



**Department of Energy & Environmental Protection
Remediation Division
Roundtable
Q&A Newsletter
Vol. 14 ~ April 29, 2014**

Presented below are the Department's responses to verbal comments presented at the Remediation Roundtable held on February 11, 2014. The comments and responses may have been edited for clarification purposes.

**SELECTED VERBAL COMMENTS FROM THE NOVEMBER 12, 2013
ROUNDTABLE:**

2013 Year in Review

Comment: Is the upgrade of the online database for DEEP remediation sites going to include GIS locations for the sites?

Response: *Yes that is the department's intention.*

Comment: What is the timeframe?

Response: *The upgrading process could take 2 years or more.*

Comment: Last year there was a meeting on soil reuse. What is the status of that?

Response: *We are still considering how to deal with reuse on residential properties. The concepts presented for transportation corridors are unchanged.*

Transformation RSR Amendments: Wave 2

Comment: Would ball fields be included under the proposed Recreational Use category? Could a ball field be considered under the Recreational Use category if it had a requirement to remain vegetated?

Response: *Right now it looks like they would still be considered as Residential Use; however, we have not gotten to that level of detail at this point.*

Comment: Is there any discussion yet on the Activity and Use Limitations?

Response: *We are doing this as part of the Wave 2 modifications to the regulations. Draft regulations will be available later in 2014 after the other Wave 2 discussion papers are completed.*

Comment: Would we consider breaking out older children from younger children in our risk assessment evaluations?

Response: *We are not at that level of review of the topic yet.*

Changes to the Verification Forms and Guidance Document

Comment: On verification forms, how do you suggest applicants deal with multiple filings and REM ID numbers?

Response: *A REM ID # is specific to a particular filing. The verification should reference on the verification form the specific filing (and REM ID#) the verification is being rendered under. The relevance of a particular verification to other filings (and REM ID#) can be presented by the LEP in the Verification Report, but ultimately, DEEP will evaluate the applicable universe of the verification and will note such on the database.*

Temporary Releases from ELURs with Pre-approved Soil Management Plans

Comment: Are the size limits on the allowable disturbances to the ELUR intended to be cumulative or per event?

Response: *They are intended to be per disturbance rather than cumulative.*

Comment: DEEP should consider someone other than an LEP to document the work is done for simpler disturbances?

Response: *We may allow that over time as we get comfortable with the level of responsibility.*

Comment: Would this preapproved plan also apply where the disturbance results in the full remediation of a small piece of the area subject to the ELUR and a permanent release from the ELUR would be applicable for that piece?

Response: *No, it would not apply, because the site is not being restored to its previous conditions.*

Groundwater Compliance Monitoring

Comment: If there is an exceedance during the 2 years, do you need to do your sampling for consecutive rounds following that?

Response: *There are benefits to continuing to sample for consecutive quarters, but that would not be a requirement.*

Comment: One method to achieve SWPC, is to sampling the plume “immediately upgradient” of a surface water body. Would sampling at the property line be good enough?

Response: *If groundwater achieves the criteria on-site, it may work, but you would also need to show that your Characterization (data and representativeness) and the Conceptual Site Model are appropriate to support the conclusions about the off-site portion of the plume.*

General Question and Answer

Comment: How many sites have been handled by the Ecological Peer Review Team, rather than being handled by Planning & Standards staff and who is on the team?

Response: *About 10 sites have been addressed by the team so far. The team currently consists of Craig Bobrowiecki, Claire Foster, and Carolyn Fusaro.*

Comment: An ETPH release area with concentrations exceeding the PMC has been environmentally isolated beneath a building with sufficient monitoring having been performed to document that no groundwater plume is emanating from the release and to demonstrate four compliant quarters representative of seasonal variation. The building is now going to be torn down and the release area will be excavated immediately after the building is torn down. Under the June 2013 RSR Amendment, does compliance monitoring (four quarterly samples over two years) need to be performed.

Response: *Yes, with the new RSR revisions, compliance monitoring would be required under this scenario. Historically, the need for compliance monitoring was tied to the identification of a detectable groundwater plume during characterization monitoring. However, when the prescriptive post-remediation groundwater monitoring was removed from the RSRs, as part of that change, compliance monitoring now needs to be performed after the release area is no longer under the effects of the remediation and there is no provision for the Department to approve an alternative compliance monitoring program. Therefore, the monitoring, which predated the excavation of the contaminated soil, could be used as part of groundwater characterization for site conditions, but not for compliance monitoring. Also, keep in mind that the compliance monitoring would need to be performed using wells that are in locations likely to detect any potential plume (taking into account the time required for the groundwater to travel from the release area), especially being sure to cover the period when the contaminated soil was disturbed during remediation.*