



The New Jersey Department of Environmental Protection (Department) Contaminated Site Remediation & Redevelopment (CSRR) is providing the following phase-in guidance for sites that include contaminants where the Ground Water Remediation Standard (GWRS) changed by an Order of Magnitude (OOM), based on the Ground Water Quality Standards (GWQS) adopted on February 3, 2025.

The GWRS for seven compounds (vinyl chloride; cobalt; 1,1-biphenyl; cyanide (free); 1,3-dichlorobenzene (meta); heptachlor epoxide; and methoxychlor) decreased by an OOM or more. A decrease of a Remediation Standard by an OOM or more requires an evaluation of remedial action protectiveness pursuant to N.J.A.C. 7:26E-5.1(d)4 (Technical Requirements for Site Remediation) and N.J.A.C. 7:26C-7.9(b)2 (Administrative Requirements for the Remediation of Contaminated Sites). Remedial actions must remain protective of public health and safety and of the environment.

The OOM evaluation process consists of the below steps. The appropriate step(s) to be taken is specified for each scenario below.

- Step 1 - OOM Identification/Comparison Evaluation: Identify each ground water contaminant at the site or area of concern (AOC) whose GWRS decreased by an OOM or more. Compare the concentrations of each such ground water contaminant still present at the site or AOC against the new GWRS. If the difference between the on-site concentrations and the new GWRS is less than an OOM, no further remediation is required for that contaminant. If the difference between the on-site concentrations and the GWRS are an OOM or greater, step 2 below is required.
- Step 2 - OOM Remedial Action Protectiveness Evaluation: Evaluate the site or AOC(s) to determine if the existing remedial action remains protective of public health and safety and of the environment based on the new GWRS for the contaminant(s). If the evaluation determines that the remedy remains protective, no further remediation is required for that contaminant. If the evaluation determines the existing remedy is not protective, additional remediation activities should be conducted to achieve compliance with the new GWRS and to ensure protection of public health and safety and of the environment. This could include the installation of additional monitoring wells and ground water sampling.

The Department is providing the following phase-in guidance for sites:

1) Unrestricted Use Final Remediation Document Issued:

For sites or AOCs with a Final Remediation Document issued prior to the February 3, 2025 adoption of the GWQS, N.J.A.C. 7:9C (or within the six-month phase-in period ending August 3, 2025) that do not have a remedy using institutional and/or engineering controls (unrestricted use remedial action), the OOM evaluation (steps 1 and 2 above) will be conducted whenever the site or AOC “re-enters” the

Contaminated Site Remediation & Redevelopment Program (i.e., an ISRA trigger, child-care facility license renewal, property sale that requires update of site conditions for loan approval, etc.).

2) Limited Restricted Use or Restricted Use Final Remediation Document Issued:

For sites or AOCs with a Final Remediation Document issued prior to the February 3, 2025 adoption of the GWQS, N.J.A.C. 7:9C (or within the six-month phase-in period ending August 3, 2025) that have a remedy using institutional and/or engineering controls (limited restricted and restricted use remedial actions), the person responsible for maintaining the institutional and/or engineering controls must perform the OOM evaluation (steps 1 and 2 above) as part of the submission of the next Ground Water Remedial Action Protectiveness/Biennial Certification Form pursuant to N.J.A.C. 7:26C-7.7 and 7.9.

3) Approved/Certified Remedial Action Workplan (RAW) or Remedial Action Report (RAR) with an Unrestricted Use Final Remedy:

Sites or AOCs with an RAW or RAR that was approved by the Department or certified by the retained LSRP prior to the February 3, 2025 adoption of the GWQS, N.J.A.C. 7:9C (or will be approved or certified within the six-month phase-in period ending August 3, 2025), but for which no Final Remediation Document has been issued, are considered active cases. As such, the Department will require the person responsible for conducting the remediation to conduct the remedial action protectiveness evaluation and perform any additional remediation for contaminants that have decreased by an OOM or more pursuant to N.J.A.C. 7:26E-5.1(d)4 prior to the issuance of a Final Remediation Document.

If a site or AOC(s) had a Department-approved or LSRP-certified RAW or RAR by February 3, 2025 (or within the six-month phase in period ending August 3, 2025), the GWRS identified in the RAW/RAR for contaminants that have not changed by an OOM for the remedial action can be applied to the remediation of the site or AOC in question. However, the contaminant(s) subject to the OOM evaluation (step 2 above only) must be remediated to the February 3, 2025 GWRS.

4) Approved/Certified RAW or RAR with a Limited Restricted or Restricted Use Final Remedy:

a) If a site or AOC(s) had a LSRP-certified RAW by February 3, 2025 (or within the six-month phase in period ending August 3, 2025) and a Final Remediation Document has not been issued, the GWRS identified in the RAW for contaminants that have not changed by an OOM for the remedial action can be applied to the remediation of the site or AOC in question. However, the contaminant(s) subject to the OOM evaluation (step 2 above only) must be remediated to the February 3, 2025 GWRS.

b) The following applies to sites or AOCs that submitted an RAR and Initial Ground Water Remedial Action Permit (RAP) Application which includes a contaminant(s) that decreased by an OOM or more prior to the February 3, 2025 adoption of the GWRS, N.J.A.C. 7:9C (or within the six-month phase-in period for Initial RAP Applications submitted/post-marked by August 3, 2025), that do have a remedy using institutional and/or engineering controls (limited restricted use and restricted use remedial actions), and where a Final Remediation Document has not been issued. The

Department will be inspecting/reviewing these Initial Ground Water RAP Applications using the GWRS in effect at the time of RAP Application submission:

- If the Ground Water RAP is approved/issued using the GWRS in effect at the time of RAP Application submission, the Department will include a requirement in the RAP that the OOM remedial action protectiveness evaluation (step 2 above only) must be conducted prior to and included with the submittal of the first Remedial Action Protectiveness/Biennial Certification Form due for the site pursuant to N.J.A.C. 7:26C-7.9(b)2. Note that any technical Ground Water RAP **Modification** Application or Ground Water RAP **Termination** Application submitted before the first Remedial Action Protectiveness/Biennial Certification Form submission must include the OOM remedial action protectiveness evaluation pursuant to N.J.A.C. 7:26C-7.7 and 7.9.
- If the RAR and Initial Ground Water RAP Application needs to be withdrawn for any reason or is deemed administratively or technically incomplete by the Department and a RAW was not approved, remediation pursuant to the Technical Requirements for Site Remediation, including an updated receptor evaluation, additional delineation if required, and remedial action selection, must be completed using the GWRS adopted on February 3, 2025 and must demonstrate that the remedial action is protective of public health and safety and of the environment prior to re-applying for the Initial Ground Water RAP.

The Department recommends that the OOM remedial action protectiveness evaluation process begin as soon as possible to allow for sufficient time to complete.

For pending Initial Ground Water RAP Applications (i.e., those that have already been submitted to the Department for review), completed OOM remedial action protectiveness evaluations can be submitted at any time to the permit inspector/reviewer assigned to the RAP Application\* or to Michael Gaudio, Bureau Chief of the Bureau of Remedial Action Permitting, at Michael.Gaudio@dep.nj.gov. The Department will not include the OOM remedial action protectiveness evaluation requirement in the Ground Water RAP if the information is sufficient and the Ground Water RAP can be approved/issued.

\*This information is available in real time on DataMiner through the 'Pending Permit Progress Report'. Instructions for producing a 'Pending Permit Progress Report' are as follows:

- Step 1: Search by *Category* and select *Pending Permit Progress Reports*. Click Submit.
- Step 2: Select *Pending Permit Progress by Program Interest ID*.
- Step 3: Select *All* for programs and enter the PI number for Report Criteria. Click Submit.

##### 5) Sites Without an Approved/Certified RAW or RAR:

For active sites or AOCs without a Department-approved or LSRP-certified RAW or RAR prior to the February 3, 2025 adoption of the GWQS, N.J.A.C. 7:9C (or within the six-month phase in period ending August 3, 2025), must be remediated to the February 3, 2025 GWRS pursuant to N.J.A.C. 7:26E-5.1(d)4.