Welcome to the February 14, 2024 CVP/SRAG Meeting



### In-House Rules Friendly Reminder

#### Attendance:

- Please enter your first and last name and organization you represent in the chat box in lieu of sign-in sheet.
- If you have dialed into the meeting, please email Samantha (Samantha.gleisner@dep.nj.gov). We are unable to identify the names of dialed in attendees.

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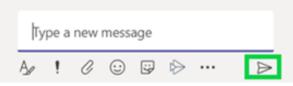
### In-House Rules Friendly Reminder

#### Questions/Speaking Etiquette:

Please make sure your microphone is muted and your camera is off.



To request the opportunity to ask a question, please enter your name and affiliation in the chat box.



When called on to speak, you may un-mute yourself and, if you would like, turn on your camera.



When you have finished speaking, please re-mute yourself and turn off your camera.

### **CSRR** Reorganization

Assistant Commissioner David Haymes

### SRPLB Update

Dana Haymes, SRPLB

### Site Remediation Metrics

Gwen Zervas

Director of the Division of Remediation Management

Gwen.Zervas@dep.nj.gov

### Technical Guidance & Training Update

Kristine lazzetta, CSRR Training Committee

Bureau of Case Management

Kristine.lazzetta@dep.nj.gov

### **Upcoming Training**

Field Sampling Procedures Manual
 February 29<sup>th</sup>
 Registration is open!

Hot TopicsMay 8, 2024

#### **Technical Guidance Update**

New document development	<b>Tentative Date</b>	Document	
Field Sampling Procedures Manual, Chapter 3		Final Draft	
Field Sampling Procedures Manual, Chapters 7, 8, 9	Posted, November 2023!	Final	
Field Sampling Procedures Manual, Chapters 10-13	Posted, December 2023!	Final	
Perimeter Air Monitoring	Posted, November 2023!	Final	
Updating existing documents	Tentative Date		
SI/RI/RA Soil Technical Guidance	Mid- 2024		
Compliance/Attainment	Early 2024		
Historic Fill	Reconvene late Spring		

### **Rules Update**

Judith Andrejko

Office of the Assistant Commissioner

Judith.Andrejko@dep.nj.gov

### Remediation Process Improvement Initiative and Remedial Action Permit Update

Gwen Zervas

Director of the Division of Remediation Management

Gwen.Zervas@dep.nj.gov

Mike Gaudio

Chief of the Bureau of Remedial Action Permitting

Michael.Gaudio@dep.nj.gov

# Remediation Process Improvement Initiative (RPII) Update

- Three workgroups were formed to address issues raised by the RPII stakeholder group
  - A process for discussing CSRR comments/deficiency letters and technical disagreements
    - Re-established the Technical Review Panel
  - Evaluating CSRR's current processes and criteria for conducting additional reviews
    - Developing a flowchart showing the review process and FAQs
  - Developing guidance/training for LSRPs on the importance of documentation and the avoidance of common mistakes
    - Developing training on receptor evaluations

### RPII Update Remedial Action Permitting

- LSRP Supplemental Certification for soil remedial action permit applications
  - Version 1.1 posted on February 9 on the CSRR forms webpage
- Certification can be submitted for the following:
  - Previously submitted Soil RAP Applications that are pending Department review
  - New Initial Soil RAP Application
- Provided that the retained LSRP can:
  - certify that all statements in the Certification Criteria section are accurate
  - complete Section B and sign the Certification Statement

#### RPII Update Remedial Action Permitting

- The Bureau of Remedial Action Permitting (BRAP) will be relying on the LSRP's certification to issue the permit
  - Questions on the certification form are not 'triggers' to conduct additional review
- LSRP may be contacted by BRAP if inconsistent information has been provided
  - Example: certification states the permit application only addresses historic fill but the list of contaminants of concern in the application includes contaminants not associated with historic fill
- Section C of the certification form should only be completed if necessary
  - Information provided in Section C will require BRAP review and may delay issuance of the permit

### Responses to NOIs and Technical Review Panel

Lynne Mitchell

Assistant Director of Remediation Review Element

Lynne.Mitchell@dep.nj.gov

### 60-Day Notice of Incomplete Letter Response Policy Listserv sent 2/8/24

- The 60-day response period is for all key documents.
- Response time is 60 days to either conduct additional remedial measures, provide additional information/clarification, or both
- If the PRCR/LSRP does not agree with the comments/concerns raised, provide your response within the same 60-day time period
- > No additional time beyond the 60-day time period
- Staff has been instructed to respond to NOI responses ASAP to expedite the response process
- If 60 days is not enough time, withdraw the permit application/document

#### 60-Day Notice of Incomplete Letter Response Policy Listserv sent 2/8/24 continued

- A new application/document would then need to be submitted that addresses the issues raised in the NOI
- If the issues in a RAP application/document are not addressed satisfactorily within 60 days and the application/document is not withdrawn, the application/document may be deemed incomplete and rejected
- If timeframes have been missed, enforcement actions by the Department could result from withdrawing the RAP application/document or from the Department deeming the application/document incomplete
- If the PRCR/LSRP has concerns after talking with the permit writer/document reviewer, raise your concerns through the management chain (not through a tech consult)

### Technical Review Panel email sent on November 8, 2023

https://nj.gov/dep/srp/srra/trp/

The website explains what the Technical Review Panel will cover:

- Technical disagreements between Licensed Site Remediation Professionals (LSRPs) and CSRR staff
- The goal is to resolve these disputes as quickly as possible to ensure that the remediation of sites occurs in an expeditious manner
- The process is designed to address, and is limited to, technical disagreements

The panel will be comprised of managers and topic experts not previously involved in the technical dispute(s)

#### Technical Review Panel Website

- The website explains what the Technical Review Panel will not cover:
  - It is not the appropriate forum for addressing matters of policy or legal issues
  - To resolve technical disagreements between two persons responsible for conducting the remediation (PRCRs)/LSRPs
  - > For sites under traditional and direct oversight
  - > It is not a technical consultation

#### **Technical Review Panel Process**

- Elevation of Dispute through DEP Management Chain
  - Raise issues addressed in Notice of Incomplete (NOI) to reviewer/permit writer to the supervisor then up through the chain to the bureau chief
- Request to Convene Technical Review Panel
  - > If not satisfied with the response of the bureau chief
  - > Request in writing to the CSRR Assistant Commissioner at remediation.process@dep.nj.gov
- The request should contain the following information:
  - Brief statement of information already provided (nothing new)
  - > Brief statement of what has transpired
  - > Description of timeframes
  - Three dates and times
- You will then be notified if your request was approved

### Receptor Evaluation and Door-to-Door Issues

Atwood Davis

Bureau of Inspection and Review

Atwood.Davis@dep.nj.gov

#### Door-to-Door Survey

- Based on Result of Well Search
  - > Perform an evaluation of all properties within sampling trigger distance
  - Looking for existence of unpermitted potable or irrigation wells

- Door-to-Door Survey Evaluation
  - In Person Evaluation is not Required
  - Well Survey Questionnaires are Recommended
    - Sent via certified mail and standard mail
    - Follow-up inquiry/mailing for non-responsive properties
    - ▶ 100% response is the goal

#### Door-to-Door Survey

For Non-Responsive Properties - Multiple Lines of Evidence May be Used

- Water Purveyor Records, Local and County Health Department Records, Well Abandonment Records
- Ground Water Directional Flow
- Plume Dimensions or Plume Delineation
- Depth to Contaminated Ground Water vs. Potable Well Depth to Screen
- Local and County Health Departments are a Great Resource for Outreach

#### **Ground Water Receptor Evaluation**

- Based on Trigger Distance- Sampling is Required for Potable Wells, Irrigation Wells and Community/Non-Community Supply Wells within Tier I Well Head Protection Areas
- The Requirement is to Evaluate the Receptor
  - Sampling MOST Protective
  - Evidence Exists to Assess Protectiveness in Lieu of Sampling
    - Provide Multiple Lines of Evidence for Support
    - ▶ Variance in Accordance with N.J.A.C. 7:26E-1.14(a)2.

#### **Ground Water Receptor Evaluation**

- Access Can Be Difficult for Many Reasons
  - Reach Out to Local Department of Health
  - Check for Assistance with PRCR
  - Department's Community Relations
- Change In Ownership
  - New Opportunity to Request Access
    - Private Well Testing Act Adds Some Protection
- Landlord Tenant Situations
  - Communication Sent to Landlord

#### **Ground Water Receptor Evaluation**

Well Search is to be Updated Every Two Years

- Results Submitted via Updated Receptor Evaluation with
  - IEC Source Control Report
  - Remedial Investigation Report
  - Remedial Action Report
- Receptor Evaluation is an Iterative Process
  - Based Upon Most Recent Data Available
  - Well Search and Door-to-Door Evaluation will need to be Reevaluated by LSRP
  - Sensitive Population Awareness
- Ground Water Remedial Action Permits
  - Biennial Certification Concentrations
  - Sentinel Wells Evaluation

### Well Decommissioning Issue

Gwen Zervas

Director of the Division of Remediation Management

Gwen.Zervas@dep.nj.gov

Atwood Davis

Bureau of Inspection and Review

Atwood.Davis@dep.nj.gov

#### Decommissioning of wells

- Question was raised as to whether wells no longer in use for monitoring must be decommissioned prior to issuance of RAO
  - Off-site contamination determination may be challenged, prompting the need for additional well sampling/monitoring
- In accordance with N.J.A.C. 7:9D and RAO guidance
  - All wells no longer in use must be properly decommissioned prior to issuance of RAO
- CSRR met with staff from the Bureau of Well Permitting and Water Allocation
  - Discussed whether we could allow wells not in use to not be decommissioned prior to issuance of the RAO in case there is a need for further sampling

### Decommissioning of wells

- CSRR met with staff from the Bureau of Water Allocation Well Permitting (BWAWP)
  - Discussed whether we could allow wells not in use to not be decommissioned prior to issuance of the RAO in case there is a need for further sampling
- BWAWP understands the issue but needs assurances that the wells will be decommissioned in accordance with regulations
- Issues that must be addressed prior to DEP considering changing the existing requirement to decommission wells prior to issuance of RAO
  - Timing for decommissioning
  - Entity responsible for maintaining the well and decommissioning
  - DEP tracking of wells that have not been decommissioned and enforcement of regulations
- CSRR will continue to work with BWAWP on this

# Questions?

# PCB Rule Amendments 40 CFR 761

Amanda Gettelfinger

Bureau of Environmental Evaluation and Risk Assessment

Amanda.Gettelfinger@dep.nj.gov

## Alternate PCB Extraction Methods and Amendments to PCB Cleanup and Disposal Regulations

- Release date August 29, 2023
- Effective date February 26, 2024
- Potentially affected entities:
  - Utilities
  - Manufacturers
  - Transportation and Warehousing
  - Real Estate
  - Professional, Scientific, and Technical Services
  - Public Administration
  - Waste Management and Remediation Services
  - Repair and Maintenance

# Summary of Amendments

- Revised available extraction methods for PCBs
- Revised available determinative methods
- Revised Performance-Based Disposal options for remediation
- Removed regulatory provision that allows for disposal of PCB bulk product waste under asphalt as part of roadbed
- Increase flexibility and practicality for cleanup of spills caused by and managed in emergency situations
- Harmonized general disposal requirements for PCB remediation waste
- Additional changes to improve regulatory implementation and understanding

### **Methods Amendments**

- Methods revisions:
  - Added for solid matrices from SW-846:
    - Method 3541 (Automated Soxhlet Extraction), Method 3545A (Pressurized Fluid Extraction), and Method 3546 (Microwave Extraction).
  - Added for aqueous matrices from SW-846:
    - Method 3510C (Separatory Funnel Liquid-Liquid Extraction), Method 3520C (Continuous Liquid-Liquid Extraction), and Method 3535A (Solid-Phase Extraction).
  - Updated SW-846 Method 3550B to newer Method 3550C and limited the use of Method 3550C to wipe samples only.
  - Added SW-846 Method 8082A to regulations
  - Updated inclusion of CWA Method 608 (Organochlorine Pesticides and PCBs) to the newer Method 608.3 (Organochlorine Pesticides and PCBs by GC/HSD).

### Performance-Based Disposal Amendments

- Performance-based disposal option revisions
  - Established cleanup level of
    - ▶ ≤1 ppm for PCB bulk remediation waste and porous surfaces
    - As specified in §761.79(b)(1) and (2) for liquids
    - As specified in §761.79(b)(3) for nonporous surfaces
  - Established a list of objective characteristics that exclude applicable sites for cleanup using performance-based disposal.
    - See § 761.61(a)(1), § 761.61(a)(4)(vi), § 761.120(a)(2), and § 761.120(d)(2)
    - Sites where PCB remediation waste is found within 100-yr floodplain

### Performance-Based Disposal Amendments (cont.)

Explicit record keeping requirements:

See 40 CFR 761.125(c)(5) and 40 CFR 761.180(a)

- 30-day post-cleanup notification requirement
  - Allows regulators to ensure that conditions such as cleanup levels are met
- Added disposal option at RCRA Subtitle C landfill for non-liquid PCB remediation waste to reduce transportation and disposal costs

# Spill During Emergency Situations Amendments

- Emergency situation defined in amendment
  - Definition is contingent upon declaration of disaster or emergency from established authority (e.g., President of the United States or Governor of affected State)
- Responsible party may clean up spill based on as-found PCB concentration
- Timeframe for reporting spill extended
- Modified regulations to allow person managing the cleanup and/or disposal of PCB waste to request waivers from various regulatory requirements when there is an emergency situation

### Harmonizing Language for PCB Remediation Waste Disposal

- Clarifies applicable dates and concentrations for PCB remediation waste disposal
  - On or after April 18, 1978 and before July 2, 1979 PCB concentrations ≥ 500 ppm; or,
  - On or after July 2,1979 PCB concentrations ≥ 50 ppm must be disposed of in accordance with § 761.50(b)(3)(ii)

### **Recommended Links**

- <u>https://www.epa.gov/pcbs/alternate-pcb-extraction-methods-and-amendments-pcb-cleanup-and-disposal-regulations</u>
- https://www.federalregister.gov/documents/2023/08/29/2023-17708/alternate-pcb-extraction-methods-and-amendments-to-pcb-cleanupand-disposal-regulations

# Questions?

# **PFAS Update**

Allan Motter

Bureau of Environmental Evaluation and Risk Assessment

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## **PFAS Update**

- PFAS State-Wide Survey
  - All samples collected
  - For samples that were analyzed, the data has been received by NJDEP are undergoing data validation
  - Samples are still undergoing analyses for some parameters
  - No data will be released until everything has gone through data validation and statistical analysis
- CSRR is moving forward with promulgation of the existing interim standards

# Questions?

# Historic Fill and Migration to Ground Water

Michael Gaudio

Bureau of Remedial Action Permitting

Michael.Gaudio@dep.nj.gov

### MGW and historic fill

- Clarification was requested regarding whether it is required to include exceedances of the Migration to Ground Water (MGW) soil remediation standards (SRS) in a deed notice or on the Initial Soil RAP Application for historic fill
- Exceedances of the MGW SRS do NOT need to be included in a historic fill only deed notice or on the Initial Soil RAP Application. Specifically, Question #12 of the Initial Soil RAP Application states:
- 12. Is the AOC for the Soil RAP Application limited only to historic fill or historically applied pesticides (HAP)?

If "Yes", questions #13 and 14 below may be skipped as the SRS-MGW exposure pathway does not apply.

# Questions?

# Remedial Action Permit info in DataMiner

Joe Eaker

Bureau of Information Systems

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## Identifying LSRP for RAPs

# Identifying LSRP for RAPs

- Navigate to DataMiner
- Search By Category
- Select Site Remediation

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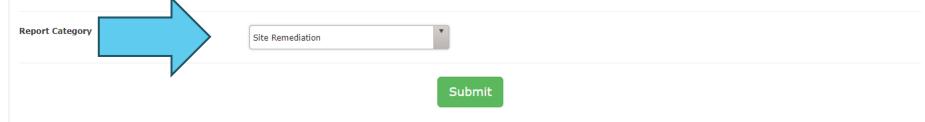
DEP Links 
NJ Links 
Search

### DEP DataMiner

### Home

### Search by Category

Welcome to the New Jersey Department of Environmental Protection's online reports portal, NJDEP Data Miner. Within you will find a variety of reports that will provide you with up to the minute results from many different environmental media and subjects. In order to provide flexibility, many of these reports require the user to enter some criteria, which will result in a customized document.



### Site Remediation

The Site Remediation Program includes publicly funded and privately funded sites, Superfund sites, Brownfields, and more specific bureaus that focus on underground storage tanks (UST) and the Industrial Site Recovery Act (ISRA), and cases where contamination is suspected, but not yet confirmed. However, The Program's role is not limited to the oversight and cleanup of sites with confirmed contamination. In addition, the Program also has substantial non-remedial responsibilities such as the Initial Notice Section, which is responsible for UST regulated facilities, ISRA and UST application, UST certifications and administrative responsibilities.

Please be advised that any report posted here should not be used as a sole source of information when conducting a due diligence investigation into whether or not a site is contaminated. The fact that a site of interest is not listed in a report does not constitute a due diligence search on behalf of a prospective purchaser or interested person

### ADMINISTRATIVE OR OVERSIGHT SUB-CATEGORY (2)

This category contains the ACO and RA reports showing all affected facilities listings. To view additional information on related subjects, please visit SRP and Community Relations

### Sites with a ACO or RA Oversight Document

This report enables the requestor to receive a list of all sites that have received an "Administrative Consent Order" (ACO) or Remediation Agreement (RA) oversight document. The report is sorted by county and then by municipality.

### ▶ Sites with a ACO or RA Oversight Document by Municipality

This report enables the requestor to receive a list of all sites that have received an "Administrative Consent Order" (ACO) or Remediation Agreement (RA) oversight document. The report prompts the user to select municipalities.

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# Identifying LSRP for RAPs

- Navigate to DataMiner
- Search By Category
- Select Site Remediation

- Scroll to Sub Category SITES AND CASES
- Select "Alternate IDs for selected PI"

### State of New Jersey Department of Environmental Protection

### DEP Links • NJ Links • Search

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### All SRP Sites by Selected PI Number

This report enables the requestor to retrieve the active SRWM site that corresponds to the PI Number that is entered into the "prompt field" by the requestor. Once this is done, additional information can be retrieved via a link to our "Site Detail" report. The "Site Detail" report includes information on Document Type, Document Status and Document Title plus links to many other reports that contain an abundance of pertinent information.

### SITES AND CASES (15)

In this sub-category, reports provide an option to search for sites by county/municipality and also by date. Searching by county/municipality will provide you a list of all of the known sites in the selected municipality with contamination and without. You can further branch out to more detailed reports which include information such as site status, site conditions, completed tasks, case manager name and case manager phone number.

### > Active Remediation Funding Source Report

This report enables the user to retrieve site specific information pertaining to remediation funding source (RFS). The report will provide information regarding 1% surcharge fees and payments. It will also allow the user to determine when annual RFS reporting requirements are due.

### Active Sites

This selection enables the requestor to view a list of only active sites in SRWM. A list of active sites would include only sites that have been assigned or are undergoing an EPA removal action. The sites on this list may or may not be contaminated. Some new cases included on this list are in the preliminary assessment and / or site investigation phases, which may mean contamination has not been confirmed.

### > Active Sites with Confirmed Contamination

This selection enables the requestor to view a real-time list of all the active sites in SRP and their associated Program Interest Number. Active Sites are those sites having one or more active case with any number of Pending and Closed cases. The listed is sorted by county and municipality. This data is also available as a static list in MS Excel Spreadsheet format and Tab Delimited ASCII format at Known Contamination Sites in NJ. The static list is updated at routine intervals.

### > Alternate IDs for selected PI

This report provides a list of Known Alternate Identifiers for the selected PI Number. Identifiers that may be returned by this report include: Incident/Communications Center number, ISRA/ECRA number, historic ISRA/ECRA number, UST Closure Permit number, and/or UST Registration number. The Identifiers provided are only those currently known to be associated with activities at the entered PI number. This may not be a comprehensive list of Alternate identifiers. If you are aware of missing or incorrect Known Alternate Identifiers, please email SRWM\_NJEMS@dep.nj.gov.

### Closed Sites with Remediated Contamination by County

Closed Sites are those sites having only closed cases. Sites in this classification have no active or pending cases. Sites/cases with remedial action permits are not included in this category.

### Closed Sites with Remediated Contamination by PI Number

Closed Sites are those sites having only closed cases. Sites in this classification have no active or pending cases. Sites/cases with remedial action permits are not included in this category.

### Cross Referenced Sites Report

This report shows SRP PIs that are Cross Referenced with each other. Enter a PI number to see all of the sites that have been Cross Referenced to that site. Sites can be Cross Referenced for various reasons, please note the Relationship Type column to determine the reason that the site has been cross referenced. See the Cross Referenced Sites section under Terms & Definitions tab of the Help page for a summary of what each Relationship Type means. If you believe that a site has been incorrectly cross referenced, if you believe that a site is missing from a cross reference, or if you have any other questions please send an email to SRWM\_NIEMS@dep.nj.gov.

### Municipal Report (All Sites)

This report enables the user to chose a municipality of interest and receive a list of all known sites, with contamination and without contamination, for the chosen municipality. The report contains PI Number, PI Name, and PI Address and also identifies the different site types such as active, pending, closed, etc., which are identified via a list of columns and checks. This report also gives you the ability to "branch out" via a list of more detailed reports.

### New Case Report

Contact DEP | Privacy Notice | Legal Statement & Disclaimers | Accessibility Statement



# Identifying LSRP for RAPs

- Navigate to DataMiner
- Search By Category
- Select Site Remediation
- Scroll to SITES AND CASES
- Select Alternate IDs for selected PI

Enter PI Number

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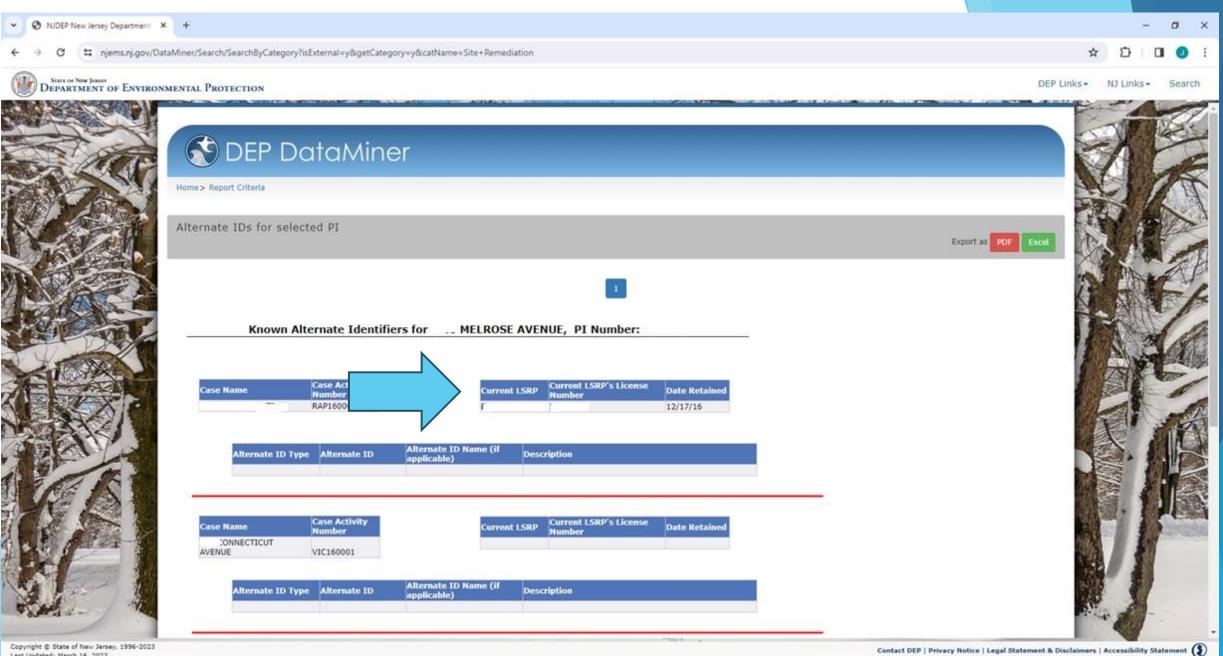
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Last Updated: March 16, 2023

# Can DataMiner allow downloading all e-Documents?

### DataMiner vs DocMiner

### DocMiner

- Delayed, in part, to accommodate for Daniel's Law
- Updates are currently been incorporated
- Anticipate Spring testing/debugging
- Early Fall Release

### DataMiner Updates

### DataMiner

- Draft RAP report is being developed
- CSRR continues to make additional documents available electronically
  - 813,000+ Documents are available for download
  - 103,000 Documents are still under review
  - OPRA continues to scan hard copies of files (over 21,000 case files completed)
    - Completed ECRA/ISRA microfilm reels
    - ▶ 99% Completed TMS & INS archived boxes
    - Currently scanning UST Registrations (over 200 boxes completed)
    - Starting BUST archived boxes

# Questions?

# Meetings in 2024 will be held from 9:00 AM - Noon:

# June 11

# October 9