

NJDEP's Revised Soil Remediation Standards May Potentially Impact Ongoing or Completed Remediation Projects

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On September 18, 2017, the New Jersey Department of Environmental Protection (NJDEP) issued a Notice of Administrative Change impacting the soil remediation standards for 19 contaminants. The standards have been updated to reflect U.S. Environmental Protection Agency (EPA) revisions to the toxicity data for the affected compounds, as listed in the EPA's Integrated Risk Information System database. The updated standards became effective immediately upon issuance of the Notice.

The soil standard changes include less stringent residential and non-residential standards for several so-called polycyclic aromatic hydrocarbons (PAHs), typically found in historic fill here in New Jersey, including benzo(a)anthracene, benzo(a)pyrene and benzo(b)fluoranthene. For the compounds known as chlorinated volatile organics (CVOCs), notable changes include less stringent residential and non-residential soil standards for tetrachloroethene (PCE) and more stringent residential and non-residential standards for trichloroethene (TCE).

A Notice of Administrative Correction to the Notice of Administrative Change was also published for two of the compounds, hexachloroethane and 1,1,1-trichloroethane.

For those that may have a site where remediation was completed with a Response Action Outcome (RAO) conditioned only on a soil Remediation Action Permit and deed notice based solely on exceedances of a compound which now meets the current criteria, an application can be made to NJDEP to terminate the deed notice and permit. Once the permit is terminated, an unrestricted RAO could then be issued.

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Alerts (Cont.)

If you believe you may fall into this category and would like to discuss, or have any questions regarding the information presented in this Alert and how it may impact ongoing or completed remediation projects, please contact the author, **Maura E. Blau**.