



New Jersey Department of Environmental Protection Site Remediation Program

INSTRUCTIONS FOR THE RESPONSE ACTION OUTCOME FORM

General Instructions

- 1. Applicability.** The purpose of this form is for a Licensed Site Remediation Professional (LSRP) to memorialize the completion of remediation by issuing a response action outcome (RAO) to the person responsible for conducting the remediation. The RAO renders the LSRP's opinion that the site has been remediated in accordance with all applicable statutes, regulations and guidance. This form is submitted to the New Jersey Department of Environmental Protection (NJDEP) simultaneously with the RAO when the LSRP issues the RAO to the person(s) conducting the remediation. This form allows for a self-evaluation compliance check by the LSRP helping to insure that the RAO accurately reflects the scope and extent of the remediation and appropriate notices. This form must be used in combination with the "Guidance for the Issuance of Response Action Outcomes" available at http://www.nj.gov/dep/srp/guidance/srra/rao_guidance.pdf. In addition to this form the RAO document shall be submitted. The Word version of the "Model Response Action Outcome Document" (Appendix D for the ARRCs Rule) is available at <http://www.nj.gov/dep/srp/srra/forms>. An RAO shall not be filed unless all oversight invoices and annual remediation fees have been paid.
- 2. Updates.** The NJDEP may update this form, the RAO shell document, and Guidance periodically. Please ensure you are using the latest versions. Download the latest version of this form and the RAO shell document from the NJDEP Website: <http://www.nj.gov/dep/srp/srra/forms> or the Guidance from the above link.
- 3. Signatures.** This form must be submitted with a completed Cover/Certification Form signed by the person responsible for conducting the remediation and the Licensed Site Remediation Professional (LSRP).
- 4.** The RAO form must be submitted with the appropriate LSRP certified document that supports the RAO (RIR, RAW, RAR, PA/SI), unless previously submitted and approved by the NJDEP prior to May 7, 2012, these documents are required and must be submitted with the RAO.
- 5.** Completed forms should be sent to:
Bureau of Case Assignment & Initial Notice
Site Remediation Program
NJ Department of Environmental Protection
401-05H
PO Box 420
Trenton, NJ 08625-0420
- 6.** The Receptor Evaluation Form must be submitted with all RIR, RAR, and RAO submissions.
- 7.** The Case Inventory Document (CID) must be submitted in final form with all RAO submissions. The CID must identify all Areas of Concern (AOCs) associated with the RAO.

Section A. Site Name and Location

- Site Name:** Provide the name of the site (i.e., ABC Corporation);
- Program Interest (PI) Numbers:** The PI Number is assigned by the NJDEP and can be obtained via the web at <http://www.nj.gov/dep/srp/> (DEP DATA MINER REPORTS). If this is a new site with no previous SRP involvement, leave blank.
- Case Tracking Numbers for this submission:** Provide all NJDEP generated site identification numbers (Hotline incident numbers, UST Notice of Intent to Close numbers, ISRA numbers, etc.). Attach additional sheets if necessary;

Check the box to verify that all Oversight Invoices and Annual Remediation Fees have been paid in full. Pursuant to N.J.A.C. 7:26C-6.2(a)3 a RAO shall not be filed until the person responsible for conducting the remediation has paid the NJDEP all fees and oversight costs.

Section B. Scope of the Response Action Outcome

- 1.** Specify, via one check box, whether the RAO is for an unrestricted use, limited restricted use, or restricted use remediation. Refer to "Guidance for Issuance of Response Action Outcomes" for detailed descriptions of unrestricted RAO, limited restricted RAO and restricted RAO. For limited restricted use and restricted use remediations, all applicable remedial action permits must be obtained before the RAO is issued.

Note: The RAO must correctly designate the “Remedial Action Type” by using one of the three entries noted above. For Limited Restricted and Restricted Use RAOs, permit numbers and effective dates must be included in the “Conditions” section of the RAO document.

2. Specify, via one check box, whether the RAO is for:

Specific Areas(s) of Concern (AOC), **Or** For the Entire Site or ISRA Subject Industrial Establishment based on a completed entire site Preliminary Assessment (PA) at a minimum.

Note: The RAO must correctly designate the “Scope of the Remediation” as Area of Concern, Entire Site, or Industrial Establishment as defined by N.J.A.C. 7:26B. With the exception of “soil-only” RAOs all contamination from the site or area(s) of concern must be remediated before the RAO is issued. The reports upon which the RAO is based must include the Case Inventory Document (CID) prepared per the instructions provided within the CID spreadsheet. The CID is available at <https://www.nj.gov/dep/srp/srra/forms/>.

3. Identify the total number of contaminated AOCs for your case (individually – do not combine). This number refers to the entire case not just contaminated AOCs addressed in this submission. This number should be consistent with the number of contaminated AOCs identified on your most recent annual remediation Fee Form.
4. Indicate the total number of contaminated AOC(s) addressed in this submission.
5. Indicate if there are other contaminated AOC(s) for your case where an RAO has not been filed.
6. Indicate if this RAO addresses a discharge/release from a federally regulated UST. Additional information about Federally Regulated USTs can be found in the “Regulated Underground Storage Tank Fact Sheet” at: http://www.nj.gov/dep/srp/bust/regulated_ust_fact_sheet.pdf and in the table below:

Applicability and Summary of Regulated Underground Storage Tanks in New Jersey

Substance Stored/ Used	Tank Capacity	Applicable Law(s)	Comments/Explanations
Heating oil for sale, distribution or commercial use	any amount	<u>Federal</u> & state UST laws	Fuel oil dealers, and others who sell, distribute, or use heating oil in a commercial process, must comply.
Heating oil for non-residential heating	more than 2,000 gallons	State UST law	Facilities with aggregate UST capacities of 2,000 gallons or less are exempt from the state UST law. Heating oil tanks of any size used for residential heating are also exempt.
Motor fuels for non-residential use or sale	any amount	<u>Federal</u> and state UST laws	Includes petroleum products used in the operation of a motor: gasoline, diesel, aviation, gasohol, etc.
Motor fuels for farm or residential use	more than 1,100 gallons	<u>Federal</u> and state UST laws	USTs located at a residence but used for business purposes are required to comply. Owners of farm USTs should contact the DEP at the number below for special applicability information.
Waste oil	any amount	<u>Federal</u> and state UST laws	Waste oil includes used automotive crankcase oil and other used lubricating oils.
Hazardous wastes	any amount	State UST law	Although they are not regulated by the federal UST law, hazardous wastes <u>are</u> regulated by Subtitle C of the Resource Conservation and Recovery Act (42 U.S.C. §6921). For hazardous waste classification and technical assistance, contact the DEP's Hazardous Waste Technical Assistance unit at 609/292-8341.
Other hazardous substances	any amount	<u>Federal</u> and state UST laws	A list of hazardous substances is available by calling DEP's Discharge Prevention Program at (609) 633-0610 or downloading Appendix A of N.J.A.C. 7:1E at http://www.nj.gov/dep/rpp/brp/dp/dpdown.htm

Scope of RAO and ISRA Lease Properties

1. If there is a single building or multiple buildings on site and an ISRA subject tenant leases the entire building(s), then without regard to fault, the property owner and tenant are responsible to conduct a fully historic investigation and remediation of the entire site. The resulting RAO should reference the scope as entire site.
2. If there are multiple buildings on site and an ISRA subject tenant leases one entire building but has no access to the other buildings, then without regard to fault, the property owner and tenant are responsible to conduct a fully historic investigation 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 leasehold only.
3. 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 current or historic used to convey hazardous materials to and from the leased space. The only exception to the investigation is for areas of concern the tenant had no access to during their entire tenure on site. For instance, if floor drains were sealed before the tenant began his lease of the site the floor drain discharge point is not required to be investigated. The resulting RAO should reference the scope as leasehold only and must include the ISRA Multi Tenant insert that specifically identifies the floor drain discharge point was not part of the RAO. It is important to understand, access to the area(s) of concern must have been removed before the tenant began operations to exclude the area from the ISRA investigation. Without regard to use or fault, if an area of concern existed during an ISRA subjects tenant's operations it must be investigated.

Section C. Response Action Outcome Preparation Checks

1. Self explanatory
2. The RAO Shell language may not be modified unless explicitly noted in the shell document.
3. Be sure to check the "cc" list to insure the appropriate individuals and agencies are copied when applicable.
4. Upon issuance of the RAO to the person(s) conducting the remediation, a copy of the RAO must be simultaneously filed with the NJDEP along with an electronic copy of all remediation related records.
5. Refer to SRRA Section 47g(1) for detailed information concerning rendering the property unusable
6. If the NJDEP required any deficiencies from prior submissions to be corrected as part of inspection and review findings, these must be completed before the RAO is issued.

Section D. Response Action Outcome Notices

Check all the applicable notices that were used in the issued RAO. Refer to "Guidance for Issuance of Response Action Outcomes" for detailed descriptions of RAO notices. Notices in the RAO are used to properly advise interested parties about limitations of the RAO and other site conditions.

Please note that Child Care Center Notices are not listed on this form. The Child Care Center – EF Remediation Form must be used to issue Child Care Center RAOs.

Section E. Remediation Funding Source

A Remediation Funding Source (RFS) is required to be established and maintained pursuant to the Administrative Requirements for the Remediation of Contaminated Sites (see N.J.A.C. 7:26C-5.2). Once a RAO is issued for the entire site, the RFS can be returned pursuant to N.J.A.C. 7:26C-5.11(f). If a RAO is issued for an Area of Concern only, the person responsible for conducting the remediation may be able to decrease the established RFS pursuant to N.J.A.C. 7:26C-5.11(a), (b) and (d). This section is intended to identify if a RFS has been established, and if so, whether the RAO is for the entire site and serves as notice to the NJDEP to release the RFS or if the RAO is for an Area of Concern only and serves as notice to the NJDEP to decrease the RFS posted for this site. If a return or decrease of the RFS is requested, this request must include the Remediation Cost Review form available at <http://nj.gov/dep/srp/srra/forms/>