

NJDEP PROPOSES SUBSTANTIAL AMENDMENTS TO REMEDIATION STANDARDS (N.J.A.C. 7:26D) – MAY 2020

On April 6, 2020, NJDEP proposed long-expected amendments and revisions to cleanup standards applied to remediation sites in New Jersey (N.J.A.C. 7:26D). Shortly thereafter, the NJDEP extended the comment period to August 5, 2020 and postponed the public hearing due to the present COVID-19 public health emergency.

Among the more significant changes, the proposed rule creates numerical standards for indoor air and for the migration of chemicals to groundwater. Although the numerical standards for many compounds would increase, standards for some compounds would decrease. Those that decrease by more than an order of magnitude may trigger potential reopeners at some sites. We recommend that remediating parties evaluate the potential impacts of these draft standards and assess compliance options before the new standards are adopted.

Notice of Proposed change: <https://www.nj.gov/dep/rules/notices.html>
Proposed Rule: <https://www.nj.gov/dep/rules/proposals/20200406a.pdf>

Highlights of Proposed Changes:

- Replacement of direct contact soil remediation standards with separate standards for the ingestion-dermal and inhalation exposure pathways
- Replacement of default impact to groundwater soil screening levels with soil and leachate remediation standards for the migration to groundwater exposure pathway
- Replacement of the indoor air screening levels with indoor air remediation standards
- Definitions for “residential” and “non-residential” based on property use
- Replacement of Extractable Petroleum Hydrocarbons (EPH) criteria with a standard based on ingestion-dermal exposure pathway
- For the first time, soil and indoor air remediation standards have been proposed for 1,4-dioxane

Tables Comparing Existing and Proposed Remediation Standards:

For comprehensive tables comparing the existing and proposed remediation standards, please contact your Langan contact or project manager.

Summary of Changes in Remediation Standards:

The following table summarizes the number of overall proposed changes to existing standards and prior screening levels, which are now proposed as remediation standards².

| Change | Residential SRS (Most Stringent) ¹ | Non- Residential SRS (Most Stringent) ¹ | Migration to GW SRS ² | Soil Leachate ² | Residential Indoor Air ² | Non-Residential Indoor Air ² |
|-----------------|---|--|----------------------------------|----------------------------|-------------------------------------|---|
| Increase | 71 | 94 | 39 | 33 | 7 | 6 |
| Decrease | 26 | 19 | 40 | 0 | 12 | 9 |
| New | 14 | 14 | 9 | 10 | 2 | 2 |
| Removed | 14 | 16 | 26 | 26 | 14 | 14 |

¹ – most stringent of the ingestion-dermal and inhalation exposure pathways

² - new remediation standard proposed to be codified

Order of magnitude decreases:

- The proposed soil remediation standards have decreased by an order of magnitude for the following contaminants: **benzaldehyde, cobalt, butylbenzylphthalate** (ingestion-dermal pathway) and **caprolactum, ethylbenzene** (inhalation pathway).
- The proposed migration to groundwater soil remediation standard for **hexachlorocyclopentadiene** is an order of magnitude lower in comparison to its prior default impact to groundwater soil screening level
- The proposed indoor air remediation standard for **1,1-dichloroethene (1,1-DCE)** is an order of magnitude lower in comparison to its prior indoor air screening level.

What Should You Do Now?

- Evaluate whether the proposed standards warrant a change in the investigative or remedial approach for your site, or necessitate additional work to achieve closure.
- For closed sites, assess the potential for order of magnitude decreases in standards that may trigger reopeners. This also applies to cases subject to biennial certification requirements.
- If you are in the remedial action phase, consider the benefits of expediting the remedial action work plan to “grandfather” existing remediation standards.

To discuss how the proposed remediation standards may affect your projects, please contact your Langan Project Manager or:

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