

Remedial Action Permit Application and Remedial Action Report Submittal Frequently Asked Questions (FAQs) and Flow Charts

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This document was created by the Effective Collaborative Communications Committee (ECCC), consisting of New Jersey Department of Environmental Protection (Department, NJDEP) Contaminated Site Remediation & Redevelopment staff, Licensed Site Remediation Professionals (LSRPs), and industry representatives. These FAQs were designed to assist in addressing administrative and technical deficiencies noted in Remedial Action Permit (RAP) Application submittals and improving Department efficiency in processing RAP applications. The document also addresses some issues noted in Remedial Action Reports (RARs).

*Please note: When “must” is noted in a response below, it is in reference to an existing rule requirement (e.g., Administrative Requirements for the Remediation of Contaminated Sites, ARRCs N.J.A.C. 7:26C and Technical Requirements for Site Remediation, Technical Requirements, N.J.A.C. 7:26E), and when “should” is noted, it is in reference to guidance. In accordance with N.J.A.C. 7:26E-1.5(b) and N.J.A.C. 7:26C-1.2(a)3, the person responsible for conducting remediation (PRCR) shall apply any available and appropriate technical guidance concerning site remediation as issued by the Department or shall provide written rationale and justification for any deviation from guidance. Nothing in this FAQ in any way impacts the PRCR’s ability to vary from rule or deviate from guidance.

Notice of Incomplete (NOI) RAP Application Questions

Q1: What are the most common issues that result in an NOI RAP Application and a withdrawal of RAP Applications?

A: The following scenarios most commonly result in an NOI RAP Application and withdrawal of a RAP Application:

- Using incorrect language in the Financial Assurance Mechanism (See question 12);
- Administrative information (e.g., Block and Lot information, contaminants of concern, cap construction) in the Deed Notice is not consistent with the Soil RAP Application and Remedial Action Report (RAR);
- Inaccurate descriptions in Exhibit C of the Deed Notice regarding the purpose and function of the engineering control. For example, if a low permeability cap is being used to address the migration to ground water exposure pathway, it must be mentioned in Exhibit C;
- Ground water and/or soil contamination is not delineated to the applicable remediation standard(s) in all directions horizontally and/or vertically and no technical justification or variance is provided;
- On-site sources of ground water contamination are not identified;
- On-site sources of ground water contamination are not sufficiently investigated and/or remediated with ground water data indicating an ongoing source;
- Insufficient ground water sampling events conducted for a Monitored Natural Attenuation (MNA) Ground Water RAP Application where lines of evidence to support this deviation from guidance are not provided/sufficient;

- MNA Ground Water RAP Applications for free and residual product;
- MNA Ground Water RAP Applications with non-decreasing ground water trends or stable trends where lines of evidence to support this deviation from guidance are not provided/sufficient;
- Vapor Intrusion (VI) investigation not completed when there is a VI trigger where lines of evidence to support a variance from the Technical Requirements (N.J.A.C. 7:26E) were not provided/sufficient;
- Active System Ground Water RAP Application for free and residual product with only sporadic recovery methods being used to address source areas. See the following listserv (https://www.nj.gov/dep/srp/srra/listserv_archives/2020/202009_02_srra.html) and the most recent Ground Water RAP Guidance (https://www.state.nj.us/dep/srp/guidance/srra/rem_action_permit_guidance_gw.pdf?202302); and
- Leaving concentrations of Extractable Petroleum Hydrocarbon (EPH) soil contamination above the free and residual product threshold where lines of evidence to support this variance from the Technical Requirements are not provided/sufficient.

Q2: What is expected when the Department issues an NOI RAP Application or an NOI Key Document Submittal for a RAP Application and RAR?

A: All timeframes identified in NJEMS remain as indicated and are not changed based on the issuance of an NOI RAP Application or an NOI Key Document Submittal. All issues should be addressed and resolved within the 60-day response period provided in the NOI RAP Application or NOI Key Document Submittal. No additional response time will be provided beyond the 60 days. If the issues cannot be addressed within the 60-day response period, an email should be sent to the Department requesting the withdrawal of the RAP Application and, if necessary, the RAR. If a satisfactory response is not provided or if a withdrawal request is not received, the Department may reject the application or report as incomplete.

If the above documents are withdrawn or rejected as incomplete, then a new RAP application and, if necessary, RAR must be submitted to the Department. The new submittals must address the issues identified in the NOI RAP Application or NOI Key Document Submittal.

Q3: How can concerns be addressed if there is disagreement with the comments raised in the NOI RAP Application or NOI Key Document Submittal?

A: If there are disagreements with the comments provided by the Department on the NOI RAP Application or NOI Key Document Submittal, then the PRCR/LSRP should provide further clarification in a written response to the reviewer within the required response period. If the PRCR/LSRP does not agree with or address all issues raised by the Department, or the Department informs the PRCR/LSRP that outstanding issues remain, then the PRCR/LSRP can request a meeting with the reviewer and their supervisor to further discuss the Department's comments on the NOI RAP Application or NOI Key Document Submittal. Additional Department technical support staff may participate in these meetings if appropriate.

RAP Application Administrative Questions

Q4: What does the Bureau of Case Assignment & Initial Notice (BCAIN) look for in their review of the RAP Application submittal?

A: BCAIN conducts an administrative review to ensure that the following items are complete and correct:

- Appropriate fees are paid;
- All sections of the application are filled out;
- Proper signatures are provided;
- Site information matches current tax records and NJEMS/DataMiner [including, but not limited to, property owner, site address, block and lot, PRCR, and Program Interest (PI()) Number];
- Paper copy of RAP Application Form is provided; and
- Electronic copies of the required documents are provided (see Section F of RAP Applications).
- Original Financial Assurance Mechanism and Remediation Cost Review and RFS/FA Form have been submitted.

Q5: How soon after the Remedial Action Report (RAR) is submitted should the RAP Application be submitted?

A: In accordance with N.J.A.C. 7:26E-5.7(b)7 and N.J.A.C. 7:26C-7, it is recommended that the RAP Application be submitted at, or close to, the same time as the RAR. If an institutional or engineering control is proposed in the RAR, the RAR must be considered incomplete without a RAP Application submitted to the Department. Please note that any delay in submittal of the RAP application will result in a delay in the issuance of an RAO, since the LSRP cannot issue the RAO until all necessary RAPs are obtained.

Q6: If the LSRP has only been retained for a specific Area of Concern (AOC), can a RAP be issued for that specific AOC?

A: Yes, separate RAPs may be issued for individual AOCs.

Q7: What information should be included in the section of the RAP Application titled, "Other Information Provided"?

A: The Department strongly recommends using the "Other Information Provided" section of the RAP Application to include any pertinent information, including, but not limited to, variances from the Technical Requirements, deviations from the Department's technical guidance documents, prior technical consultations, technical impracticability determination proposal/approval, historical Remedial Action Work Plan approval letters, and known inconsistencies in NJEMS/DataMiner for property information. The Department also recommends it be indicated if maps and tables from old reports are not completely legible or available. Should this Section not offer enough space to include the necessary information, the Department recommends submitting the information with a cover letter and attach to the RAP Application.

Q8: Are Alternative Remediation Standards (ARS) forms with Synthetic Precipitation Leaching Procedure (SPLP) spreadsheets required to be submitted with the Soil RAP Application when applying alternative remediation standards to the migration to ground water exposure pathway?

A: No, the ARS form and SPLP spreadsheets should be submitted with the RAR unless they were previously submitted in the Remedial Investigation Report (RIR), in which case this fact should be mentioned in the RAR. It is recommended that this information be discussed in the "Other Information Provided" section of the Soil RAP Application. The applicant should provide information identifying the document in which the ARS Form and SPLP spreadsheets were previously submitted. When submitting SPLP spreadsheets, please refer to the Remediation Standards guidance webpage (<https://www.nj.gov/dep/srp/guidance/rs/>) to access the current version of the SPLP calculator.

Q9: Where can information regarding who is assigned to review the RAP Application be found?

A: This information is available in real time on DataMiner through the 'Pending Permit Progress Report.' The Department does not have any additional or more current information than what is provided in DataMiner. Initially, RAP applications are assigned to supervisors and may not yet be assigned to a permit reviewer.

Instructions for producing a Pending Permit Progress Report involve the following steps:

Step 1: Click *Search by Category*.

Step 2: Search by *Category* and select *Pending Permit Progress Reports*. Click Submit.

Step 3: Select *Pending Permit Progress by Program Interest ID*.

Step 4: Select *All* for programs and enter the PI number for Report Criteria. Click Submit.

Q10: What version of the RAP Application should be used?

A: The Department may update forms periodically. It is strongly advised that the latest version of the forms be downloaded and used each time a RAP is being submitted. These forms are available at the Department's forms website at <http://www.nj.gov/dep/srp/srra/forms/>. If an old form is used, the Bureau of Case Assignment & Initial Notice may ask for the application to be resubmitted using the current application.

Financial Assurance (FA) Questions

Q11: Will the Department accept copies of a Letter of Credit or Line of Credit Agreements?

A: No, the Department cannot issue a RAP without the original, signed Letter of Credit or Line of Credit Agreement. However, if the original, signed copy is being provided to the Department directly from the lender, then a copy should be attached to the Remediation Cost Review and RFS/FA Form that is provided with the RAP Application.

Q12: What financial document should be used for RAP Applications?

A: The FA model documents must be used for RAP Applications in accordance with N.J.A.C. 7:26C-7.10. The FA model documents are available in the RAP forms section of the Department's forms webpage (https://www.nj.gov/dep/srp/srra/forms/#rap_forms).

The Department strongly recommends using the above link to avoid any confusion with the Remediation Funding Source (RFS) model documents. The FA model documents are also available on the Remediation Funding Source and Financial Assurance Guidance webpage:

(<https://www.nj.gov/dep/srp/guidance/rfsguide>), under the heading "Financial Assurance (FA) - (To be used for Remedial Action Permits only)", in the "What are acceptable RFS and Financial Assurance (FA) mechanisms?" section. Using the wrong model document will cause a delay in issuing the RAP.

Q13: What information should financial institutions include on the Financial Assurance Mechanism?

A: The following information is required to be included on the Financial Assurance Mechanism:

- the PI number to ensure that the FA document is associated with the correct RAP Application;
- Spill Act/ISRA Case # (if applicable)
- the site name;
- the site address; and
- any additional specific site identifier that may be helpful to match the FA document to the proper site.

This information should also be provided when submitting revised FA documents. The financial institution should put the PI number on Letter of Credit amendments. Generally, it is the applicant who needs to request that the financial institution include the PI number because the financial institution might not be aware of this requirement.

Q14: What is the correct mailing address for financial institutions to send Financial Assurance documents?

A: USPS Address:

Department of Environmental Protection
FA Coordinator, DETFS 6th Floor
Mail Code 401-06K
P.O. Box 420
Trenton, NJ 08625-0420

For Overnight Couriers:

Department of Environmental Protection
FA Coordinator, DETFS 6th Floor
Mail Code 401-06K
401 East State Street
Trenton, NJ 08608

RAP Application Technical Questions

Q15: What does the Bureau of Remedial Action Permitting look at when reviewing the RAP application submittal?

A: For a Soil RAP Application, the permit reviewer conducts a technical review of the RAR to ensure the remedy is protective of public health and safety, and of the environment and that the following items are complete and correct:

- RAP Application Form;
- RAP Application is consistent with the Deed Notice (i.e., Sections G and H match information in Deed Notice);
- *Portions of the Remedial Action Report applicable to the RAP Application are consistent with rules and guidance [e.g., vertical and horizontal delineation via single point compliance (modeling is unacceptable at the RA stage), cap protectiveness, presumptive remedy if applicable, Deed Notice is accurate, receptors evaluated, migration to groundwater exposure pathway addressed] and any variances and deviations, respectively, are properly documented;
- Receptor Evaluation Form;
- No free and residual product remains (EPH below product threshold);
- Financial Assurance Mechanism and Remediation Cost Review and RFS/FA Form have been reviewed by the Financial Assurance Unit;
- GIS Map of Deed Notice Shape; and
- All required documents are provided.

For a Ground Water RAP Application, the permit reviewer conducts a technical review of the RAR to ensure the remedy is protective of public health and safety, and of the environment and that the following items are complete and correct:

- RAP Application Form;
- Classification Exception Area / Well Restriction Area (CEA/WRA) Fact Sheet Form (e.g., constituents and concentrations are correct, ground water flow direction is correct, CEA duration is appropriate and fate and transport calculations documented, CEA boundary is drawn to clean sampling points);
- *Portions of the Remedial Action Report applicable to the RAP Application are consistent with rules and guidance [e.g., proper source area wells, vertical and horizontal delineation via single point compliance (modeling is unacceptable at the RA stage), review ground water data to ensure remedial approach is acceptable (supports MNA or active remediation), receptors evaluated] and any variances and deviations, respectively, are documented;
- Receptor Evaluation Form;
- No free and residual product remains for MNA RAPs;
- Ground Water Monitoring Plan;
- Vapor Intrusion Monitoring Plan/Data;
- Financial Assurance Mechanism and Remediation Cost Review and RFS/FA Form have been reviewed by the Financial Assurance Unit;
- GIS Map of CEA Shape; and
- All required documents are provided.

*The Bureau of Inspection & Review (BIR) does not duplicate reviews of these sections of the RAR already reviewed by BRAP.

Q16: Where should vertical delineation groundwater samples be collected?

A: The sample(s) should be collected at or as close as possible downgradient of the former AOC/source area/excavation area. If the ground water contaminant plume has migrated away from that location, then additional vertical delineation may be necessary to establish plume geometry and confirm the current vertical extent of the plume. When determining a proper vertical delineation point(s), refer to the Department's Ground Water Site Investigation, Remedial Investigation, Remedial Action Performance Monitoring Technical Guidance document (https://www.nj.gov/dep/srp/guidance/#pa_si_ri_gw). When deviating from Department guidance, the PRCR shall provide a written rationale and justification in accordance with N.J.A.C. 7:26E-1.5(b).

Q17: How should site specific decisions that vary from rule or deviate from guidance, made during the remediation, be documented in the RAP application and the RAR?

A: The Department recognizes that rules and guidance do not apply in every site-specific situation. Consequently, the LSRP must make some site-specific decisions based on their professional judgement. All variances from the Technical Requirements and all deviations from guidance, as well as any other pertinent information used to make remediation decisions, should be summarized and provided in the "Other Information Provided" section of the RAP Application, when done in accordance with N.J.A.C. 7:26E-1.7 and 7:26E-1.5(b), respectively. A more detailed explanation should be included in the RAR, specifically in a stand-alone section that can be easily identified. Lines of evidence should be provided to show that these decisions are protective of public health and safety, and of the environment.

Q18: Can the PRCR vary from N.J.A.C. 7:26E Technical Requirements for Site Remediation and how should they document the variance?

A: Yes. In accordance with N.J.A.C. 7:26E-1.7, the PRCR may vary from the technical requirements in N.J.A.C. 7:26E-1 through 5 [except for those requirements specifically excluded at N.J.A.C. 7:26E-1.7(b)], provided that the person submits the following technical information:

- The regulatory citation for the technical requirement;
- A description of how the remedial activities conducted varied from the cited regulatory requirement; and
- The rationale for varying from the cited technical requirement that includes supporting information (i.e., lines of evidence) as necessary to document that the variance will provide results that are verifiable and reproducible, achieve the objectives of the cited technical requirement, and further the attainment of the purpose of the specific remedial phase.

It is suggested that any variance and the lines of evidence which support that the variance remains protective of public health and safety and the environment, be documented in a standalone section of the Key Document Submittal in which it is presented and referenced in the "Other Information Provided" Section of the RAP Application.

Please see below for an example of using lines of evidence to support a variance.

Regulatory Citation for the Technical Requirement

N.J.A.C. 7:26E-1.14(a)2ii, the technical requirement to sample potable wells located within the sampling trigger distance:

Variance

Potable wells were identified within 500 feet of the downgradient edge of the known extent of a ground water contaminant plume (exceedances of the GWQS). Access to the properties with potable wells within 500 feet of the known extent of contamination was requested for sampling. However, access to one of the potable wells was not granted. As such, sampling of this potable well could not be conducted.

Lines of Evidence to Support a Variance (i.e., Rationale)

The following are the lines of evidence to support varying from N.J.A.C. 7:26E-1.14(a)2ii:

1. Access to all other surrounding potable wells was granted, and sampling conducted. The sampling results of the accessible wells indicated that the site contamination does not impact the potable wells in the area;
2. Monitoring wells located between the known extent of groundwater contamination and the inaccessible potable well were sampled and results found to be below the NJDEP GWQS. As such, these results demonstrate that a clean zone is located between the inaccessible potable well and the contaminant plume;
3. Well construction details of the potable wells and monitoring wells were reviewed, and a cross-section generated. As shown on the well logs presented in Appendix X and the cross-section in Figure X, the inaccessible potable well is screened in the same zone as the other potable and monitoring wells that were sampled.

Based on the lines of evidence presented above, varying from N.J.A.C. 7:26E-1.14(a)2ii, remains protective of public health and safety, and of the environment.

This example can also be applied to deviations from Department guidance.

Q19: When is it recommended to request a technical consultation?

A: Technical Consultations should be requested following the Remedial Investigation and prior to the conclusion of the Remedial Action; however, a technical consultation can be requested at any time prior to submitting a RAP Application. Technical consultations are typically utilized for sites with technical complexity and for cases with unique or unusual circumstances.

Technical Consultation requests made prior to the submittal of a RAP Application should be sent to the ground water or soil technical consultation contact person in the Bureau of Ground Water Pollution Abatement (BGWPA) and the Bureau of Environmental Evaluation & Risk Assessment (BEERA), respectfully. If the PRCR plans to apply for a RAP for cases discussed at these Technical Consultations, the PRCR should request that a representative from the Bureau of Remedial Action Permitting (BRAP) be included at the technical consultation. For contact information see https://www.nj.gov/dep/srp/srra/technical_consultation/.

Q20: How should the outcome of the technical consultation be utilized?

A: The outcome of a technical consultation is not an approval from the Department for any remedial plan that is presented. It is only guidance/recommendations provided by the Department based on the data that are presented at the time of the consultation. If all relevant data were not clearly presented at the time of the technical consultation or additional investigation/remediation is conducted after the technical consultation and new data are included in the RAR which do not show results consistent with what was discussed in the technical consultation, then the Department's guidance/recommendations provided at the consultation may no longer be applicable and the remediation may not be ready for a RAP.

In addition, it is recommended that the LSRP memorialize the outcome following the technical consultation. If a summary is received by the Department and found to be accurate, the Department should acknowledge receipt of the summary and save it in NJEMS for future reference. For additional information see https://www.nj.gov/dep/srp/srra/technical_consultation/.

RAR Administrative Questions

Q21: In reviewing documents, which versions of regulations and guidance does the Department use for comparison?

A: The Department compares the documents to the regulations and guidance that were in effect at the time of submission.

Q22: Where can a status update on the Department's review of the Remedial Action Report (RAR) be found using DataMiner?

A: This information is available in real time on DataMiner through the 'License Site Remediation Professional Comprehensive Report.' BIR may conduct separate technical component (i.e., ecological, vapor intrusion, ground water, and soil) reviews which may not be reviewed concurrently. If there is a RAP associated with the RAR, BIR does not duplicate review of the components already reviewed by BRAP. Be advised that a "Completed" review status indicated in DataMiner for the RAR does not constitute an approval of the RAR or indicate that BRAP has completed a review of the RAP Application.

Instructions for producing a comprehensive list of all submissions by an LSRP and their corresponding statuses:

- Step 1: Click *Search by Category*.
- Step 2: Search by *Category* and select *Site Remediation*. Click Submit.
- Step 3: Select *License Site Remediation Professional Comprehensive Report* located under *Licensed Site Remediation Professional Information*.
- Step 4: Enter the LSRP License #. It is recommended to unselect *View Report by Pages*. This enables a one-page view of all submissions to make locating the case easier. Click Submit.
 - Loading times may be longer for LSRPs with many submissions.
- Step 5: Utilize the "Find" function to locate the PI# by holding Ctrl+F on PC or Command+F on Mac, then locate the row for the RAR to check its status.

Q23: What figures should be provided in the RAR when submitting a RAP Application?

A: Pursuant to N.J.A.C. 7:26E-1.6 and 5.7, the RAR must include the following figures when submitting a RAP Application:

- A site location map;
- A land use map;
- Receptor Evaluation maps;
- An AOC Map(s) that includes all AOCs identified on the Case Inventory Document (CID). It is recommended to include all helpful and applicable information (including but not limited to: current/historic site features; current/historic monitoring wells and temporary well point locations; CEA extent; source removal/treatment areas; utilities). Multiple maps are acceptable for larger sites with numerous AOCs as long as a base map key (such as required in Exhibit A-3 of the model deed notice) is provided for reference. See Sections IX.2.d and VII.2.c of the [Soil Remedial Action Permit Guidance](#) and [Ground Water Remedial Action Permit Guidance](#) documents, respectively;
- A sample location map;
- A figure(s) that includes the area of concern/source and clean zone soil samples to demonstrate delineation of soil contamination is complete;
- A figure(s) that includes the area of concern/source and clean zone ground water samples to demonstrate delineation of ground water contamination is complete, if applicable;
- Ground water contour maps for at least the last four ground water sampling events, if applicable; and
- A CEA Map and cross section figure, if applicable.

Recommended additional figures to include in the RAR that are commonly excluded:

- A figure(s) that presents the former maximum extent of free and residual product; and
- A figure(s) showing soil impacts above the Migration to Ground Water Soil Remediation Standards.

Q24: What tables should be included in the RAR when submitting a RAP Application?

A: Pursuant to N.J.A.C. 7:26E-1.6 and 5.7, the RAR must include the following tables:

- A table(s) summarizing the soil sampling results for the contaminants of concern with sampling depths;
- A table(s) summarizing the ground water sampling results by monitoring well and temporary well point including depth of sample collection), including all historical/current ground water sampling data for all monitoring wells, temporary well points (including sample depths), contaminants of concern, ground water elevation/depth to water data for the site, and ground water sample collection method (see the Model Table for Historic Ground Water Sampling Results by Monitoring Well in Appendix 1 of the Department's [Ground Water Remedial Action Permit Guidance Document](#)); and
- A table summarizing the monitoring well construction details for all site related monitoring wells and temporary well points.

Recommended additional tables to include in the RAR that are commonly excluded:

- If the remedial action included a Permit-By-Rule (PBR) approval, pre/post-injection monitoring results should be presented as stand-alone tables that include results of the additional parameters that require monitoring based on the PBR Approval; and
- Tables for Vapor Intrusion Investigation results should be included [even if no additional data were collected since the Remedial Investigation (RI)].

Q25: Should previously submitted information be included as an appendix in the RAR?

A: If applicable to the RAR, previously submitted reports and any other supporting documentation for the RAR should be included in the appendices unless it was submitted via the online portal, which was first available as of April 1, 2015 and required for all submittals of the PA/SI/RI/RAR after December 2018, when submitting documents through the online portal became mandatory. At a minimum, applicable sections and data from historical reports that support the remediation should be attached to the RAR.

Receptor Evaluation Questions

Q26: Can mailings be a part of a door-to-door survey to determine the existence of any unpermitted potable or irrigation wells and what should be done if a 100 percent response rate is not achieved?

A: If the LSRP's professional judgment is to first send out mailings, then they may do so. The Department will accept less than 100 percent of the responses to mailings when, in the LSRP's professional judgment, supported with lines of evidence, this is protective. Since the protection of public health and safety is the LSRP's highest priority, it is expected that a follow up will occur with any property owner where a response to the mailing is not received (e.g., conduct a physical visit to the property during non-business hours, contact property owners via phone calls if possible, and contact the local/county health department for assistance).

It should be noted that it is not required that every door be visited to complete the door-to-door survey/evaluation.

Q27: What should be done when access is not granted to a site that requires potable well or vapor intrusion sampling?

A: When the need to sample wells or vapor intrusion is identified at an off-site property, the PRCR must follow the site access requirements pursuant to N.J.A.C. 7:26C-8.2. If a property owner is refusing site access and lines of evidence cannot be used to demonstrate protectiveness, then it is recommended that the PRCR reach out to the local/county health department for assistance. It is also recommended that the PRCR encourages the property owner(s) or tenant(s) to visit the "Providing Access to Your Property" webpage at <https://www.nj.gov/dep/srp/community/access.html>. Additional Department guidance is available at <https://www.nj.gov/dep/srp/offsite/>.

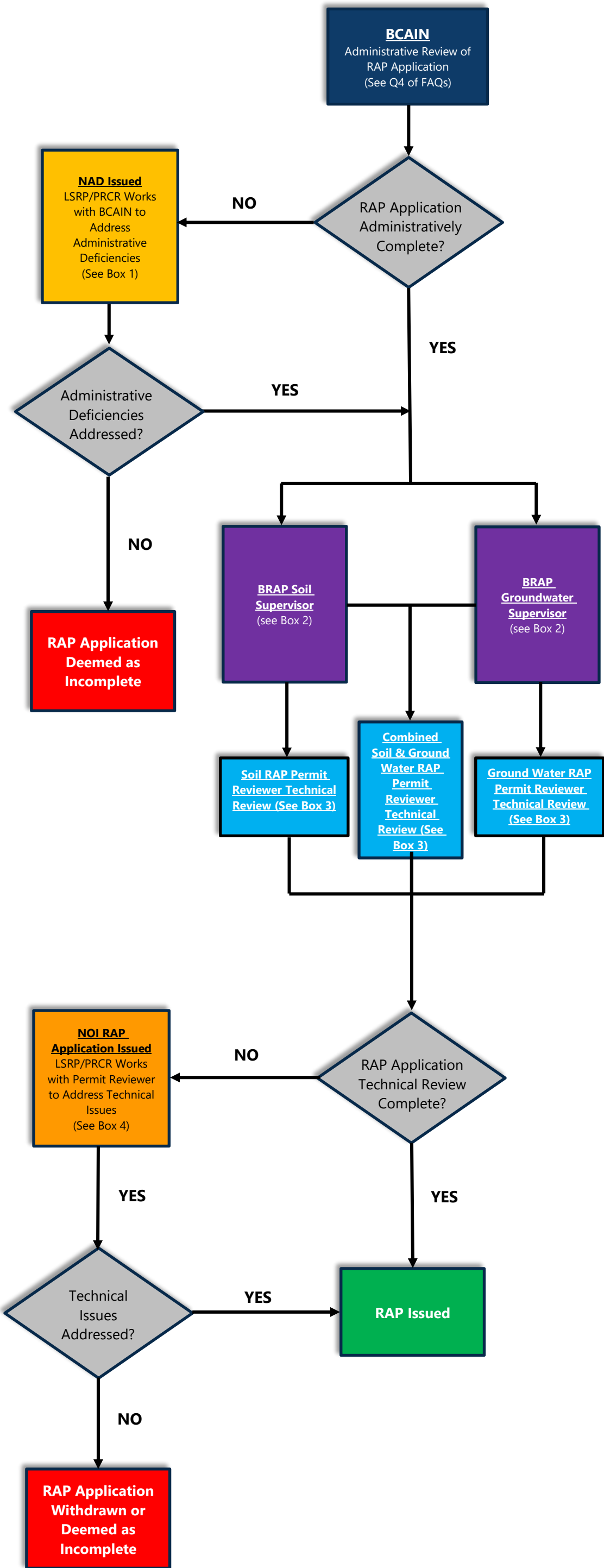
This also applies to any other required sampling of off-site properties.

Potentially Applicable Guidance Documents

Please check for additional guidance documents and updates at <https://www.nj.gov/dep/srp/guidance/>

1. Ground Water Remedial Action Permit
2. Soil Remedial Action Permit
3. Remedial Action Permit for Ground Water Checklist and Helpful Hints
4. Remedial Action Permit for Soil Checklist and Helpful Hints
5. Ground Water Technical Guidance: Site Investigation, Remedial Investigation, and Remedial Action Performance Monitoring
6. MNA Technical Guidance
7. Summary of existing guidance regarding Ground Water Remedial Action Permit Applications - vertical delineation of ground water contamination and monitored natural attenuation proposals
8. Technical Guidance for Site Investigation of Soil, Remedial Investigation of Soil, and Remedial Action Verification Sampling for Soils
9. Remedial Action Permit Requirements for RCRA GPRA 2020, CERCLA & Federal Facility Sites under Traditional DEP Oversight
10. Technical Guidance on the Capping of Sites Undergoing Remediation
11. Technical Guidance for the Attainment of Remediation Standards and Site-Specific Criteria
12. Capping of Inorganic and Semi-Volatile Contaminants for the Impact to Ground Water Pathway (currently known as the MGW Exposure Pathway)
13. Capping of Volatile Contaminants for the Impact to Ground Water Pathway
14. NJDEP Policy Statement: Interpretation of Technical Requirements for Site Remediation requirement to “complete the remedial investigation”
15. Technical Impracticability (TI) Guidance Document
16. Technical Consultation Page
https://www.nj.gov/dep/srp/srra/technical_consultation/
17. Immediate Environmental Concern Page
<https://www.nj.gov/dep/srp/guidance/IEC/index.html>
18. Remediation Standards Page
<https://www.nj.gov/dep/srp/guidance/rs/>
19. Remediation Funding Source (RFS) Cost Guidance (including FA information)
<https://www.nj.gov/dep/srp/rfs/>
20. Vapor Intrusion Technical Guidance Page
<https://www.nj.gov/dep/srp/guidance/vaporintrusion/>
21. Guide to Obtaining Off-Site Access
<https://www.nj.gov/dep/srp/offsite/>
22. Well Search Guidance Page
<https://www.nj.gov/dep/srp/guidance/ceacompliance/>

REMEDIAL ACTION PERMIT (RAP) APPLICATION FLOW CHART



Box 1
BCAIN Issues Notice of Administrative Deficiency (NAD)

- Step 1 - BCAIN issues NAD letter requesting administrative deficiencies be addressed within 30-days.
- Step 2 – After a minimum of 30-days, if no response from PRCR or if response is insufficient, a “reminder notice” is sent by BCAIN to respond or withdraw within 7-days (calendar days).
- Step 3 – After a minimum of 7-days from the issuance of the “reminder notice”, if no response from PRCR or if response is insufficient, BCAIN may issue letter deeming RAP Application as incomplete.

Box 2
BRAP Review

- BRAP Supervisor receives permit application from BCAIN.
- Assigns permit application to permit reviewer for technical review (first into BRAP – first out of BRAP).

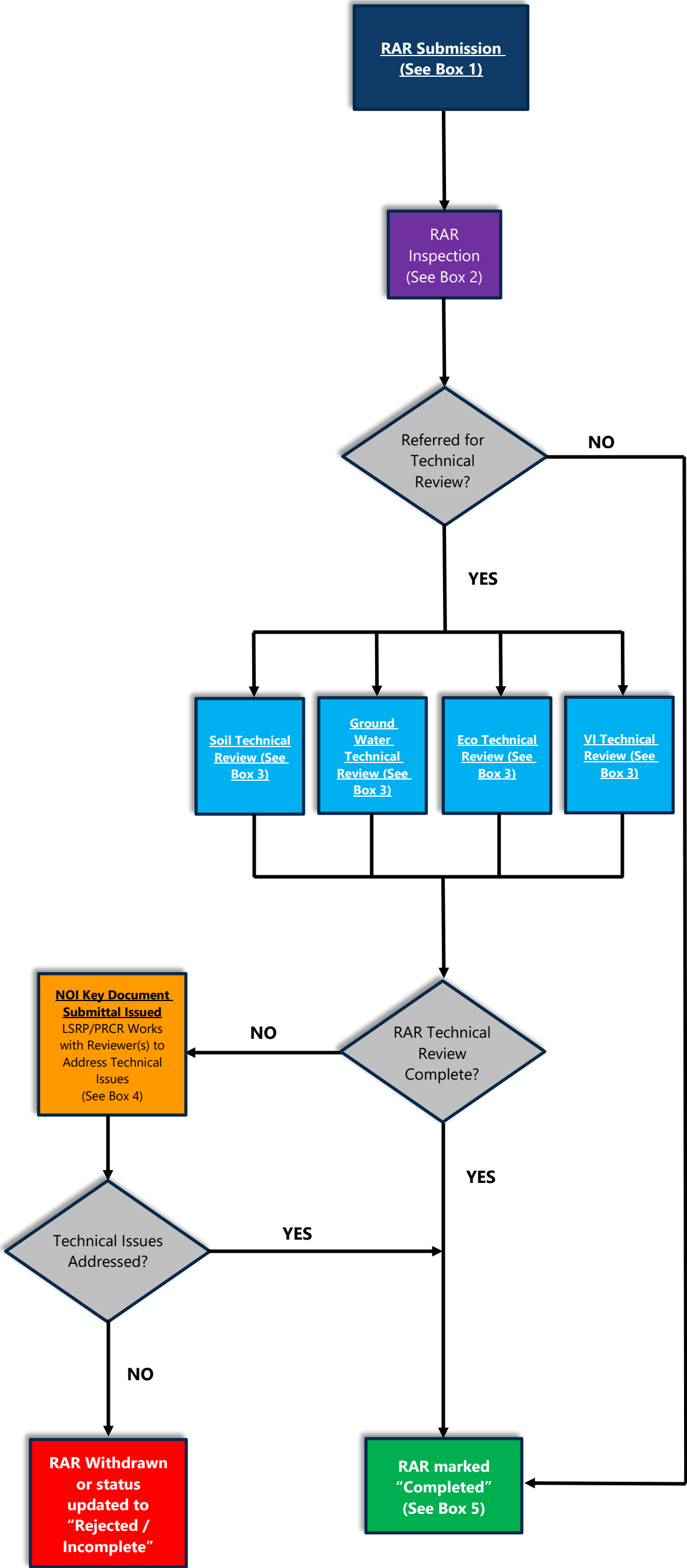
Box 3
Technical Review

- Depending on complexity of review, a review may be:
 - Conducted by the Permit Reviewer alone;
 - Conducted with their supervisor;
 - Conducted as a peer review with Technical Support (BGWPA or BEERA); or
 - Referred to Technical Support for review
 - Technical Support will provide comments directly to the permit reviewer.
- For more information, see Q15 of FAQs.

Box 4
BRAP Issues Notice of Incomplete (NOI) RAP Application

- Step 1 - BRAP issues an NOI RAP Application letter requesting acknowledgement within 7 days and technical issues be addressed within 60 days. If there are issues, a meeting with the permit reviewer and their supervisor should be requested through the reviewer during this time.
- Step 2 - DEP will review any response received within the 60-day response period, including a request to withdraw the RAP Application.
- Step 3 – If the PRCR does not provide a response within the 60-day response period or if the provided response is determined to be insufficient, BRAP may issue a letter deeming the RAP Application as incomplete.

REMEDIAL ACTION REPORT (RAR) FLOW CHART



Box 1

RAR Submitted

- All non-RAO remedial phase documents are submitted through the E-submittal Service and NJEMS is updated

Box 2

BIR Inspection

- BIR Inspection Supervisors are assigned RARs, who then assign them to inspectors
- An inspector reviews the RAR and any additional forms/documents submitted for potential referral for technical review
- If the RAR is referred for technical review, tasks are created and assigned to review team supervisors (soil, ground water, eco, and/or VI)
- If the RAR is not referred for technical review, it is closed and marked "Completed"

Box 3

Technical Reviews

- Review Team Supervisors assign review tasks to reviewers
- There may be multiple review tasks assigned to different review teams for one case, which may not be reviewed concurrently
- Depending on complexity of review, a review may be:
 - Conducted by the reviewer alone;
 - Conducted with their supervisor;
 - Conducted as a peer review with Technical Support (BGWPA or BEERA); or
 - Referred to Technical Support for review
- When a Remedial Action Permit (RAP) application is submitted with a RAR, BRAP reviews portions of the RAR applicable to the RAP application. BIR does not duplicate reviews of these sections of the RAR already reviewed by BRAP.
 - Please see RAP Flow Chart Box 3 for further information.

Box 4

Notice of Incomplete (NOI) Key Document Submittal

- Step 1:
 - LSRPs/PRCRs may be contacted by multiple reviewers for the same RAR,
 - BIR Reviewer issues a NOI Key Document Submittal to LSRP/PRCR,
 - Or
 - If applicable, Technical Support reviewer (Technical Coordinator and/or Geologist) will send Technical Comment memo to LSRP/PRCR
- NOI/Technical Comment memo will request acknowledgement within 7 days, and issues to be addressed within 60 days
- Step 2 – If acknowledgement is not received within 7 days, a "reminder notice" is sent
- Step 3 – If issues remain unresolved after 60 days and a request to withdraw is not received within the 60-day response period, then the Department will update the status of the document as Rejected/Incomplete.

Box 5

Review Complete

- If there are no more review tasks pending, the last reviewer will close the RAR and update the status to "Completed." A "Completed" review status does not constitute an approval of the RAR or indicate that BRAP has completed a review of the RAP Application.
 - The status update will be reflected in DataMiner (see Q22 of FAQs)