

Guidance for the Issuance of Response Action Outcomes

April 2016

List of changes from Version 1.4 (May 2011) to Version 2.0 (April 2016)

- Document Date: Changed from May 2011 to April 2016.
- Document Version: Changed from Version 1.4 to Version 2.0.
- General: The document was updated to reformat the Introduction, provide additional clarification and instruction for the completion of each section of an RAO and use of Notices, provide the addition of an RAO Quick Reference Checklist, and guidance for amending and withdrawing an RAO.

1) Section I. INTRODUCTION

This section was restructured to explain the various components of the guidance document.

2) Section II. ISSUING RESPONSE ACTION OUTCOMES

This section replaces Section III - Issuing Response Action Outcomes of the May 2011 version of this guidance document. This new section provides the reader with instructions regarding when and to whom an RAO can be issued. A note has been added that additional information regarding Child Care Facilities can be found in the "Environmental Guidance for All Child Care Facilities & Educational Facilities" at www.nj.gov/dep/dccrequest/.

3) Section III. PAYMENT OF DEPARTMENT FEES

This section replaces Section IV - Payment of Department Fees of the May 2011 version of the guidance document. Additionally, the regulatory citation from the Administrative Requirements for the Remediation of Contaminated Sites (ARRCS) Rules requiring payment of fees prior to issuing an RAO has been included within this section.

4) Section IV. RESPONSE ACTION OUTCOME – REFERENCE "RE:" SECTION OVERVIEW

This section replaces a portion of Section II - Response Action Outcome Variations of the May 2011 version of the document, and clarifies site identifier issues including: Remedial Action Type, Scope of Remediation, and use of Communication Center numbers. Also included is a reminder to the LSRP that if issuing an RAO for Underground Storage Tanks (USTs), then the UST Registration Database needs to be accurate and up-to-date.

5) Section V. RESPONSE ACTION OUTCOME VARIATIONS

This section replaces another portion of Section II - Response Action Outcome Variations of the May 2011 version of the document. This new section was created in an effort to align it sequentially with

the RAO Model Document. This section adds an explanation of Remedial Action Types and Scope of Remediation, including examples for the LSRP. Media specific guidance has also been added to this section.

6) Section VI. ISSUING RAOs INVOLVING GROUND WATER REMEDIES AND COORDINATION WITH REMEDIAL ACTION PERMITS

The following section was moved from Section III - Issuing Response Action Outcomes of the May 2011 version of the document in an effort to align it sequentially with RAO Model Document.

7) Section VII. COMPLIANCE WITH ALL REMEDIAL ACTION PERMITS

This section replaces Section VI - Compliance with All Remedial Action Permits of the May 2011 version of the document. Minor grammatical changes were also made.

8) Section VIII. LIST OF NOTICES IN THE RAO

This section replaces Section VII - List of Notices in the Response Action Outcome of the May 2011 version of the document. Significant changes include:

- Updated descriptions and appropriate usage has been added or enhanced to most notices from the May 2011 Version. The Notice language follows each description of use.
- Child Care Facility notices have been moved to the end of this section.
- To accommodate various unaccounted scenarios, the following Notices have been included within the updated RAO Guidance Document which were not listed in the May 2011 RAO Guidance Document or the RAO Model Document; but were included in Site Remediation Reform Act Listserv messages:
 - In-Service Railroad Lines, Spurs and Sidings Not Remediated
 - Historic Fill Not Remediated for RAO-A
 - Soil Contamination from an Off-Site Source Not Remediated – General
 - Soil Contamination from an Off-Site Source Not Remediated – Diffuse Anthropogenic Pollution (minor language changes applied to Notice)
 - Naturally Occurring Levels of Constituents in Ground Water
 - Historically Applied Pesticides not Addressed (minor language changes applied to Notice)
 - Ground Water Contamination due to Regional Historic Fill (Ground Water confirmation sampling has not been conducted) (this is a new Notice)

9) Section IX. APPROVAL PROCESS FOR MODIFICATION OF THE RAO MODEL OR RAO NOTICES

This section has been added to provide LSRPs with instructions on how to receive pre-approval to make changes to the RAO Model Document language or RAO notices.

10) Attachment 1. RAO SHELL DOCUMENT

No changes.

11) (Former) Attachment 2. PROTECTIVE GROUND WATER REMEDIES WITH NON-DECREASING LEVELS OF GROUND WATER CONTAMINATION UNDER A NATURAL ATTENUATION REMEDIAL ACTION

This Attachment, which was included within the May 2011 Version, has been deleted from the updated RAO Guidance Document

12) (New) Attachment 2. RESPONSE ACTION OUTCOME ISSUANCE EXAMPLES

This was formerly Attachment 3 from the May 2011 Version. Minor grammatical changes were made.

13) Attachment 3. RESPONSE ACTION OUTCOME QUICK REFERENCE CHECKLIST

This new Attachment has been added to provide the LSRP with a self-guided checklist to ensure all of the components to the RAO have been completed and all appropriate paragraphs and/or notices have been included.

14) Attachment 4. AMENDED RESPONSE ACTION OUTCOME LANGUAGE TO BE USED WHEN AMENDING ADMINISTRATIVE ISSUES

This new Attachment has been added to provide the LSRP with basic guidance and model RAO Amendment language.

15) Attachment 5. WITHDRAWING A RESPONSE ACTION OUTCOME

This new Attachment has been added to provide the LSRP with basic guidance on how to withdraw an RAO.