the ISRA case number(s) and all ISRA transaction triggering event(s) specific to the RAO-Entire Site or Leasehold being issued.

The ISRA case number(s) and ISRA transaction(s) should not be included in an RAO-Area of Concern.

Site Information

Name
Address
Municipality
County
Block and Lot
Preferred ID (PI #)
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 #

* Only Communication Center numbers being closed go in the Reference section of the RAO.

In order to include a Communication Center number in the Reference section, all contamination and media associated with the incident must be addressed. Communication Center 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 communication center number listed in the Reference section of the RAO should not be used in the Notices section.

Any Communication Center 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 case. The LSRP should compare the online UST Registration record to the site records. Discrepancies should be reconciled and corrected prior to the LSRP issuing an RAO. The Reference section of the RAO letter and the UST Registration database must match.

V. Response Action Outcome Variations

The LSRP shall take into account 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.

A. Remedial Action Type (Extent of Remediation)

The person responsible for conducting the remediation may use institutional and engineering controls to protect the 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 a site or area of concern above the most stringent remediation standards following the completion of a PA and/or SI; 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 restriction [Deed Notice and/or CEA] was previously established, any subsequent RAOs cannot be issued as Unrestricted Use unless the contamination is remediated to or below the most restrictive standard, and the previous restriction is lifted by the Department via termination of the Remedial Action Permit, lifting of a CEA, or termination of a Deed Notice prior to the issuance of the Unrestricted Use RAO.

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 more restrictive of the non-residential direct contact or the impact to ground water soil screening level, including any site-specific or alternative remediation standard(s); no engineering control is required; and the Department has issued a Remedial Action Permit for the Deed Notice.

Examples of 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);
 - The impact to ground water soil remediation standards have been addressed (via remediation, compliance option, site-specific standard, etc.);
 - A Deed Notice would be 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, no engineering control is utilized and the Department has issued a ground water remedial action permit 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 issued a ground water remedial action permit; and/or
- The Department establishes a virtual 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 impact to ground water soil remediation standards have been addressed (via remediation, compliance option, site-specific standard, etc.);
- An engineering control (e.g., a cap, soil vapor extraction system, pump and treat system, etc.) is required to prevent an unacceptable exposure;
- A Deed Notice (for exceedances of residential or non-residential direct contact soil remediation standards) and/or CEA (for exceedances of ground water remediation standards) is required; and
- The Department has issued all appropriate remedial action permits.

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 have migrated from that AOC. A medium 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 offsite, have been remediated pursuant to all applicable statutes, regulations, and guidance. The RAO Scope:

- Can be a specific AOC or medium;
- Must describe the AOC or medium;
- Must include the phrase “and no other areas” following the AOC description;
- Cannot be for receptors (i.e., Vapor Intrusion, Potable Well);

Option 1: Area of Concern(s) - 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; 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, Air, Surface Water or Sediment) only RAOs: For a specific AOC or the Entire Property

The following two options are to be used only when a single medium has been remediated, and other contaminated media remain for a single AOC, multiple AOCs, or the entire property.

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.

Option 2: Individual Medium only AOC specific– For an Area of Concern RAO, when a PA has not been 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 associated with AOC-1: two 10,000-gallon diesel Underground Storage Tanks (USTs) and associated appurtenances; and no other areas

Option 3: Individual Medium only for Specific Block(s) and Lot(s) – A Preliminary Assessment (PA) has been conducted and media 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 entire site/leasehold. All affected media associated with the site/leasehold must be remediated.

a. Entire Site

If there is a single building or multiple buildings on site and an ISRA subject tenant leases the entire building(s)/entire property, then without regard to fault, 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 triggering party (property owner or tenant) is responsible to conduct a PA and remediation of all current or historic areas of concern associated with the building and any exterior leased space 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 existed during an ISRA subject tenant's operations - it must be investigated. The tenant is not responsible to investigate areas they did not have access to during their tenure on 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,’ that (per the above example) specifically identifies the floor drain discharge point is not part of the RAO.

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 the industrial establishment. 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 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 a response action outcome 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 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.

Note: If there are multiple ISRA transactions taking place at the same time, 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.

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

In this option, there is no need for the person responsible for conducting the remediation to obtain any site remediation permits for long term ground water monitoring/remediation since the ground water is in compliance with the ground water remediation standards; or

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 person responsible for conducting the remediation is required to obtain a ground water remedial action permit prior to the LSRP issuing an RAO. The permit will include the necessary long-term ground water monitoring and reporting conditions.

Soil contamination related to impact to ground water criteria only: There are two options.

1. Soil contamination has been remediated to default impact to ground water soil remediation screening levels or to a site-specific impact to ground water screening level; **or**
2. Soil compliance has been determined via the demonstration of a low and decreasing contaminant trend in ground water. See both N.J.A.C. 7:26E-5.7 and the guidance document “Volatile Organic Contamination including methyl tertiary butyl ether (MTBE) and tertiary butyl alcohol (TBA) derived from discharges of Petroleum Mixtures” (available at www.nj.gov/dep/srp/guidance/rs/petroleum_mixtures.htm) for additional details.

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

An example would be a case with high concentrations of chlorinated compounds where it may be technically impracticable to achieve the applicable Ground Water Remediation Standards, and therefore an engineering control is required. 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 for the classification exception area and the active ground water remediation system must be obtained prior to issuance of the RAO. If a portion of the ground water plume is being remediated by natural attenuation, a separate ground water remedial action permit is required for that portion of the remedy.

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 person responsible for conducting the remediation 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), the person responsible for conducting the remediation has demonstrated 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 person responsible for the conducting the remediation. 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. Non-compliance with the remedial action permit could result in the invalidation of the RAO. Whenever a property is sold, transferred or a new entity becomes the person(s) responsible for the cleanup, the new entity is responsible for requesting a remedial action permit transfer 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.

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.

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. General Notices

- **Well Decommissioning** - This Notice (indented below) is used to present the status of any monitoring wells installed as part of remedial activities. Monitoring wells that will no longer be used for monitoring purposes must be sealed 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 decommissioned later as part of the permit termination process. In addition, if monitoring wells are lost and could not be properly abandoned, the LSRP shall contact the Bureau of Water Supply and Well Permitting and shall document that all appropriate steps have been taken to locate and properly decommission the lost wells.
 - The first option presented in the Notice should be used when all of the monitoring wells have been properly decommissioned.
 - The second option presented in the Notice should be used when all 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 for monitoring purposes.

“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 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. If any wells have been properly decommissioned, the well driller’s well decommissioning report has been submitted to the Bureau of Water Allocation and Well Permitting. 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.state.nj.us.**\$\$\$** **\$\$\$Select if applicable:** Please note that **\$\$\$add count of wells to which this applies\$\$\$** well(s) could not be located or properly decommissioned. Contact has been made with the Bureau of Water Allocation and Well Permitting regarding appropriate steps to document and conclude efforts in this regard.**\$\$\$**”

- **Building Interiors** - The Department of Environmental Protection does not regulate the remediation of building interiors unless there is a known or suspected discharge of a hazardous substance or hazardous waste that may result in a discharge to the environment, or if a discharge from outside of the building is determined to be entering the building (for example, blooms of hexavalent chromium).

- **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.

Use this Notice for:

RAO - Entire Site (unless no building is present);

ISRA leaseholds;

RAO - Area of Concern - only if an AOC is located within a building.

“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** – When remediation at a site does include building interiors because contamination was found to be migrating out of the building to soils and/or ground water, or a discharge from outside of the building is determined to be entering the building (for example, blooms of hexavalent chromium), the LSRP shall add case specific language to the RAO. The LSRP shall consult with the Department (Bureau of Inspection and Review - Bureau Chief and/or Assistant Director), and obtain pre-approval of the language to be used in the Notice, before issuing the RAO.

Site-specific: to be developed by LSRP in coordination with the Department.

B. Contamination Remaining On-Site Notices

- **Regional Natural Background Levels of Materials in Soil** - Use this Notice (indented below) whenever soil contamination is associated with natural background levels of materials. 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 person responsible for conducting remediation 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 www.nj.gov/dep/srp/guidance/srra/presumptive_remedy_guidance_DRAFT.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** - 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. This Notice is not required for sites with a CEA or Deed Notice and 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;
 - The CEA or Deed Notice can be associated with another AOC at the site that is not included in the RAO.

“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.”

- **Soils Only RAO when Ground Water Contamination remains from that AOC or Site** - 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.

Do NOT use this Notice when:

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

“Soils Only RAO when Ground Water Contamination remains from that AOC

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 On-site Contamination Source Not Yet Remediated** - Use this Notice (indented below) for Area of Concern RAOs only. This notifies all parties that other AOCs associated with this site remain open.

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 responsible party, or there are other AOCs at the site that require remediation.
- 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.
- A Communication Center Number is required. The Department will accept an ISRA transaction number in lieu of the Communication Center number. A Program Interest number is required if the contamination is being addressed by another case.

Do NOT use this Notice when:

- Contamination is emanating from an off-site source.
- Remaining contamination is only in ground water - 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.”

- **Ground Water Contamination due to Regional Historic Fill** - 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 that extends beyond the boundaries of the property.
- 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, the person conducting the remediation is not required 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. The Department will establish and maintain a “Virtual CEA.” Biennial certifications are not required.

“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)** - 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 that extends beyond the boundaries of the property. 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. The Department will establish and maintain a “Virtual CEA.” Biennial certifications are not required.

“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.”

- **Ground Water Contamination Not Yet Investigated** - 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. This Notice should **only** be used in Area of Concern RAOs when:

- Ground water contamination is detected onsite during the site investigation, but the remedial investigation has not been completed;
- A 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;
- A CEA has not been established;
- It has been determined that the AOC(s) receiving the RAO has not contributed 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 responsible party(ies) is aware of its obligation to remediate the discharge.

“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** - 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. Both scenarios are discussed below. 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.”
 - A Communication Center Number associated with the referenced contamination is required to be used in this Notice.
 - **Unknown Source:** The LSRP should call in a new incident number in accordance with the “Off-Site Source Ground Water Investigation Technical Guidance”;

- **Known 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, the LSRP may choose to identify the verified, known off-site source. One of the following options can be utilized to identify the source within this notice.
 - Enter a Communication Center and Program Interest number, which is associated with the ground water contaminant plume for the verified known off-site source.
 - If a Communication Center 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 Communication Center number 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 Communication Center 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.

When using either of these options, in which a verified, known off-site source exists, both the **“Contamination Remains On-site Due to Off-site Contamination”** and **“Existing Classification Exception Area or Deed Notice from Prior Remediations”** Notices should be used within the RAO being issued.

“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 Work Plan** - 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** - 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 at the site and the remediation standard(s) in effect at the time of the issuance of the current 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.”

- **In-Service Railroad Line, Spurs and Sidings Not Remediated** - Use this Notice (indented below) when one or more railroad lines, spurs and/or sidings have not been investigated and/or remediated and will remain in service at the 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.”

- **Known On-site Contamination Source Not Remediated - Historic Fill (Area of Concern RAO)** - The following Notice (indented below) should be used when an Area of Concern RAO is issued and historic fill has been identified at the site, but has not been remediated (Example: a clean UST closure or when remediation is limited to one or more AOCs).

“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.”

- **Soil Contamination from an Off-Site Source Not Remediated - General** - Use this Notice (indented below) when soil contamination that was caused by an off-site source has not been remediated. The person responsible for conducting remediation must ensure that a PA of the entire site and, if necessary, an SI for those AOCs that are likely sources of the onsite contamination has been completed, which documents that the source of contamination is from off-site, and that activities at the site did not contribute to the contamination.

“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.”

- **Soil Contamination From an Off-Site Source Not Remediated - Diffuse Anthropogenic Pollution** - Use this Notice (indented below) when soil contamination that is identified is consistent with diffuse anthropogenic pollution (DAP) and has not been remediated. The person responsible for conducting remediation must ensure that a PA and, if necessary, SI for those AOCs that are likely sources of the on-site contamination has been completed that documents that the source of contamination is from off-site and that activities at the site did not contribute to the contamination.

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.

“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_DRAFT.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** - Use this Notice (indented below) when exceedances of the New Jersey Ground Water Remediation Standards are caused by naturally occurring constituents found in ground water.

Note that use of this Notice primarily applies to metals, and excludes 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, including on-site sources.

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

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).”

- **Historically Applied Pesticides Not Addressed** - Use this Notice (indented below) anytime pesticides may have been historically applied at a site but were not investigated as part of the remediation.

This Notice should not be used in situations where the manufacturing, mixing, or other handling of these chemicals resulted in a discharge to the environment. This Notice also would not be appropriate for properties going through a change of use to 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.”

C. ISRA Specific Notices

- **ISRA Specific - RCRA Situations - Bureau of Case Assignment and Initial Notice Referral** – 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.”

- **ISRA Specific – Multi-Tenant Situations – Bureau of Case Assignment and Initial Notice Referral** - Use this Notice (indented below) whenever the ISRA case only addresses a “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.

“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 -**
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.”

D. 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, 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)**
 - **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:

“[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.]”

- **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:

“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.]”

- **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.

“[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 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.

“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** - 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.

“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.”

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 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. If any wells have been properly decommissioned, the well driller's well decommissioning report has been submitted to the Bureau of Water Allocation and Well Permitting. 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.state.nj.us. **\$\$\$Select if applicable:** Please note that **\$\$\$add count of wells to which this applies\$\$\$** well(s) could not be located or properly decommissioned. Contact has been made with the Bureau of Water Allocation and Well Permitting regarding appropriate steps to document and conclude efforts in this regard. **\$\$\$**

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

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_DRAFT.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 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

\$\$\$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

Response Action Outcome Issuance Examples

<u>Extent of Remediation</u>	<u>RAO Type</u>
SI (based on a PA if needed) for an entire site or area of concern(s) show no discharged contaminants	Unrestricted Use RAO for the Entire Site or Area(s) of Concern; as applicable.
PA, SI, RI and/or RA conducted at the entire site or Area(s) of Concern and all discharged contaminants are remediated to or below, or are otherwise in compliance with, Unrestricted Use soil remediation standards and impact to ground water site-specific remediation standards and ground water remediation standards	Unrestricted Use RAO for the Entire Site or Area(s) of Concern, as applicable.
PA, SI, RI and/or RA conducted at the entire Site or Area(s) of Concern. Soils remediated to below the most stringent remediation standards. GW contamination above standards but decreasing GW concentrations (i.e., passes Mann-Whitney test).	Limited Restricted Use RAO for the Entire Site or Area(s) of Concern, as applicable.
PA, SI, RI and/or RA conducted at the entire Site or Area(s) of Concern. Soil contaminants remain above non-residential soil remediation standards under a cap. No GW contamination.	Restricted Use RAO for the Entire Site or Area(s) of Concern, as applicable.
PA, SI, RI and/or RA conducted at the entire Site or Area(s) of Concern. Soil contaminants remain above residential soil remediation standards at a commercial/non-residential property but not above non-residential soil remediation standards. No cap proposed. No GW contamination.	Limited Restricted Use RAO for the Entire Site or Area(s) of Concern, as applicable.
PA, SI, RI and/or RA conducted at the Site or Area(s) of Concern. Soil contaminants remain above non-residential soil remediation standards under a cap (soils allowed to remain do not impact GW). GW contamination above standards but decreasing GW concentrations (i.e., passes Mann-Whitney).	Restricted Use RAO for the Entire Site or Area(s) of Concern, as applicable.
Remediation is for an Area of Concern only or Person Responsible for Conducting the Remediation requested an RAO for an Area of Concern prior to completing remediation at the entire site based on a full site PA/SI or other Areas of Concern	RAO for AOC only. Could be restricted use, Unrestricted Use or Limited Restricted use RAO depending on extent of remediation.

<u>Extent of Remediation</u>	<u>RAO Type</u>
<p>Soils Only RAO is requested in order to allow onsite construction to proceed ahead of completion of GW remediation. For example, the “Soils Only RAO when Ground Water Contamination remains from that AOC or Site” Notice can also be used if other offsite impacts to surface water, sediments, etc. will take longer to remediate and issuing the “soils-only” RAO will assist with onsite development.</p>	<p>RAO issued using the “soils only” Notice</p>
<p>RAO requested for post-RAO removal of a CEA or Deed Notice</p>	<p>RAO issued based on the scope of original RAO (i.e., if original NFA or RAO was for one 5,000 gallon gasoline UST, the RAO removing the institutional control would be for the same one 5,000 gallon gasoline UST only) If all institutional/engineering controls are no longer needed, the RAO would now be for “Unrestricted Use.”</p>

Attachment 3

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?

Preferred ID (PI #)

Child Care Center License #: if applicable

KCSL # NJL000000000/ NJD000000000: if applicable

Communication Center #: List all that apply, only communication center numbers being **CLOSED** go in this section. To reconcile Communication Center 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: if applicable

ISRA Transaction: if applicable

ISRA Case # E00000: if applicable, only ISRA case numbers being closed go in this section.

Well Permit #: List all that apply

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 Person(s) Responsible for Conducting the Remediation?
- 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 Communication #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:
 - In-Service Railroad Line, Spurs, and Sidings Not Remediated
 - Known Onsite Contamination Source Not Remediated – Historic Fill (Area of Concern RAO)
 - Soil Contamination From and Off-site Source Not Remediated - General
 - Soil Contamination From and Off-site Source Not Remediated – Diffuse Anthropogenic Pollution (DAP)
 - Naturally Occurring Levels of Constituents in Ground Water
 - Historically Applied Pesticides Not Addressed
 - Ground Water Contamination due to Regional Historic Fill (Ground Water confirmation sampling has not been conducted) [*This notice is being released with the guidance document*]

Response Action Outcome – Closing Section

- Does it include the LSRP's phone number?
- Is the RAO signed?
- 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.)

Attachment 4
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 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 RAO letter to all parties who received the original RAO letter. 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.

[\$\$Date of this Correspondence\$\$]

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 5

Withdrawing a Response Action Outcome

If 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 to withdraw the RAO. The LSRP can withdraw an RAO [and any supporting document(s)] by issuing a letter to the person responsible for conducting the remediation which states that they are withdrawing the RAO. The RAO Withdrawal letter should be sent to all parties who received the original RAO letter, including the Department. The RAO is a legal document, the original RAO and date of issuance remain unchanged.

The Department does not have standard language for withdrawing an RAO.