

Remediation Standards Rule

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Remediation Standards Rule

- ▶ Q: When will the Remediation Standards rule become effective?
- ▶ A: Upon publication in the New Jersey Register. Tentative publication date is May 2021.
- ▶ Q: Will the Remediation Standards rule contain any “grandfathering” provisions?
- ▶ A: Yes. Prior remediation standards can be used if a RAWP or RAR is approved by the Department, or certified and submitted by the LSRP within 6 months of the effective date of the rule adoption. Caveats: (1) contaminants impacted by the order of magnitude provision are not subject to “grandfathering” and (2) the remediation must comply with regulatory and mandatory timeframes.

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- ▶ Q: Will migration to ground water (MGW) remediation standards be subject to an order of magnitude evaluation?
- ▶ A: Yes. Pursuant to N.J.A.C. 7:26D-1.1(b), impact to ground water (IGW) standards shall be developed on a site-by-site basis. The site-specific standards are compared against the promulgated MGW standards to determine if an order of magnitude evaluation is required. **NOTE:** The order of magnitude provision only applies to MGW remediation standards derived by soil-water partitioning.
- ▶ Q: Specific to IGW/MGW, does an order of magnitude difference automatically require additional remediation?
- ▶ A: An evaluation is required. If the evaluation indicates the remedy remains protective, then no additional remediation is required.

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- ▶ Q: Can you discuss protectiveness evaluation scenarios under various remedial actions for the MGW exposure pathway?
- ▶ A: Time does not allow for an in-depth discussion of this topic. There are many site-specific scenarios. For historical ground water contamination, evidence of successful ground water remediation could be used as a line of evidence that contaminant sources have been remediated. Use of compliance options such as immobile contaminants, SESOIL and SESOIL-ATD-123 modeling, and SPLP can be used to demonstrate that additional remediation is not required.
- ▶ Q: Can you confirm that MGW soil remediation standards do not need to be identified in a deed notice unless you are using an engineering control as a remedy to address the MGW exposure pathway.
- ▶ A: The statement above is correct.

Remediation Standards Rule & Timeframes

- ▶ Question: Can you confirm that a site impacted by a new standard will be automatically granted a mandatory timeframe extension?
- ▶ Answer: Mandatory timeframe extensions will not be automatic and need to be requested pursuant to N.J.A.C. 7:26C-3.5. Not all remediations will need or require an extension. Reasons for extensions related to standard changes are site-specific and need to be justified based on the specific circumstances.

Note: The Department issued updated guidance in 2016 regarding the “Implementation of the November 25, 2015 Interim Ground Water Quality Standards” and will be evaluating whether a similar guidance needs to be issued for these standard changes.