

Updates to Soil and Ground Water Remedial Action Permit Forms, Regulations, and Processes

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Welcome

- In-Person Attendees
- Webinar Attendees



Continuing Education Credits (CECs)

SRP Licensing Board **has not yet approved**
2.5 Regulatory CEC
for this Training Class

Attendance Requirements:

- **In-Person Attendance:** Must sign-in / sign-out: May not miss more than 45 minutes of the training
- **Webinar participants:** must be logged-in for entire session and answer 3 out of 4 test questions (randomly inserted in the presentation)



CECs: What's the Process?

If the SRPL Board HAS Approved CECs for the course:

- DEP compiles a list of "in-person" and "webinar" participants eligible for CECs
- DEP will email eligible participants a "Link" to a LSRPA webpage with certificate access instructions
- Certificates are issued by the LSRPA after paying a \$25 processing fee



CECs: What's the Process?

Since the SRPL Board Has **NOT** approved CECs for the course...

The certificate process will occur **AFTER** the course has been approved by the SRPL Board



Test Your Knowledge

Is the Lynne Mitchell the new Acting Assistant Director of the Remediation Review Element (BIR and BRAP)?

- A. Yes
- B. No

EXAMPLE WEBINAR
QUIZ SLIDE

Test Your Knowledge

Is the Lynne Mitchell the new Acting Assistant Director of the Remediation Review Element (BIR and BRAP)?

A. Yes

EXAMPLE WEBINAR
QUIZ SLIDE

Important Reminders

- **Please mute cell phones**
- **Phone calls / conversations**
 - Please take outside of the meeting room
- **Question/Answers**
 - At times specified during the presentation
 - Please wait for the microphone
 - Webinar participants, wait for question period to "open up" and can then type in question



Remember!

Remember to sign in and out for credit

Please fill out the Course Evaluation Form





NJDEP Remedial Action Permit Training
401 East State Street
Trenton, New Jersey
June 18, 2019







Upcoming LSRPA Courses, Events & Initiatives

- > **August 1, 2019** - Trenton Thunder Baseball Game
- > **October 7, 2019** - LSRPA Ethics Short Course at MGP Conference 2019 (Philadelphia, PA)
- > **October 29, 2019** - Prevention of Adverse Community Exposure During Hazardous Waste Site Clean-Ups (Florham Park, NJ)
- > Member Breakfasts, held throughout the state: Check lsrpa.org for locations.
- > LSRPA Participated in NRD and the Environmental Justice Task Force groups.



LSRPA Initiatives (Cont.)

- LSRPA is a Stakeholder in the SRRA 2.0 revisions.
- LSRPA met with NJDEP Commissioner and NJEDA Chief Director on brownfield issues
- Dispute Resolution
- LSRPA Sounding Board
- CE Tracking Spreadsheet Tool

Visit LSRPA.org - Member Services for details



INFORMATION, EDUCATION, TECHNICAL RESOURCES

UPCOMING EVENTS 2019

Member Breakfasts
Member Breakfasts at 11:00am
 September 17 - East Windsor, NJ
 October 16 - Orange, NJ
 November 12 - Ocean Township, NJ
 December 11 - Ocean NJ, NJ

Standing Committee Meetings
10:00am - 12:00pm
 June 27 - October 22
 September 11 - December 12

Professional ETHICS
 October 17, 2019
 NJC Compliance Professionals 9a

Prevention of Adverse Community Exposure During Hazardous Waste Site Clean-up
 October 23, 2019
 Ocean Park, NJ

Due Diligence
 October 30, 2019
 Princeton, NJ

4th Annual Golf & Networking Sponsorship Luncheon
 October 3, 2019
 Lake Forest Country Club, Wallingford, NJ

Transition Thunder Baseball Game Fundraising Event
 August 1, 2019
 Lake Forest Fieldhouse, Wallingford, NJ

The Leader is New Jersey's PREMIER ORGANIZATION FOR SITE REMEDIATION PROFESSIONALS

'19 UPCOMING EVENTS

Member Breakfasts available upon request for additional information.
www.lsrpa.org



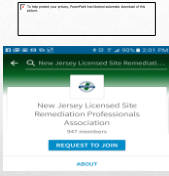


GET INVOLVED !

LSRPA Committees


- | | |
|---------------------------------|-------------------|
| Governance (incl. Bylaws) | Communications |
| Continuing Education | College Outreach |
| Membership/Next Generation | Finance |
| Risk Management/Loss Prevention | Legal/Legislative |
| Mentoring | Nominating |
| Regulatory Outreach | SRRRA 2.0 |
| Sponsorship | Conference |
| Sounding Board | |

WANTED - VOLUNTEERS



@NLSRPA



NJ LSRPA
 Licensed Site
 Remediation
 Prof Assoc
 @NLSRPA

SOCIAL MEDIA IS NOT JUST FOR KIDS...

It is an important way to connect our membership with the community





Thank You!



Remedial Action Permitting Stakeholder Effort – Historic Perspective

Bill Hose
Assistant Executive Director, LSRPA





Remedial Action Permitting Process

- Length of time to receive a remedial action permit upon submission of the application
- Administrative and technical deficiency rates reported by the Department for remedial action permit applications
 - Administrative Review
 - Initial Soil - 30%
 - Initial Ground Water - 20%
 - Technical Review
 - Initial Soil - 62%
 - Initial Ground Water - 54%



Common Deficiencies

Administrative Deficiencies

- No Remedial Action Report
- Incomplete forms
- Use of obsolete forms
- Missing or incorrect fees

Technical Deficiencies

- Delineation incomplete
- NAPL not addressed
- No decreasing trend for MNA
- No clean sentinel well
- Insufficient monitoring plan
- Inspection frequency not identified



Stakeholder Committee

- Established Spring 2018
 - 17 members
 - Included:
 - LSRPs, representatives of industry and trade organizations
 - NJDEP Bureau of Remedial Action Permitting Staff
- Committee focus was not on remediation guidance but rather on remedial action permitting application and submission process



Stakeholder Committee

- Committee quickly established
 - Lack of clear direction and information in the submission process stemming from forms
 - Form questions could be misinterpreted
 - Forms should be separated not combined for clarity
 - Questions needed to be developed that focused the PRCR/LSRP into identifying pertinent information necessary to issue the permit



Stakeholder Committee

- This training is a culmination of the efforts of the committee members to clarify the remedial action permit application process
- As with any application, the form instructions play a crucial role in the correct interpretation of what information the forms are requesting be reported
- Adherence to technical guidance and explaining professional judgement when deviating from guidance remains a cornerstone of a successful application



Remedial Action Permit Forms

June 18, 2019

Lynne Mitchell, Acting Asst. Director, Remediation Review
and
Alissa Ambacher, Bureau of Remedial Action Permitting
lynne.mitchell@dep.nj.gov
alissa.ambacher@dep.nj.gov



Objectives for Today's Training

- How we got here
- Major changes on the new forms
 - What's new and improved
 - Will not go over every item on the form
- Case studies to show how to use the new forms
- Answer common questions



RAP Basics

- **RAP:** Remedial Action Permit
- **GW RAP:** Ground Water Remedial Action Permit
- **Soil RAP:** Soil Remedial Action Permit
- **MNA:** Monitored Natural Attenuation - Type of GW RAP
- **Active:** Active Treatment System - Type of GW RAP
- **DN:** Deed Notice
- **GWMP:** Ground Water monitoring plan - Needed for all GWRAPs
- **RAR:** Remedial Action Report



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Types of RAPs

- **Initial** - Initial RAP: Needed when first applying for a permit
- **Mod** - RAP modification: Needed when modifying part of your permit
- **Termination** - RAP termination: Needed when terminating a permit



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Committee Members

- Alissa Ambacher
- Christopher Blake
- Mike Gaudio
- Michael Infanger
- Lynne Mitchell, Chair
- Gary Sanderson
- Renee Bancroft, Retired
- Bill Hose, Retired
- Bob Soboleski, Retired
- Paul Bauer, Honorary Member
- Caryn Barnes, Langan, LSRPA
- Julian Davies, Sovereign, LSRPA
- John Engdahl, Ridge Env'l Mgmt, SRIN
- Mark Fisher, ELM, LSRPA
- Rayna Laiosa, PSEG, SRIN
- Rich Lake, GTA, NJBA
- Jamillah Chillemi, ExxonMobil, SRIN
- Neil Rivers, Langan, CIANJ
- Kathi Stetser, GEI, LSRPA



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Background

- Stakeholder Meetings – discussion of process not remediation
- Identified areas of confusion and opportunities for improvement
- Revised the process because of changes in rules and guidance
- Increased number of forms
 - New forms will streamline submittals to Department



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New Location on Website

Remedial Action Permit Forms	Download	Date	Since Last Version	Rule
Ground Water Monitoring Plan Spreadsheet You may have to reset your macros security in Excel before it will open/work properly. To reset, in a blank spreadsheet, go to TOOLS, MACROS, SECURITY. Set to MEDIUM. After that, open the spreadsheet, and select the button that says - Enable Macros.	Spreadsheet xls 177 Kb	1.0 - 5/22/2012		
Model Deed Notice (Appendix B for the ABRCS Rule)	Model Document doc 108 Kb	5/8/2018	See Update Log	7.26C-7.2
Model Termination of Deed Notice (Appendix C for the ABRCS Rule)	Model Document doc 98 Kb	5/8/2018	See Update Log	7.26C-7.13
Remedial Action Permit Initial Application - Ground Water	Form pdf 447 Kb Instructions pdf 281 Kb	1.0 - 5/30/2019	See Update Log	
Remedial Action Permit Modification Application - Ground Water	Form pdf 444 Kb Instructions pdf 284 Kb	1.0 - 5/30/2019	See Update Log	
Remedial Action Permit Termination Application - Ground Water	Form pdf 283 Kb Instructions pdf 209 Kb	1.0 - 5/30/2019	See Update Log	

New Forms

- Initial Soil
- Modification Soil
- Termination Soil
- Deed Notice Termination
- Initial Ground Water
- Modification Ground Water
- Termination Ground Water
- Transfer/ Change of Property Ownership
- Contact Information Change

No phase-in period for use of new forms



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Instructions

- Read the instructions
- Instructions have been revised to be more helpful
- Contain useful links
- Please read the instructions



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LSRP Retention

- DEP considers the LSRP that submits the RAP application to be the LSRP retained for this RAP after the RAO is issued
- If LSRP is dismissed or dismisses him/herself for the RAP, the LSRP shall submit the LSRP Notification of Retention or Dismissal Form online and the permittee needs to retain another LSRP within 45 days
- If a new LSRP is not retained within 45 days then the permittees will be deemed out of compliance and subject to potential enforcement actions



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LSRP Retention

“DEP considers the LSRP that submits the RAP application to be the LSRP retained for this RAP after the RAO is issued. If the LSRP is dismissed or dismisses him/herself for the RAP any time after the issuance of the RAO, the LSRP shall submit the Licensed Site Remediation Professional Notification of Retention or Dismissal Form online and the permittee shall retain another LSRP within 45 days. A permittee that fails to retain a new LSRP within 45 days will be deemed out of compliance and subject to potential enforcement actions.”



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Useful Information

For Site Name and PI number:

<https://www13.state.nj.us/DataMiner/Search/SearchByCategory?isExternal=y&getCategory=y&catName=Site+Remediation>



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Useful Information (cont'd)

For address, block and lot, and property owner information use (except Ocean County):

http://tax1.co.monmouth.nj.us/cgi-bin/prc6.cgi?district=1301&ms_user=monm

For Ocean County use:

<https://www.tax.co.ocean.nj.us/TaxBoardTaxListSearch.aspx>



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Signature Authority

- The RP/Owner must be listed on the permit
- Only the RP/Owner or their legal designee (c/o) can sign the application

*Once a PRCR for the RAP, always a PRCR for the RAP



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Clearer Options Section B (Soil)

1. Reason(s) for the Soil RAP Modification Application: *(check all that apply)*

- Change in institutional control (Complete All Sections below except Section H)
- Change in engineering control (Complete All Sections below)
- Permittee address change (Complete Sections C, D, E, F, L, M and N below)
- Adding an Additional Person Responsible for Conducting Remediation to the Soil RAP (Complete Sections C, D, E, F, H, L, M, N and Addendum A below)



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Clearer Options Section B (GW)

1. Reason(s) for the GW RAP Modification Application: *(check all that apply)*

- Change in the Classification Exception Area (Complete All Sections below except Section H)
- Change in GWMP for the site (Complete All Sections below except Section H)
- Change from Active Remedy to MNA or MNA to an Active Remedy (Complete All Sections below)
- Change in the Vapor Intrusion Long-Term Monitoring Plan for the site (Complete All Sections below except Section H)



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SECTION F. ATTACHED DOCUMENTS

Attach the following documents: *(Check all that apply)*

Note: All electronic copies should be provided in Adobe PDF file format on a compact disc (CD).

- Hard copy **and** electronic copy of the completed Soil RAP Modification Application using the current form on the NJDEP Website.
- Hard **and** electronic copy of the cover letter/report explaining the reason(s) for the Soil RAP Modification Application.
- Electronic copy of the Filed Deed Notice (must be a separate PDF file) and Deed Notice Termination document with book & page numbers, which should include all associated attachments/exhibits.
- Electronic copy of the completed Remediation Cost Review and RFS/FA Form with a detailed cost estimate, if applicable.
 - Only Check One:
 - Original** Financial Assurance mechanism (*hard copy*), including any Amendments, attached.
 - Date the original Financial Assurance mechanism was submitted to the NJDEP: _____
 - An electronic copy of the Remediation Funding Source (RFS) mechanism if using an existing RFS mechanism as the Financial Assurance.
- Electronic copy of the homeowner or condominium association's annual budget that includes funds for the operation, maintenance, and monitoring of the engineering control(s) at the site, if applicable.

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Provide Supporting Information

Questions have been added to most forms which point the Department to supporting information in the permit application:

For example:

Was a compliance option (e.g., compliance averaging) used to evaluate the data? Yes No

If "Yes", provide the location in the RAR (Section #) that describes the details of the compliance option used: _____



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Provide Supporting Information

Use Sections I (Deed Notice Termination form) and K (most other forms)

- If it will help support the application of professional judgement
- If it clarifies a previous answer on the form
- If you just think the Department should know



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New options

New drop down options have been added for engineering controls

3. Identify below the materials used for the engineering control(s) that are contained in Exhibit C of the Deed Notice.

Area	Engineering Control Description	Thickness	Units	Inspection frequency
				Quarterly
				Semi-annually
				Annually
				Biennially

New Questions on the Forms

- Electronic copies for most attached documents
- Indeterminate Vapor Intrusion Pathway (IVIP) status
- Vapor Intrusion Long Term Monitoring Plan
- Capping of Impact to Ground Water for Volatile Organics
- PCBs/TSCA
- Delineation questions
- Off-Site and Background GW Contamination questions



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Note

- No permit applications will be processed until all past RAP annual fees have been paid in full
and
- All previously required Transfer/Change of Property Ownership and Modification Applications have been recorded



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Primary Responsibility for Permit Compliance

- Change in primary responsibility for permit compliance is not a reason for a modification of a permit
- Use Contact Information Change Form



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New Certifications

LSRP to certify all forms including:

- Transfer/Change of Property Ownership
- Contact Information Change
- DN termination



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Bonus Section 1

Rule Changes



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Remedial Action Permits Parcel Subdivisions (after August 6, 2018)

N.J.A.C. 7:26C-7.5(e)

The permittee shall, within 30 days after municipal subdivision approval for the site that triggers a remedial action permit termination application pursuant to N.J.A.C. 7:26C-7.13(c) simultaneously apply for...



Remedial Action Permits Parcel Subdivisions

Soil Standard Scenario – Deed Notice Over the Entire Property

- Terminate Deed Notice, File New Deed Notice on each new property
- Terminate Soil RAP
- New RAP application for each subdivided property
- One site will retain PI, new PIs will be created for other properties



Remedial Action Permits Parcel Subdivisions

Soil Alternative Scenario – Deed Notice Only on One Subdivided Parcel

- Terminate Deed Notice, File New Deed Notice
- Modify Soil RAP
- Submit Transfer/Change of Property Ownership Application, if appropriate



Remedial Action Permits Parcel Subdivisions

Ground Water Standard Scenario – Ground Water Source Only on One Subdivided Parcel

- Modify GW RAP (permit stays on the property that is the source of the contamination)
- Submit Transfer/Change of Property Ownership Application, if appropriate



Remedial Action Permits Parcel Subdivisions

Ground Water Alternative Scenario – Multiple Sources of Ground Water Contamination

- Terminate GW RAP
- New RAP application for each different contaminant source on each subdivided property
- One site will retain PI, new PIs will be created for other properties



Obtaining New PI

Contact BCAIN by email to SRWM_NJEMS@dep.nj.gov and include the following information along with your request:

- the subdivided lots
- tax maps (current and new)
- owners of each lot
- Newly designated addresses for the subdivided lots



Bonus Section 2

Dataminer



The content of this category provides the user with reports giving real time access to information regarding applications that are under review by the DEP.

▶ Backlog and InProcess LandUse Activities by PI Number

List all activities for a specific PI that are either backlogged or currently in process.

▶ Pending Permit Progress by County-Municipality

Please note that you need a "Program Interest ID" number to run this report. If you do not know the ID number, please run **Find your Program Interest ID by location** or **Find your Program Interest ID by name**. Both of these reports are located under "General Environmental Reports" category. The content of this report provides the user with real time access to information regarding applications that are under review by the DEP. [Read the General Description of Pending Permit Progress Report...](#)

▶ Pending Permit Progress by Program Interest ID

Please note that you need a "Program Interest ID" number to run this report. If you do not know the ID number, please run **Find your Program Interest ID by location** or **Find your Program Interest ID by name**. Both of these reports are located under "General Environmental Reports" category. The content of this report provides the user with real time access to information regarding applications that are under review by the DEP. [Read the General Description of Pending Permit Progress Report...](#)

▶ Pending Permit Progress by Program Interest Name

Please note that you need a "Program Interest ID" number to run this report. If you do not know the ID number, please run **Find your Program Interest ID by location** or **Find your Program Interest ID by name**. Both of these reports are located under "General Environmental Reports" category. The content of this report provides the user with real time access to information regarding applications that are under review by the DEP. [Read the General Description of Pending Permit Progress Report...](#)



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Please note that you need a "Program Interest ID" number to run this report. If you do not know the ID number, please run **Find your Program Interest ID by location** or **Find your Program Interest ID by name**. Both of these reports are located under "General Environmental Reports" category. The content of this report provides the user with real time access to information regarding applications that are under review by the DEP. [Read the General Description of Pending Permit Progress Report...](#)

Select Program(s)

- All
- Air
- Hazardous Waste
- Land Use
- Solid Waste
- Water Quality
- Water Supply

Enter Program Interest ID:

View Report by Pages

Submit



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Remedial Action Permit

Program Description	DEP Contact Name	DEP Contact Phone
Site Remediation		0 -
Remedial Action Permit		

Remedial Action Permit - Initial Soil

Clock	Days Allotted	Days Elapsed	Days Remaining	Permit Review Status
Ticking	120	41		79% in Process

Standard Tasks	Completed Date	Assigned To
Receive Application	1/25/19	SRP Clearing House, LSP
Start Administrative Review	2/26/19	SRP Clearing House, LSP
End Administrative Review	2/27/19	SRP Clearing House, LSP
Start Technical Review		Fleisch, Erwin
End Technical Review		Fleisch, Erwin
Issue Final Decision		Fleisch, Erwin



Questions?



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Groundwater RAP Modification Case Studies

Active Ground Water to MNA

MNA to Active Groundwater

John Engdahl
Ridge Environmental Management LLC



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GW RAP Modification Case Studies Introduction

Several possible scenarios:

SECTION B. GROUND WATER REMEDIAL ACTION PERMIT MODIFICATION APPLICATION

Note: This Ground Water RAP Modification Application will not be processed until all past Remedial Action Permit (RAP) annual fees have been paid in full, and all previously required RAP Transfer/Change of Property Ownership Applications have been applied for.

- Reason(s) for the Ground Water RAP Modification Application: *(check all that apply)*
 - Change in the Classification Exception Area (CEA) for the site (Complete All Sections below except Section H)
 - Change in the Ground Water Monitoring Plan for the site (Complete All Sections below except Section H)
 - Change from Active Remedy to Monitored Natural Attenuation (MNA) or MNA to an Active Remedy (Complete All Sections below)

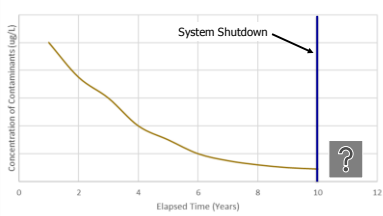
Many questions about this scenario



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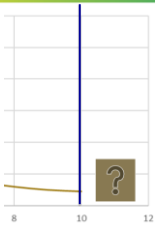
GW RAP Modification Case Study Active GW to MNA



- Active GW-RAP issued
- Remediation System is running
- Biennial Certifications are being submitted
- Asymptotic Levels appear to be reached
- What now?



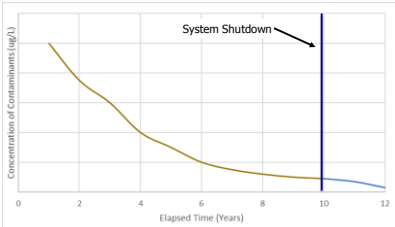
GW-RAP Modification Case Study Active GW to MNA



- Modification not required for system shut down that is part of the post-treatment monitoring period
- This period should have been included in the Ground Water Monitoring Plan (GWMP)
- Provide updates on the active remediation through the Biennial Certifications
- 8 quarterly events after system shutdown per MNA guidance



GW-RAP Modification Case Study Active GW to MNA



- Ideal Scenario:**
- Post-treatment monitoring confirms decreasing trends
 - Ground Water RAP Modification is ready for submittal



GW-RAP Modification Case Study Active GW to MNA

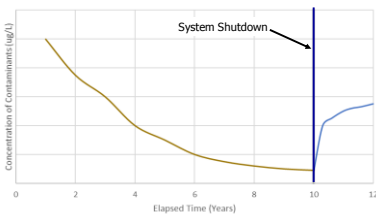
1. Complete all sections of the RAP Modification Application – Ground Water Form
 - Answer MNA Questions in Section G 3.a.; Utilize a Cover Letter and Section K
2. Pay the "Ground Water MNA RAP Fee – Modification"
 - Enclose payment with application
3. Upon receipt of MNA GW RAP
 - Request Release of Financial Assurance (Remediation Cost Review & RFS/FA Form)
 - Modification to Response Action Outcome not required



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GW-RAP Modification Case Study Active GW to MNA



Not-So Ideal Scenario:

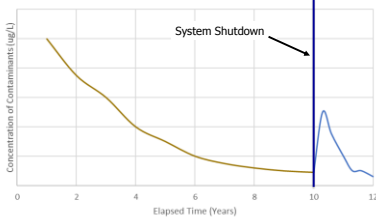
- Post-treatment monitoring indicates rebound
- Groundwater RAP Modification to MNA is not ready for submittal
- Go back to Active GW RAP requirements
- Consider if CEA/GWMP Modification is required
- Continue Biennial certifications



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GW-RAP Modification Case Study Active GW to MNA



In-Between Scenario:

- Post-treatment monitoring indicates fluctuating concentrations
- Groundwater RAP Modification is not ready for submittal
- Professional Judgement to go back to Active GW RAP or continue post-treatment monitoring
- Consider CEA/GWMP Modification
- Continue Biennial certifications



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GW RAP Modification Case Study MNA to Active GW



- Legacy NJDEP Case # from the 1990s
- Active gasoline station
- January 2016 – GW RAP and LR-RAO issued
- 1st Biennial GW Sampling Event.
 - LNAPL Detected on MW-3

What do you do?



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GW RAP Modification Case Study MNA to Active GW

Do Not Panic

- Does the unforeseen LNAPL condition warrant a RAP modification?
- Professional judgement should be utilized to determine if:
 - Is it a one-time/short timeframe event?
 - Is the condition mitigated with IRM response?
 - Use multiple lines of evidence.
 - Summarize site conditions, response actions, and rationale in next biennial certification.
 - Is the remedy still protective?
 - Use your permit writer as a resource through the process, if necessary

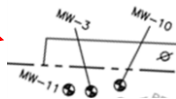


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GW RAP Modification Case Study MNA to Active GW

- Confirm that it is not a new release
 - LNAPL Fingerprint Analysis
 - In this case study, LNAPL was identified as highly weathered gasoline
 - Other lines of evidence (i.e., potential sources, dissolved phase data, GW fluctuations, etc.)
- Take initial recovery actions and submit LNAPL Reporting Form within 60-days from discovery
- Evaluate/complete LNAPL delineation
- Initiate LNAPL IRM and document efforts in LNAPL IRM Report within 1 year from discovery



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GW RAP Modification Case Study MNA to Active GW

Source Area Well LNAPL and dissolved phase data

Time Period	Measurable LNAPL (Yes/No)	[Total BTEX] (ug/L)
1990 - 1994	Yes	N/A
1994 - 2009	No	60,000 – 200
2009 – 2016	No	< 100, mostly < 10
2018	Yes	N/A



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GW RAP Modification Case Study MNA to Active GW

Plume and Sentinel Well LNAPL and dissolved phase data

Time Period	Measurable LNAPL (Yes/No)	[Total BTEX] (ug/L)
1990 - 1994	-	--
1994 - 2009	No	Plume = 2,500 – 200; Sentinel = ND
2009 – 2016	No	Plume = < 10; Sentinel = ND
2018	No	Plume = < 10, Sentinel = ND



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GW-RAP Modification Case Study MNA to Active GW

1. Complete all sections of the RAP Modification Application – Ground Water Form
- Answer Active GW Questions in Section G 3.b.; Utilize Cover Letter and Section K
2. Secure Financial Assurance
- Completed Section H
3. Pay the "Ground Water Active RAP Fee – Modification"
- Enclose payment with the application

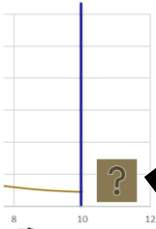
It is recognized that this process will take some time, but should be < 1 year (before LNAPL IRM Report)



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GW-RAP Modification Case Study MNA to Active GW



4. GW Active RAP will be issued
5. LR-RAO will have to be withdrawn and R-RAO will have to be issued
6. Comply with GW Active RAP
submit biennial certifications, until.....

Back to Slide #4



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Questions?



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Using a Remediation Funding Source As Financial Assurance

Atwood Davis
Remediation Funding Source Unit
Atwood.davis@dep.nj.gov
(609) 777-1398



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Using Remediation Funding Source (RFS) as Financial Assurance (FA)

- The Department recommends securing a separate financial mechanism for FA
 - Once FA established, RFS may be reduced to exclude the FA amount
 - Easiest option

HOWEVER:

- RFS can be used as FA when establishing a remedial action permit (RAP)



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RFS to FA Rationale

- RFS is required to be established/maintained in an amount supported by a detailed remediation cost estimate
 - N.J.A.C. 7:26C-5.3 requires cost estimate to include costs associated with O&M for engineering controls
 - N.J.A.C. 7:26C-5.10 requires submission of annual cost review with detailed cost estimate that includes O&M costs
- RFS is already being maintained to include these O&M costs



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RFS to FA – Soil RAP Application

Are you using an existing RFS mechanism for the site as the Financial Assurance? Yes No

If "Yes", have all of the following criteria been met? Yes No

- The amount of funds needed to operate, maintain, and monitor the engineering control(s) at the site for 30 years (*minimum of \$30,000 for a 30-year time frame*);
- The amount of funds in the RFS equals the amount of funds required to be posted for RFS and Financial Assurance; and
- The RFS is not in the form of a self-guarantee.

Identify the full amount of the current RFS \$



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RAP Application and Remediation Cost Review (RCR) and RFS/FA Form

- Remediation Cost Review and RFS/FA Form w/ RAP Application
 - Header (Top of Form) – Check FA
 - Section C. Purpose of Submission
 - Initial FA for RAP pursuant to N.J.A.C. 7:26C-7
 - Using a Remediation Funding Source as Financial Assurance
 - Section D. Type and Amount of RFS or FA Posted
 - Initial or Existing Mechanism For check FA option
 - #2. list total RFS amount (current)
 - Section E. Remediation Cost Estimation – Complete 2. "For Financial Assurance"



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RAP Application and RCR and RFS/FA Form

 <p>New Jersey Department of Environmental Protection Site Remediation and Waste Management Program</p> <p>REMEDIATION COST REVIEW AND RFS/FA FORM</p> <p><input type="checkbox"/> RFS <input checked="" type="checkbox"/> FA ←</p>	<p>Date Stamp (For Department use only)</p>
	<p>SECTION A. SITE NAME AND LOCATION</p> <p>Site Name: _____</p> <p>List All AKAs: _____</p> <p>Street Address: _____</p> <p>Municipality: _____ (Township Borough or City)</p> <p>County: _____ Zip Code: _____</p> <p>Program Interest (PI) or RFS Number(s): _____</p> <p>Case Tracking Number(s): _____</p>

RAP Application and RCR and RFS/FA Form

<p>SECTION C. PURPOSE OF SUBMISSION</p> <p>Check all that apply</p> <p><input type="checkbox"/> Initial Remediation Funding Source pursuant to N.J.A.C. 7:26C-5.2(a) (attach original RFS instrument and 1% surcharge payment, as applicable)</p> <p><input checked="" type="checkbox"/> Initial Financial Assurance for a Remedial Action Permit pursuant to N.J.A.C. 7:26C-7 (attach original FA instrument)</p> <p><input type="checkbox"/> Initial Direct Oversight Remediation Trust Fund Agreement pursuant to N.J.A.C. 7:26C-14.2(b)5 (attach original RTF instrument and 1% surcharge payment)</p> <p><input type="checkbox"/> Initial Direct Oversight Remediation Cost Review pursuant to N.J.A.C. 7:26C-14.2(b)4</p> <p><input type="checkbox"/> Annual Remediation Cost Review pursuant to N.J.A.C. 7:26C-5.10 (attach RFS instrument verification and valuation)</p> <p><input type="checkbox"/> Biennial Cost Review pursuant to N.J.A.C. 7:26C-7.10 (Remedial Action Permits)</p> <p><input type="checkbox"/> Change in Remediation Funding Source or Financial Assurance Amount pursuant to N.J.A.C. 7:26C-5.11</p> <p><input type="checkbox"/> Change in Remediation Funding Source or Financial Assurance Mechanism pursuant to N.J.A.C. 7:26C-5.11(d)</p> <p><input type="checkbox"/> Remediation Funding Source Disbursement Notification pursuant to N.J.A.C. 7:26C-5.12(a)</p> <p><input type="checkbox"/> Remediation Funding Source Disbursement Request pursuant to N.J.A.C. 7:26C-5.12(b) – Direct Oversight only</p> <p><input type="checkbox"/> Remediation Funding Source/Financial Assurance Disbursement Request pursuant to N.J.A.C. 7:26C-5.13(d) – Department held RFS/FA</p> <p><input type="checkbox"/> Request Release of the Remediation Funding Source or Financial Assurance pursuant to N.J.A.C. 7:26C-5.11(e)</p> <p><input checked="" type="checkbox"/> Using a Remediation Funding Source as Financial Assurance ←</p>

RAP Application and RCR and RFS/FA Form

SECTION D. TYPE AND AMOUNT OF REMEDIATION FUNDING SOURCE OR FINANCIAL ASSURANCE POSTED

Initial or Existing Mechanism for RFS or FA

Check all that apply

- Letter of Credit
- Remediation Trust Fund
- Self Guarantee
- Line of Credit
- Environmental Insurance Policy
- Direct Oversight Remediation Trust Fund
- Fully Funded Trust (Existing only pre-June 1993)
- Performance Bond (Existing only pre-June 1993)
- Surety Bond (Existing only pre-June 1993)

Replacement Mechanism for RFS or FA

Check all that apply

- Letter of Credit
- Remediation Trust Fund
- Self Guarantee
- Line of Credit
- Environmental Insurance Policy
- Direct Oversight Remediation Trust Fund

RAP Application and RCR and RFS/FA Form

SECTION D. TYPE AND AMOUNT OF REMEDIATION FUNDING SOURCE OR FINANCIAL ASSURANCE POSTED

Initial or Existing Mechanism for RFS or FA

Check all that apply

- Letter of Credit
- Remediation Trust Fund
- Self Guarantee
- Line of Credit
- Environmental Insurance Policy
- Direct Oversight Remediation Trust Fund
- Fully Funded Trust (Existing only pre-June 1993)
- Performance Bond (Existing only pre-June 1993)
- Surety Bond (Existing only pre-June 1993)

Replacement Mechanism for RFS or FA

Check all that apply

- Letter of Credit
- Remediation Trust Fund
- Self Guarantee
- Line of Credit
- Environmental Insurance Policy
- Direct Oversight Remediation Trust Fund

1. Expiration Date of Remediation Funding Source or Financial Assurance Posted:
2. Amount of Remediation Funding Source or Financial Assurance posted prior to any increase, reduction, or disbursement addressed in this submission:
3. Do you want to disburse, reduce, or increase the amount of the Remediation Funding Source? Yes No
 If "Yes," specify below:
 Disburse RFS Reduce RFS Increase RFS by (amount):

RAP Application and RCR and RFS/FA Form

SECTION E. REMEDIATION COST ESTIMATION

1. Indicate the method(s) used to calculate the remediation cost review/estimate: (Check all that apply)

- RACER® (attach documentation for estimate)
- Cost-Pro® (attach documentation for estimate)
- Surrogate Cost (ISRA Remediation Certifications, see for instructions for further clarification)
 A Preliminary Assessment/Site Investigation has NOT been completed for the site, the surrogate remediation funding source has been established in the amount of \$100,000 or \$250,000.
- Calculated independently by LSRP/Consultant using (attach documentation used to generate calculation):
 - Actual competitive bid(s)
 - Internal company data
 - Other commercially available software. Specify:
 - Other. Specify:

2. Estimated cost:
 To complete remediation:
 For Financial Assurance:
3. Full legal name of person who prepared the cost estimate:

Detailed Remediation Cost Estimate

- Attach detailed remediation cost estimate to RCR RFS/FA Form
 - Cost Estimate shall represent the estimated cost to complete the remediation – **ALL COSTS**
 - Operation, Maintenance, and Inspection of Engineering Control(s) shall clearly be listed as Financial Assurance for a permit



Biennial FA and Annual RFS Submissions

- FA Biennial Cost Review Submissions
 - RCR and RFS/FA Form represented as FA – follow form instructions
 - Section C. Purpose of Submission
 - Biennial Cost Review and
 - Using a Remediation Funding Source as Financial Assurance
 - Attached Detailed Remediation Cost Estimate – **Include all Costs**
 - Operation, Maintenance, and Inspection of Engineering Control(s) shall clearly be listed as Financial Assurance for a permit



Biennial FA and Annual RFS Submissions RFS/FA Form

New Jersey Department of Environmental Protection Site Remediation and Waste Management Program REMEDATION COST REVIEW AND RFS/FA FORM <input type="checkbox"/> RFS <input checked="" type="checkbox"/> FA	Date Stamp <small>(For Department use only)</small>
SECTION A. SITE NAME AND LOCATION Site Name: _____ List All AKAs: _____ Street Address: _____ Municipality: _____ (Township Borough or City) County: _____ Zip Code: _____ Program Interest (PI) or RFS Number(s): _____ Case Tracking Number(s): _____	

Biennial FA and Annual RFS Submissions RFS/FA Form

SECTION C. PURPOSE OF SUBMISSION

Check all that apply

- Initial Remediation Funding Source pursuant to N.J.A.C. 7:26C-5.2(a) (attach original RFS instrument and 1% surcharge payment, as applicable)
- Initial Financial Assurance for a Remedial Action Permit pursuant to N.J.A.C. 7:26C-7 (attach original FA instrument)
- Initial Direct Oversight Remediation Trust Fund Agreement pursuant to N.J.A.C. 7:26C-14.2(b)9 (attach original RTF instrument and 1% surcharge payment)

- Initial Direct Oversight Remediation Cost Review pursuant to N.J.A.C. 7:26C-14.2(b)4
- Annual Remediation Cost Review pursuant to N.J.A.C. 7:26C-5.10 (attach RFS instrument verification and valuation)
- Biennial Cost Review pursuant to N.J.A.C. 7:26C-7.10 (Remedial Action Permits) ←

- Change in Remediation Funding Source or Financial Assurance Amount pursuant to N.J.A.C. 7:26C-5.11
- Change in Remediation Funding Source or Financial Assurance Mechanism pursuant to N.J.A. 7:26C-5.11(d)
- Remediation Funding Source Disbursement Notification pursuant to N.J.A.C. 7:26C-5.12(a)
- Remediation Funding Source Disbursement Request pursuant to N.J.A.C. 7:26C-5.12(b) – Direct Oversight only
- Remediation Funding Source/Financial Assurance Disbursement Request pursuant to N.J.A.C. 7:26C-5.13(d) – Department held RFS/FA

- Request Release of the Remediation Funding Source or Financial Assurance pursuant to N.J.A.C. 7:26C-5.11(e)
- Using a Remediation Funding Source as Financial Assurance ←

Biennial FA and Annual RFS Submissions Cont'd

- Annual RFS Cost Review Submissions
 - RCR and RFS/FA Form represented as RFS – follow form instructions
 - Section C. Purpose of Submission
 - Annual Remediation Cost Review and
 - Using a Remediation Funding Source as Financial Assurance
 - Attached Detailed Remediation Cost Estimate – **Include all Costs**
 - Operation, Maintenance, and Inspection of Engineering Control(s) shall clearly be listed as Financial Assurance for a permit



Biennial FA and Annual RFS Submissions RFS/FA Form

<p>New Jersey Department of Environmental Protection Site Remediation and Waste Management Program</p> <p>REMEDIATION COST REVIEW AND RFS/FA FORM</p> <p><input checked="" type="checkbox"/> RFS ← <input type="checkbox"/> FA ←</p>	<p style="text-align: center; font-size: small;">Date Stamp (For Department use only)</p>
--	---

SECTION A. SITE NAME AND LOCATION

Site Name:

List All AKAs:

Street Address:

Municipality: (Township Borough or City)

County: Zip Code:

Program Interest (PI) or RFS Number(s):

Case Tracking Number(s):

Biennial FA and Annual RFS Submissions RFS/FA Form

SECTION C. PURPOSE OF SUBMISSION

Check all that apply

- Initial Remediation Funding Source pursuant to N.J.A.C. 7:26C-5.2(a) (attach original RFS instrument and 1% surcharge payment, as applicable)
- Initial Financial Assurance for a Remedial Action Permit pursuant to N.J.A.C. 7:26C-7 (attach original FA instrument)
- Initial Direct Oversight Remediation Trust Fund Agreement pursuant to N.J.A.C. 7:26C-14.2(b)5 (attach original RTF instrument and 1% surcharge payment)
- Initial Direct Oversight Remediation Cost Review pursuant to N.J.A.C. 7:26C-14.2(b)4
- Annual Remediation Cost Review pursuant to N.J.A.C. 7:26C-5.10 (attach RFS instrument verification and valuation)
- Biennial Cost Review pursuant to N.J.A.C. 7:26C-7.10 (Remedial Action Permits)
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- Change in Remediation Funding Source or Financial Assurance Mechanism pursuant to N.J.A.C. 7:26C-5.11(d)
- Remediation Funding Source Disbursement Notification pursuant to N.J.A.C. 7:26C-5.12(a)
- Remediation Funding Source Disbursement Request pursuant to N.J.A.C. 7:26C-5.12(b) – Direct Oversight only
- Remediation Funding Source/Financial Assurance Disbursement Request pursuant to N.J.A.C. 7:26C-5.13(d) – Department held RFS/FA
- Request Release of the Remediation Funding Source or Financial Assurance pursuant to N.J.A.C. 7:26C-5.11(e)
- Using a Remediation Funding Source as Financial Assurance

Issuance of Final Remediation Document

- Upon Issuance of Final Remediation Document – Submit RCR Form
 - Section C. Using Remediation Funding Source as Financial Assurance
 - **Do NOT request a Release of the RFS.**
 - A Department approved reduction in amount may be necessary – if so:
 - Section C. Change in RFS or FA amount pursuant to N.J.A.C. 7:26C-5.11
- Attach Detailed Remediation Cost Estimate for FA
 - To support final financial assurance amount being maintain



Issuance of Final Remediation Document RFS/FA Form

<p>New Jersey Department of Environmental Protection Site Remediation and Waste Management Program</p> <p>REMEDIATION COST REVIEW AND RFS/FA FORM</p> <p><input checked="" type="checkbox"/> RFS <input type="checkbox"/> FA</p>	<p style="text-align: center; font-size: small;">Date Stamp (For Department use only)</p>
--	---

SECTION A. SITE NAME AND LOCATION

Site Name: _____

List All AKAs: _____

Street Address: _____

Municipality: _____ (Township Borough or City)

County: _____ Zip Code: _____

Program Interest (PI) or RFS Number(s): _____

Case Tracking Number(s): _____

Issuance of Final Remediation Document RFS/FA Form

SECTION C. PURPOSE OF SUBMISSION

Check all that apply

- Initial Remediation Funding Source pursuant to N.J.A.C. 7:26C-5.2(a) (attach original RFS instrument and 1% surcharge payment, as applicable)
- Initial Financial Assurance for a Remedial Action Permit pursuant to N.J.A.C. 7:26C-7 (attach original FA instrument)
- Initial Direct Oversight Remediation Trust Fund Agreement pursuant to N.J.A.C. 7:26C-14.2(b)5 (attach original RTF instrument and 1% surcharge payment)

- Initial Direct Oversight Remediation Cost Review pursuant to N.J.A.C. 7:26C-14.2(b)4
- Annual Remediation Cost Review pursuant to N.J.A.C. 7:26C-5.10 (attach RFS instrument verification and valuation)
- Biennial Cost Review pursuant to N.J.A.C. 7:26C-7.10 (Remedial Action Permits)

- Change in Remediation Funding Source or Financial Assurance Amount pursuant to N.J.A.C. 7:26C-5.11 ←
- Change in Remediation Funding Source or Financial Assurance Mechanism pursuant to N.J.A. 7:26C-5.11(d)
- Remediation Funding Source Disbursement Notification pursuant to N.J.A.C. 7:26C-5.12(a)
- Remediation Funding Source Disbursement Request pursuant to N.J.A.C. 7:26C-5.12(b) – Direct Oversight only
- Remediation Funding Source/Financial Assurance Disbursement Request pursuant to N.J.A.C. 7:26C-5.13(d) – Department held RFS/FA

- NO** Request Release of the Remediation Funding Source or Financial Assurance pursuant to N.J.A.C. 7:26C-5.11(e)
- Using a Remediation Funding Source as Financial Assurance ←

Issuance of Final Remediation Document Cont'd

- The financial mechanism will then need to be amended to be the Financial Assurance variant (FA Model Doc)
 - Remediation Trust Fund and Letter of Credit
 - Line of Credit cannot be amended – new agreement
 - Environmental Insurance Policies require endorsement to change policy
- No need to submit a RAP modification



Questions?





Break





Case Study – Subdividing Properties

Neil Rivers, LSRP
Langan Engineering & Environmental Services, Inc.





Property Subdivision and Sale

- Single tax lot with Deed Notice and Soil RAP, owned by "ABC Corp"
- ABC is the PRCR
- ABC to subdivide into Lots 1.01 & 1.02
 - "NewCo" to buy Lot 1.01
 - ABC to retain Lot 1.02



Property Subdivision and Sale

Currently

- One tax lot
- One owner
- One PI Number
- One deed notice
- One Soil RAP

Planned

- Two tax lots
 - Lots 1.01 and 1.02
- Two owners
 - Lot 1.01 – NewCo
 - Lot 1.02 – ABC
- Two PI Numbers
- Two Deed Notices
- Two Soil RAPs



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The Process

1. Perfect subdivision
2. Obtain new PI Number(s) after subdivision
 - Through BCAIN
 - Original PI number will be retained for one of the lots
3. Terminate existing Deed Notice
4. Record two new Deed Notices



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The Process - continued

5. Terminate old Soil RAP
6. Update Financial Assurance
 - NJDEP recommends separate FA for each lot
 - Either before, or concurrent with, new Soil RAP application
7. Apply for two new Soil RAPs
 - ABC remains PRCR for both lots
 - NewCo is co-permittee (owner) for Lot 1.01



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Terminating a Deed Notice

- Use "Model Termination of Deed Notice" document
 - Download current version from SRP forms
 - Complete in original ink (signatures, notary)
 - Some portions remain blank (NJDEP signature, dates)
- Send to BCAIN along with:
 - Cover letter explaining purpose of termination
 - Deed Notice Termination Form



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Terminating a Deed Notice

- Upon receipt of NJDEP signatures
 - Complete Model Deed Notice Termination
- File Deed Notice Termination with County Clerk
 - Concurrently, file new Deed Notices for each property
- Obtain copies of recorded documents from County



RAPs for new Lots 1.01 and 1.02

- Concurrent applications to BCAIN
 - Terminate Soil RAP for Lot 1
 - Apply for Soil RAPs for Lots 1.01 and 1.02
 - Remediation Cost Review and RFS/FA form
- Recall, FA can be updated concurrent with or prior to Soil RAP application



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Terminate Existing Soil RAP for Lot 1

- RAP Termination Application – Soil form
- Copy of NJDEP-approved Deed Notice Termination document as filed with County
- Fee



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Applying for New Soil RAP – Lot 1.01

- Use the RAP Initial Application – Soil form
 - ABC remains PRCR
 - NewCo as co-permittee (current owner)
- Electronic copy of recorded deed notice with all attachments/exhibits
- Supporting documents per Section F
- Fee



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Applying for New Soil RAP – Lot 1.02

- Use the RAP Initial Application – Soil form
 - ABC remains PRCR
 - ABC retains ownership
- Electronic copy of recorded Deed Notice with all attachments/exhibits
- Supporting documents per Section F
- Fee



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Questions?



Case Study – Consolidation and Redevelopment

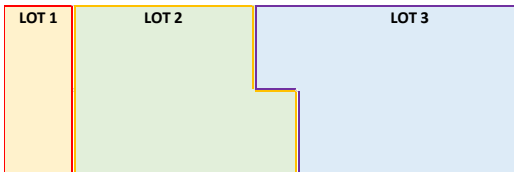
Neil Rivers, LSRP
Langan Engineering & Environmental Services, Inc.



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Consolidation and Redevelopment





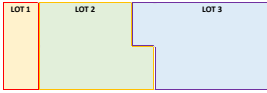
117



Consolidation and Redevelopment

LOT 1

- Unoccupied, commercial
- Buildings remain
- Existing URAO-A for UST
- Will cap other soil AOCs

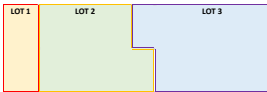


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Consolidation and Redevelopment

LOT 2

- Active industrial property
- ISRA Case – RI Phase
- Soil contamination
- Historic Fill
- Will purchase Lots 1 & 3
- Desires RAO-E & Soil RAP subject to Non-Res use

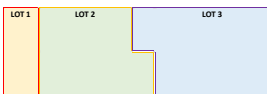


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Consolidation and Redevelopment

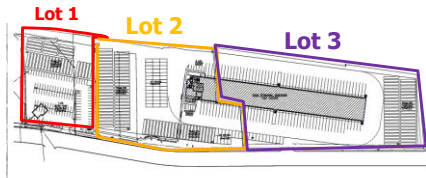
LOT 3

- Vacant, undeveloped
- Buildings razed
- Has RAO-E
 - Historic Fill and PCBs
 - Existing gravel cap
 - Deed Notice
 - Soil RAP



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Proposed Redevelopment Plan



Proposed Redevelopment Plan

Currently

- Three tax lots
- Three owners
- Three PI Numbers
- Different stages of remediation
- Existing Soil RAPs

Planned

- One tax lot
- One owner (currently owns Lot 2)
- Three PI Numbers
- Gravel cap on Lot 3 to change
- RAO-E subject to:
 - Development as cap (Deed Notice)
 - Non-Residential use (Deed Notice)
 - Soil RAP



The Process – Before Construction

1. Lot acquisition and consolidation
2. Apply for Soil RAP change of ownership for Lot 3
 - RAP Transfer/Change of Property Ownership Application form
 - Within 60 days of acquisition
3. Complete soil investigations
4. RAWP for soil AOCs (all lots)



The Process – During Construction

1. A cap disturbance for Lot 3
 - No Hotline notification, even if required under deed notice or soil RAP
 - Document disturbance in biennial certification
2. Implement soil remedies
3. Compile information for future RAR



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The Process – After Construction

1. Prepare and submit RAR
2. Obtain new Soil RAP(s) for all lots
 - Terminate and replace deed notice and Soil RAP for Lot 3
 - New owner, Block/Lot number, change in cap
 - Number of deed notices and RAPs depends upon PRCR cooperation
 - New deed notice(s) needed for all lots



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Are the PRCRs cooperating?

- NJDEP recommends separate Deed Notices and Soil RAPs
 - Simplifies co-permittees
 - Simplifies compliance in the event of changes to portions of the cap
 - Protects others in the event one PRCR fails to comply
 - Matches RAP to original PI Number
- If the parties are cooperating, one Soil RAP would be allowed
- If the parties are not cooperating, multiple Soil RAPs are needed



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Process for Soil RAP

1. Terminate existing Deed Notice for Lot 3
2. Record new deed notices
 - NJDEP recommends 3 separate Deed Notices vs. site-wide
 - Updated cap description
3. Terminate old Soil RAP for Lot 3
4. Update Financial Assurance
5. Apply for new Soil RAP(s)



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Terminating a Deed Notice

- Use "Model Termination of Deed Notice" document
 - Download current version from SRP forms
 - Complete in original ink (signatures, notary)
 - Some portions remain blank (NJDEP signature, dates)
- Send to BCAIN along with:
 - Cover letter explaining purpose of termination
 - Deed Notice Termination Form



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Terminating a Deed Notice

- Upon receipt of NJDEP signatures
 - Complete Model Deed Notice Termination
- File Deed Notice Termination with County Clerk
 - Concurrently, file new Deed Notice(s)
- Obtain copies of recorded documents from County



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Update FA and Obtain Soil RAP(s)

- Update FA concurrent with or prior to Soil RAP
 - NJDEP recommends FA for each original lot
- Apply for new RAP(s)
 - Concurrent applications to BCAIN (w/cover letter)
 - Terminate Soil RAP for Lot 3
 - Apply for new Soil RAP(s)
 - Remediation Cost Review and RFS/FA form(s)



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Terminate existing Soil RAP for former Lot 3

- RAP Termination Application – Soil form
- Copy of NJDEP-approved Deed Notice Termination document as filed with County
- Fee



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Applying for New Soil RAP(s)

- Use the RAP Initial Application – Soil form
 - Use addenda for additional PRCRs if single RAP
- Supporting documents per Section F
 - Recorded Deed Notice with all attachments/exhibits
 - RAR
 - RCR and RFS/FA form
- Fee



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Questions?



Frequently Asked Questions

June 18, 2019

Christopher Blake, Supervisor
Bureau of Remedial Action Permitting
christopher.blake@dep.nj.gov

Mark D. Fisher, LSRP
The ELM Group
mfisher@elminc.com



Delineation

Question: Can modeling/interpolation be used to delineate horizontally and vertically in the RAR and RAP Application?

Answer: No, delineation to the remediation standard is required pursuant to N.J.A.C 7:26E-4.3(a)4. Modeling/interpolation is acceptable during the Remedial Investigation phase as per the June 2014 Policy statement.



Horizontal Delineation

Question: Four wells were installed on-site. Two wells are located in the former discharge area and contain VOCs in excess of GWQS and results indicate a decreasing trend. The other two wells are installed downgradient and are clean. Is my plume delineated enough to apply for a Ground Water RAP?

Answer: No, the ground water plume is only delineated in the downgradient direction. Therefore, the plume is not clearly defined in all directions. Additional ground water sampling is required. Results should indicate delineation to the remediation standard pursuant to N.J.A.C 7:26E-4.3(a)4.



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Vertical Delineation

Question: Is vertical delineation required when the substance discharged has a specific gravity less than one (i.e. gasoline, diesel fuel, etc..)?

Answer: Yes, vertical delineation to the remediation standard is required pursuant to N.J.A.C 7:26E-4.3(a)4. In addition, the Ground Water Technical Guidance for Site Investigation, Remedial Investigation, and Remedial Action Performance Monitoring states that vertical delineation well(s) should be installed within the source area or immediately downgradient from the source area.



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Demonstrating MNA

Question: Persulfate injections were performed and two post-injection, quarterly sampling rounds of ground water samples were collected. Sampling results indicate a decreasing trend. Should a Ground Water RAP application for MNA be submitted?

Answer: No, because two sampling events do not demonstrate a statistically significant trend. The MNA guidance suggests eight rounds of ground water samples be collected. Professional judgement can be used to justify deviation from guidance.



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Ground Water Monitoring Plan

Question: A Monitoring Plan was included with the RAP application for MNA that includes two plume wells and two sentinel wells. The plume wells will only be sampled at the end of the CEA. The duration of the CEA is 15 years. Is this acceptable?

Answer: No, pursuant to N.J.A.C. 7:26C-7.5, the purpose of ground water monitoring under a MNA RAP is to demonstrate the continued effectiveness and protectiveness of the MNA remedy for the duration of the permit. Therefore, the plume wells should be sampled more frequently.



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Change in Remedial Action after RAP is Issued

Question: Can you obtain a Ground Water Permit-By-Rule (PBR) for injections after a MNA RAP is issued?

Answer: Yes, as long as the injections are not delivered by a continuously operating/long-term system which would require a modification to an active RAP. A PBR can be obtained through the Bureau of Ground Water Pollution Abatement (BGWPA). Any changes to the monitoring plan/CEA would require a RAP modification.



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Multiple Ground Water RAPs

Question: When would more than one ground water RAP be required at a single site? For example, if more than one plume exists at the site.

Answer: If plumes are from separate and distinct discharges and are spatially and chemically different, more than one CEA and RAP are required. One RAP may be appropriate if the contaminants are similar (i.e., separate gasoline and diesel releases) and the plume is co-located. However, a BTEX plume and a CVOC plume can have significantly different fate and transport.



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Engineering Controls

Question: A Sub-slab Depressurization System (SSDS) was installed for the on-site building. Is this considered an engineering control (EC) and if so, will this make the MNA Ground Water RAP an Active Permit? Is Financial Assurance (FA) required?

Answer: The SSDS is an EC but will not make the Ground Water RAP an Active Permit. Since the SSDS is not treating ground water contamination, the Ground Water RAP will still be for MNA. However, FA is required since the SSDS is an EC.



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Engineering Controls (cont'd)

Question: If there is disturbance to an EC is a RAP modification required?

Answer:

1. If the EC will be restored within 60 days, it should be documented in the next protectiveness certification submitted pursuant to ARRC Model Deed Notice 7A.iv.(D). The new Rule no longer requires a call to the NJDEP Hotline.
2. If the EC is changed and not restored to the original condition noted in the Deed Notice, then a permit modification is required.
3. If the EC will remain but an additional material is added above it (i.e., topsoil, asphalt, etc.), a RAP modification is not required. This needs to be documented in the protectiveness certification to alert the NJDEP inspector.



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RAR Content

Question: If a previously completed remedial investigation/action was documented in a prior report, should that information be provided in the RAR?

Answer: Yes, that information should be provided in the RAR pursuant to N.J.A.C. 7:26E-5.7(b). Permit writers do not have the entire case file at their disposal for review when they receive an application. They are only instructed to review the most recent RAR.



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Property Sale

Question: If a permit application is submitted and then a sale of property occurs prior to the issuance of the permit, does a Transfer/Change of Property Ownership Application need to be submitted?

Answer: No, use DataMiner to find out which permit writer is assigned to the permit application. Contact the permit writer who will assist you in submitting the necessary information before the permit is issued.



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Soil RAP – Property Sales/ Subdivisions

Question: In a scenario where the PRCR that maintains responsibility for the Soil RAP no longer owns the property, and the property owner chooses to sell or subdivide the property, what is the PRCR obligated to do?

Answer: Since the PRCR and the Property Owner are both permittees on the Soil RAP, both are equally responsible for compliance (i.e., permit transfers, terminating the original Deed Notice, filing new Deed Notices, and applying for new Soil RAPs or a RAP Modification, as appropriate). PRCR, Co-Permittees and LSRP are all now required to sign Permit Forms to ensure all parties are “in the loop”.



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RAO

Question: Do I need to modify my Limited-Restricted/Restricted Use RAO after my RAP is terminated?

Answer: No, the RAP termination letter in addition to the prior RAO constitutes unrestricted use for the AOCs that were covered by the RAP.



Contact Changes

Question: How can I simply switch the person with primary responsibility for permit compliance from one existing Co-Permittee to another existing Co-Permittee? Does this require a permit modification?

Answer: No, use the Remedial Action Permit Contact Information Change form, and it's **FREE!**



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Additional Questions?



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**Thank You
and
Good Night!**



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