



**New Jersey Department of Environmental Protection  
Contaminated Site Remediation & Redevelopment**

**Phase-In Guidance for Initial Ground Water Remedial Action Permit Applications that  
include Contaminants where the Ground Water Remediation Standard changed by an  
Order of Magnitude**

The New Jersey Department of Environmental Protection (Department) Contaminated Site Remediation & Redevelopment (CSRR) is providing the following phase-in guidance for Initial Ground Water Remedial Action Permit (RAP) Applications 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. 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. If a remedial action protectiveness evaluation of a contaminant whose remediation standard has decreased by an OOM or more determines that a remedial action is no longer protective, it will be necessary to conduct additional remediation activities. This could include the installation of additional monitoring wells and ground water sampling.

As a result, the Department is providing the following phase-in guidance for Initial Ground Water RAP Applications:

1) *Initial Ground Water RAP Applications Submitted Prior to February 3, 2025 ("Pending Department Review"):*

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 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 submitted before the first Remedial Action Protectiveness/Biennial Certification Form submission is to include the OOM remedial action protectiveness evaluation.
- If the Initial Ground Water RAP Application needs to be withdrawn for any reason or is deemed administratively or technically incomplete by the Department, 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.

2) New Initial Ground Water RAP Applications Submitted/Postmarked by August 3, 2025:

The Department will accept new Initial Ground Water RAP Applications using the GWRS in effect prior to February 3, 2025, that are submitted/postmarked no later than August 3, 2025. The Department will be processing these RAP Applications in the same manner as the *Initial Ground Water RAP Applications Submitted Prior to February 3, 2025* in scenario 1 above.

For both scenarios, 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](mailto: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.

More information regarding the phase-in or the OOM provisions can be found under "Phase In/Order of Magnitude Guidance" at: <https://dep.nj.gov/srp/guidance/rs/>