

NJDEP TECHNICAL GUIDANCE

Draft Document Review Form

COMMITTEE: Presumptive Remedy Technical Guidance Committee
DOCUMENT: PRESUMPTIVE and ALTERNATIVE REMEDY GUIDANCE

Start of Comment Period: Tuesday, March 22, 2011
End of Comment Period: Tuesday, May 3, 2011

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Comment#	Page	Chapter	Section	Subsection	Comment	Response
1	3	4		Definition Section	I did not know what the acronym "DAF" meant as presented in the Presumptive Remedies Chart. May want to spell out and/or include Diffuse Anthropogenic Pollutants definition in this section or somewhere in document, since it is not mentioned anywhere in document.	added to definitions
2	6	5	5.3		Any statements about clean fill should actually refer to clean fill guidance document or applicable regulation.	changed
3	6	5	5.3		The four major components are easy to understand as they relate to soil contamination, but it doesn't naturally fit with vapor intrusion. Can you provide examples from a VI mitigation system for each of the components	The VI system does not need to meet the requirements of the barrier, buffer, demarcation and monitoring.
4	7	6	6.2		This whole section is unclear. This section mentions excluded contaminants but there is no list of these excluded contaminants.	changed
5	7	6	6.2		Section mentions that if the specific intended use of an area at a school, etc. is not listed on Table 5.1 then you need to propose an alternative remedy. This is excessive. The LSRP should be able to use best judgement and apply most protective presumptive remedy to the area - without having to request approval from the department.	We will reassess in a few years to determine if additional uses are needed.
6	8	6	6.6	1	The example utilized in the second sentence is not very good. Sensitive populations on the upper floor may still be exposed to unacceptable levels in indoor air. I would strike this example.	Example removed
7	8	6	6.6	1	2nd sentence states that an alternative remedy that is equally protective may be proposed if there are no VI triggers and vapors are unlikely to enter space used by sensitive receptors. Under these circumstances, doing nothing would be just as protective as a subsurface mitigation system.	Yes.
8	8	6	6.6	1	Avoid using the acronym VOCs since there are a number of chemicals that represent a VI risk that are not VOCs (ie. Mercury, naphthalene, formaldehyde)	changed
9	8	6	6.6	2	This section states nothing about mitigation being required. Was that intentional? It simply states that a VI investigation must be conducted. If the results of the VI investigation concludes that the VI pathway is incomplete, do they have to install a mitigation system? If a mitigation system has to be installed, what is the presumptive remedy for existing buildings? There's nothing on Table 5.1 about VI mitigation.	Mitigation would only be required if a trigger is determined pursuant to the VIG. The Presumptive Remedy is the requirement for the investigation. This will be included in the proposed Tech Rules, but will not be included in Table 5.1.
10	9	7	7.3		Section is unclear on how an LSRP can <u>prove/document</u> that a remedy is equally protective over time.	Use professional judgement.
11				Table 5.1	The requirement to remediate a Discrete Area Discharge to unrestricted standards should be included on the table as a footnote	It will be in the proposed Tech Rules
12				Table 5.1	The table and document in general needs to address whether the remedy specified supercedes the Impact to Groundwater pathway or if the Impact to Groundwater pathway still needs to be addressed.	This is now addressed in Section 4.2
13				Table 5.1	What is the scientific basis for the depths of clean fill required? Why is more clean fill required if you opt to use a visible contamination boundary marker as opposed to geotextile fabric?	This is now addressed in Section 4.3
14	2	Item #3 Building Footprint		Table 5.1	The use of a vapor barrier to address volatile issues in soil should be reconsidered for a variety of reasons: a. Soil contamination that may result in vapor issues may be best handled through a variance approach; b. New constructions may settle causing a breach in the vapor barrier; c. On going testing for volatile organics as a vapor issue in buildings; d. Buildings may have basements/cellars and may have ground water entry issues that may require the use of sump pumps, trenches, drains, etc.. How will this effect vapor concerns?	This requirement will remain. The vapor barrier is an added layer of protection from current as well as future discharges.
15	1	Draft Table 5.1		Table 5.1	Should clarify that the barrier and buffer are independent construction items from one another. As the reader, it was initially unclear to me (on some, but not all) whether the barrier and buffer were together or separate. For example, one option suggested that the barrier = 1' of clean loose fill material and the buffer also = 1' of clean loose fill material. Initially, I thought the barrier and buffer together could = 1' of clean loose fill material rather than a total of 2' of clean loose material. I believe it would just make it more clear explaining that the barrier and buffers are separate items and are not to be combined.	No change made, we believe the guidance is clear as written