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ENVIRONMENTAL PROTECTION

SITE REMEDIATION PROGRAM

Notice of Readoption

Remediation Standards

Readoption: N.J.A.C. 7:26D

Authority: N.J.S.A. 13:1D-1 et seq., 58:10-23.11a et seq., 58:10A-1 et seq., and 58:10B-1 et seq.

Authorized By: Bob Martin, Commissioner, Department of Environmental Protection

Effective Date: April 27, 2015

New Expiration Date: April 27, 2022

Take notice that pursuant to N.J.S.A. 52:14B-5.1, the Remediation Standards at N.J.A.C. 7:26D are readopted and shall continue in effect for a seven-year period. The rules had been scheduled to expire on June 2, 2015. The Department of Environmental Protection has reviewed these rules and has determined that the rules should be readopted because they are necessary, reasonable and proper for the purpose for which they were originally promulgated. In accordance with N.J.S.A. 52:14B-5.1(c)(1), timely filing of this notice extended the expiration date of the chapter seven years from the date of filing.

The Brownfield and Contaminated Site Remediation Act, at N.J.S.A. 58:10B-12(a), directs the Department to adopt minimum remediation standards for soil, ground water, and surface water necessary for the remediation of contaminated sites. Consistent with this legislative directive, the Department has established the Remediation Standards at N.J.A.C. 7:26D. The person responsible for conducting the remediation of any contaminated site in the

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State must remediate contaminated soil, ground water, and surface water to a level or concentration that complies with the standards; however, the person is not required to remediate to a level or concentration that is lower than the regional natural background level. The remediation standards apply to all contaminated sites in the State, including sites subject to the Industrial Site Recovery Act (ISRA), N.J.S.A. 13:1K-6 et seq., the Spill Compensation and Control Act, N.J.S.A. 58:10A-21 et seq., the Solid Waste Management Act, N.J.S.A. 13:E-1 et seq., the Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq., the Brownfield and Contaminated Site Remediation Act, N.J.S.A. 58:10B-1 et seq., the Comprehensive Regulated Medical Waste Management Act, N.J.S.A. 13:1E-48.1 et seq., the Major Hazardous Waste Facilities Siting Act, N.J.S.A. 13:1E-49 et seq., the Sanitary Landfill Facility Closure and Contingency Fund Act, N.J.S.A. 13:1E-100 et seq., and the Regional Low-Level Radioactive Waste Disposal Facility Siting Act, N.J.S.A. 13:1E-177 et seq.

The chapter contains minimum remediation standards for ground water and surface water, and minimum soil remediation standards for both residential direct contact and non-residential direct contact. The minimum ground water remediation standards are the numeric criteria and narrative standards set forth in the Ground Water Quality Standards, N.J.A.C. 7:9C. Similarly, the minimum surface water remediation standards are the numeric and narrative criteria set forth in the Surface Water Quality Standards, N.J.A.C. 7:9B. There are two categories of soil remediation standards, one for residential direct contact and one for non-residential direct contact. Residential direct contact soil remediation standards are based upon the ingestion-dermal and inhalation exposure pathways, designed to protect human health at residential use sites, schools (pre-K through 12), and childcare centers. Residential use is based

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on exposure to contaminated media for 24 hours a day, 350 days a year for 30 years, by adults and children living at a site. Non-residential direct contact soil remediation standards are based on the ingestion-dermal and inhalation exposure pathways designed to protect human health at non-residential use sites. A non-residential use site assumes the exposure of adult outdoor workers to contaminated media during an eight-hour work day, 225 days a year, for 25 years.