

CHAPTER 26D
REMEDATION STANDARDS
(adopted June 2, 2008 (40 N.J.R. 3187(a)).)

SUBCHAPTER 6. INTERIM REMEDIATION STANDARDS

7:26D-6.1 Purpose

This subchapter sets forth the procedures that the Department will use to establish interim remediation standards.

7:26D-6.2 Development of interim remediation standards

(a) The Department may establish interim remediation standards when a contaminant is not listed in this chapter Appendix 1, Tables 1 through 8 and N.J.A.C. 7:9C, Appendix, Table 1. Surface water quality standards, N.J.A.C. 7:9B, do not provide a mechanism to develop interim standards. As such, they are not included in this chapter.

(b) An interim remediation standard shall be developed as follows:

1. For ground water, using the procedures set forth in N.J.A.C. 7:9C-1.7(c)2;
2. For the ingestion-dermal exposure pathway, using the procedures set forth in Appendix 2;
3. For the inhalation exposure pathway, using the procedures set forth in Appendix 3;
4. For the migration to ground water exposure pathway, using procedures set forth in Appendix 4;
5. For the vapor intrusion exposure pathway, using procedures set forth in Appendix 5.

(c) For the five pathways listed in (b) above, the person responsible for conducting a remediation may request that the Department develop an interim soil remediation standard under this section.

(d) The Department shall approve all interim remediation standards prior to their use.

7:26D-6.3 Publication of interim remediation standards

(a) The Department shall publish on its web site a listing of all interim remediation standards developed pursuant to this chapter and the technical basis used in their derivation.

SUBCHAPTER 7. UPDATING REMEDIATION STANDARDS

7:26D-7.1 Purpose

This subchapter sets forth the procedures that the Department will use to update remediation standards.

7:26D-7.2 Procedures for updating remediation standards

(a) The Department may update an existing remediation standard for soil and indoor air contained in Appendix 1, Tables 1 through 8 when:

1. The USEPA revises toxicity information contained in the Integrated Risk Information System (IRIS) database;
2. The Department promulgates in the Safe Drinking Water Act rules at N.J.A.C. 7:10 a revised maximum contaminant level (MCL) for a ground water constituent using revised toxicity information developed by the New Jersey Drinking Water Quality Institute; or
3. The USEPA revises its Integrated Environmental Uptake Biokinetic (IEUBK) Model and Adult Lead Model (ALM) and input parameters for lead.

(b) The Department may update an existing ground water remediation standard pursuant to N.J.A.C. 7:9C-1.7 (c)5.

(c) The Department may update an existing migration to ground water remediation standard when an existing ground water remediation standard is updated pursuant to (b) above.

(d) Surface water quality standards, N.J.A.C. 7:9B, do not provide a mechanism to update remediation standards. As such, they are not included in this chapter.

(e) For updates established pursuant to (a) and (c) above, the Department shall post on its web site and publish in the New Jersey Register a ~~notice~~Notice of ~~administrative change~~Administrative Change to modify a remediation standard. The ~~notice~~Notice of ~~administrative change~~Administrative Change shall identify the contaminant, the basis for the administrative change, and the revised criterion to be listed in Appendix 1, Tables 1 through 8.—

(f) An updated remediation standard established pursuant to this subchapter becomes effective as of the publication date of the Notice of Administrative Change of the updated remediation standard in the New Jersey Register, except as provided in 1 below.

1. In lieu of the updated remediation standard established pursuant to this subchapter, the person responsible for conducting the remediation of a site or area of concern may continue to use the site-specific standard contained in either:

i. A remedial action workplan or remedial action report that has been approved by the Department or certified by a licensed site remediation professional on or before the effective date of the updated standard; or

ii. A remedial action workplan or remedial action report that has been submitted within six months of the effective date of the updated standard, which is either:

(1) Approvable by the Department; or

(2) Certified by a licensed site remediation professional.

iii. In implementing i and ii above, the following shall also apply:

(1) The remediation standard in the remedial action workplan or remedial action report for any contaminant shall be less than an order of magnitude than the updated remediation standard; and

(2) The remedial action shall comply with the applicable regulatory and mandatory timeframes pursuant to ARRCs at N.J.A.C. 7:26C-3.