
Revisions to the Technical Requirements for Site Remediation



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March 30 2010

Technical Requirements for Site Remediation

- What was the major purpose in amending the Technical Requirements for Site Remediation as part of the Interim Rule adoption?
- The regulations were amended to conform with Licensed Site Remediation Professional (LSRP) concept

New Variance Process

- May vary from technical requirements in N.J.A.C. 7:26E-1 through 8, and Site Remediation guidance unless expressly exempted by the Department
- No Department pre-approval except where noted
- Submit the following in the applicable remedial phase report:
 - Regulatory citation for the requirement, or the guidance name and version number for the requirement
 - Description of how the work performed deviated from the rule requirement or guidance
 - Rationale for varying from the requirement

New Variance Process

- Shall not vary from certain requirements, including but not limited to, the following:
 - Department notification requirements
 - Regulatory timeframes
 - Requirement to obtain permits
 - Requirement to submit reports that comply with the form and content of the rule
 - Requirement to comply with applicable remediation standards
 - Requirement to comply with quality assurance laboratory requirements

Guidance Documents

■ More Reliance on Guidance

- Alternative Fill Protocol
- IEC guidance
- Protocol for Addressing Extractable Petroleum Hydrocarbons Guidance
- Field Sampling Procedures Manual
- Presumptive Remedy Guidance
- Guidance Document for the Remediation of Contaminated Soils
- Guidance for the Preparation of the Case Inventory Document
- Guidance NJPDES Discharges to Ground Water Technical Manual for the Site Remediation Program
- Vapor Intrusion Guidance

Guidance Documents

- Guidance documents available on the DEP web site

<http://www.nj.gov/dep/srp/guidance/srra/>

- Web site undergoing revisions to be more user friendly

Department Preapprovals

- Department preapproval of remedial activities no longer required
- Exceptions
 - Sites suspected or known to be contaminated with anthropogenic radionuclide contamination of any media
 - Sites with immediate environmental concern conditions
 - Sites with a landfill, if:
 - landfill is slated for redevelopment that includes structures intended for human occupancy
 - landfill remediation activities are funded by the Hazardous Discharge Site Remediation Fund, a Brownfield Redevelopment agreement, or the Municipal Landfill Closure and Remediation Reimbursement Program
 - Sites implementing an alternative to a presumptive remedy

Forms

- Use of summary forms will accompany report submittals
- Submission of case inventory document with the following reports:
 - PA/SI
 - RIWP
 - RASR
 - RI
 - RAWP
 - RAR
- All forms are available from the Department at <http://www.nj.gov/dep/srp/srra/forms>

Regulatory Timeframes

- Incorporation of regulatory timeframes
 - 7:26E-1.4 Notification and Public Outreach
 - 7:26E-1.12 Control of Ongoing Sources and Implementation of Interim Remedial Measures LNAPL free product removal
 - 7:26E-1.14 Immediate Environmental Concern Requirements
 - 7:26E-1.15 Receptor Evaluation - General and Reporting Requirements
 - 7:26E-1.17 Receptor Evaluation - Ground Water
 - 7:26E-1.18 Receptor Evaluation - Vapor Intrusion
 - 7:26E- 3.1 Preliminary Assessments
 - 7:26E-3.3 Site Investigations
 - 7:26E-8.6 Monitoring, Maintenance, and Biennial Certification – Specific Requirements for Ground Water Classification Exception Areas

Control of Ongoing Sources

- Identify the need for and implement any interim remedial measures necessary to remove, contain, or stabilize a source of contamination
- Light Non-aqueous Phase Liquid (LNAPL) Free Product free product removal requirements (1.12)
 - Within 60 days after either March 1, 2010 or LNAPL is identified, whichever is later, initiate the recovery of free product

Control of Ongoing Sources

- Light Non-aqueous Phase Liquid (LNAPL) Free Product free product removal requirements (1.12)
 - Within 270 days after either March 1, 2010 or LNAPL is identified, whichever is later:
 - ▶ complete delineation of the free product
 - ▶ complete the installation of a LNAPL recovery System
 - ▶ initiate operational monitoring
 - ▶ submit an Free Product Interim Remedial Measures Report to the Department

Immediate Environmental Concern

- Expanded Immediate Environmental Concern requirements (1.14)
- Upon discovery of IEC condition
 - Immediately notify the Department of the IEC
 - Within five days after identifying the IEC condition, mitigate the IEC impacts applicable as follows:
 - ▶ provide bottled water to the residents of each affected property
 - ▶ mitigate the infiltration of vapors into structures impacted by vapor intrusion
 - ▶ restrict access to soil contaminated above acute levels
 - Within five days after identifying the IEC condition submit IEC Response Action information to the Department

Immediate Environmental Concern

- Upon discovery of IEC condition
 - Within 60 days after identifying the IEC condition, implement an IEC engineered system response action
 - Within 120 days after identifying the IEC condition, submit an IEC engineered system response action report
 - Within 270 days after identifying the IEC condition:
 - initiate control of the IEC contaminant source using the Department's IEC Guidance
 - complete the delineation of the IEC contaminant source
 - submit an IEC contaminant source control report

Receptor Evaluation

- The performance of a receptor evaluation is required at all contaminated sites (1.15 – 1.19)
- Exception – sites with unrestricted use remedial actions when a final remediation document is issued or is filed with the Department within 270 days after initiating the remediation
- An initial receptor evaluation shall be submitted to the Department by November 26, 2010, or with the submittal of a site investigation report, whichever is later.
- An updated receptor evaluation shall be submitted to the Department with the submittal of:
 - A remedial investigation report
 - A remedial action report

Receptor Evaluation

- Receptor Evaluation includes the evaluation/investigation of the following on and surrounding the contaminated site:
 - Land Use
 - Ground Water
 - Vapor Intrusion
 - Ecological (Baseline Ecological Evaluation)

Landfills

- Prohibition of new construction of single family homes, child care centers and schools on landfills (in Statute not rule).
- Remediation/closure of landfills follows a dual track
- Landfills that have the following conditions must be remediated using the SRP process:
 - Using HDSRF funding
 - Have structures intended for human occupancy
 - If you want an NFA/RAO
- All other landfills can be closed using the Solid Waste Program landfill closure process

Presumptive Remedies

- If new construction of, or a change in use to, a residence, a school, or child care center will occur at a site that is undergoing remediation, one must select a remedial action that is:
 - an unrestricted use remedial action
 - a presumptive remedial action consistent with the Department's Presumptive Remedy Guidance on presumptive remedial actions
 - an alternative remedy
- Department written approval is required before an alternative remedy can be implemented a site that will be used as a residence, a school, or a child care center
- Effective May 7, 2010 - unless required to do so by the Department for remediation initiated before May 7, 2010

Remedial Action Permits

- Subchapter 7 of the ARRCS rule
- Effective 1/15/10
- Issued whenever Institutional or Engineering Controls are utilized
- The remedial action permit will be used to ensure the protectiveness/effectiveness of the remedial action
- A remedial action permit must be issued before a RAO/NFA can be issued
- The permit can be reopened if the remedy is found not to be protective

Remedial Action Permits

- Two types of remedial action permits
 - Soil Remedial Action Permit
 - Ground Water Remedial Action Permit

Soil Remedial Action Permits

- Required whenever there is a soil remedy with an engineering and/or institutional control
- Requires submission of
 - a copy of the deed notice stamped as being properly recorded
 - a completed Soil Remedial Permit Application Form
 - documentation of financial assurance (if applicable)
 - a soil remedial action permit application fee

Soil Remedial Action Permits

- Specific conditions applicable to soil remedial action permits
 - compliance with all maintenance, monitoring, and evaluation requirements contained in RAWP, RAR, RAO, Deed Notice
 - submission of a biennial certification
 - compliance with all other conditions that the Department includes in the soil remedial action permit

Ground Water Remedial Action Permits

- Required whenever there is a ground water remedy with:
 - Natural attenuation as part of the remedial action
 - “Active treatment” as part of the remedial action
 - An engineering control as part of the remedial action

- Requires the submission of:
 - a completed Ground Water Remedial Action Permit form (which includes documentation that the remedy is “working”)
 - ground water monitoring plan, with a schedule, designed to evaluate the effectiveness of the ground water remedial action
 - a completed CEA/Well Restriction Area (WRA) Permit Fact Sheet form
 - documentation of financial assurance
 - a ground water remedial action permit application fee

Ground Water Remedial Action Permits

- Specific conditions applicable to ground water remedial action permits
 - compliance with all ground water monitoring, evaluation, and reporting requirements in RAWP, RAR, RAO
 - compliance with all well restrictions associated with each ground water classification exception area for the site
 - submission of a biennial certification
 - compliance with all other conditions that the Department includes in the ground water remedial action permit

Financial Assurance for Remedial Action Permits

- Only required for remedial actions that include engineering controls
- Maintain financial assurance in accordance with the options established in the ARRCs rule in an amount equal to or greater than the most recent estimated full cost to operate, maintain, and inspect all engineering controls that are part of any remedial action over the life of the permit
- Exemptions
 - A government entity
 - A person who is not Spill Fund liable for cleanup who purchased a contaminated site prior to May 7, 2009, and is remediating, or has remediated, the contaminated site
 - A person who undertakes remediation at that person's primary or secondary residence
 - The owner or operator of a child care center
 - The person responsible for performing remediation at a public school, private School, or charter school
 - The owner or operator of a small business who is responsible for performing a remediation at his or her business property

Remedial Action Permits

- Provisions for
 - Permit modification
 - Permit transfer
 - Permit termination
- Permit application forms and guidance documents will be available on the DEP website

Discharge to Ground Water Approvals

- DEP/SRP approval required for each discharge to ground water (DGW) that is subject to the NJPDES rules (NJAC 7:26E-7.2)
- Requires submittal of a DGW proposal which includes:
 - description of proposed ground water treatment system
 - monitoring plan
 - establishment of a CEA (if applicable)

Discharge to Ground Water Approvals

- Requires publication of a DEP approved public notice
 - Exemptions
 - ▶ proposed discharge is for the remediation of an unregulated heating oil storage tank
 - ▶ discharge will not exceed 180 days
 - Department may hold a public hearing on the DGW proposal if there is significant public interest
- Department approval of the DGW proposal required before its implementation
- Available on the Department Web Site
 - DGW proposal forms (soon)
 - NJPDES Discharges to Ground Water Technical Manual for the Site Remediation Program