

FREQUENTLY ASKED QUESTIONS ON LICENSING FOR CHILD CARE CENTERS

The following (questions 1-24) address DEP Requirements:

1. What are the current environmental requirements to obtain a child care center license and what is DEP's role in child care licensing?
2. What exactly is a Child Care Facility Approval (CCFA) letter?
3. My site does not have a high hazard historical use (Uniform Construction Code Groups F, S, H, or B); do I still have to get a Child Care Facility Approval (CCFA) letter?
4. What is the process I should follow to obtain a Child Care Facility Approval (CCFA) letter?
5. What is a Preliminary Assessment (PA)?
6. What is a Site Investigation (SI)?
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17. Does a PA have to be conducted for a public park?
18. Does an outdoor play area for child care center that is located on a former farm require a site investigation be conducted?
19. What about new construction? What are the environmental evaluation requirements when you are planning new construction on a former contaminated site?
20. Where do I send documents for review?
21. How do I certify my center provides safe drinking water?
22. How can I identify the public water system that serves my child care center?
23. Does DEP need my safe drinking water certification?
24. Do I have to conduct a 400-foot radius search for contaminated sites?

The following (questions 25-28) address Non-DEP Requirements:

25. What is a Letter of Prior Uses? How do I find out the past uses of my building?
26. Do I need to send a copy of the construction code official's Letter of Prior uses to DEP?
27. What are the requirements if I am located near a dry cleaner or nail salon?
28. What indoor air requirements do I have to meet?

1. What are the current environmental requirements to obtain a child care center license and what is DEP's role in child care licensing?

Before a license to operate a child care center can be issued or renewed, DCF regulations require applicants pursuing child care center licenses to fulfill environmental requirements, including obtaining :

- Child Care Facility Approval letter (CCFA) (<http://www.nj.gov/dep/dccrequest/ccfa.htm>) issued by DEP
- Certification that the center provides safe drinking water (<http://www.nj.gov/dep/dccrequest/safedrnk.htm>)

2. What exactly is a Child Care Facility Approval (CCFA) letter?

A CCFA letter certifies the child care facility has been evaluated and reviewed, and is deemed to pose no health concern to those at the facility. This can be accomplished by an applicant working with a consultant to submit reports that demonstrate there is no health risk, pursuant to the Technical Requirements for Site Remediation (N.J.A.C. 7:26E). *Please note that the CCFA letter applies only to drinking water and play area evaluations. Indoor air quality is not addressed by DEP's CCFA.*

3. My site does not have a high hazard historical use (Uniform Construction Code Groups F, S, H, or B); do I still have to get a Child Care Facility Approval (CCFA) letter?

Yes. *All* child care centers must receive a CCFA letter, at the time of renewal or issuance of a new license.

4. What is the process I should follow to obtain a Child Care Facility Approval (CCFA) letter?

The first step in the CCFA process is to conduct a Preliminary Assessment (PA) of the building and surrounding property, in accordance with the Technical Requirements for Site Remediation (N.J.A.C. 7:26 E). Here is a quick overview of how the process works:

- If, as a result of the PA, it can be demonstrated that there are no potential areas of concern on the property, then the PA along with supporting drinking water certification, should be submitted to DEP for review and issuance of a CCFA letter.
- If the results of the PA identify area(s) of concern **within the child care facility portion of the property**, then a Site Investigation (SI) of the property must be conducted.
 - If the results of the SI indicate that no areas of concern require remediation, DEP will issue the CCFA.
 - If the results of the SI indicate the need for remediation, a Remedial Investigation and Remedial Action must be conducted on the area of concern. A signed Memorandum of Agreement (<http://www.nj.gov/dep/srp/volclean/>) must be submitted to DEP with the Remedial Investigation report. Upon successful submission of the Memorandum of Agreement, Remedial Investigation Report, and Remedial Action Report, DEP will issue a No Further Action Letter (NFA), not a CCFA. This process could be more time consuming.

5. What is a Preliminary Assessment (PA)?

The PA is the process of identifying the presence of any potentially contaminated areas of concern, pursuant to N.J.A.C. 7:26E-3 Technical Requirements for Site Remediation (Tech Regs). The PA includes an extensive site history, including any known or possible associated hazardous materials and any other relevant information. Please see the Tech Regs (<http://www.nj.gov/dep/srp/regs/techrule/>) for specific information on PAs.

6. What is a Site Investigation (SI)?

If a Preliminary Assessment shows areas of concern which are within the confines of the play ground, a SI should be conducted. The SI reports on various types of environmental data—soil, dust, water etc., and evaluates this data to determine whether or not there are discharged contaminants at the site that could pose a health concern. If such contaminants are present and exceed NJ Guidance Levels and/or applicable standards, additional remediation will be necessary. Please see the Tech Regs for specific information on SIs.

7. Do I need to hire a consultant to obtain a Child Care Facility Approval (CCFA) letter, or conduct an environmental review?

Environmental consultants conduct environmental reviews often and should be very familiar with the process. While hiring a professional is not required, most will find it more efficient and timely to use a consultant. When a Preliminary Assessment (PA) submitted to DEP does not meet the requirements, it will be returned to the sender as deficient. Again, an environmental consultant may save time in submitting an acceptable PA.

8. How do I select an environmental consultant?

The State of New Jersey does not keep a register of environmental consultants. You can find consultants under “Environmental Services” in the Yellow Pages or you may consult with your attorney or local health department for recommendations. Please see *How to Choose an Environmental Consultant Fact Sheet* for additional details. (<http://www.nj.gov/dep/dccrequest/envconsultant.htm>)

9. Can I submit a Phase I Environmental Audit in order to obtain a Child Care Facility Approval (CCFA) letter?

No. A Phase I Environmental Assessment, while similar, is not equivalent to a Preliminary Assessment (PA). The PA must be conducted in accordance with the Technical Requirements for Site Remediation (N.J.A.C. 7:26E).

10. Who pays for a PA and/or SI?

There are multiple aspects to the costs associated with pursuing a Child Care Facility Approval (CCFA) letter from DEP, including the cost to hire a environmental consultant to perform a PA and DEP Oversight fees. Generally, the site owner has responsibility, however, the NJDEP Oversight Rules (N.J.A.C. 7:26C) do not specify who pays the costs associated with the PA or SI. Therefore, this can be negotiated between the parties interested in meeting this requirement. The fee for PA review is \$375 and the SI review fee is \$750. All checks must be made out to: Treasurer, State of New Jersey.

11. Where can I find funding for the new requirements?

Grant applications for the reimbursement of funds used to conduct a Preliminary Assessment can be found at http://www.nj.gov/dep/srp/finance/hdsrf/hdsrf_ccfg.htm

12. Do I have to submit a Preliminary Assessment (PA) every time I submit a license renewal application?

At this time, the DCF rule requires DEP approval with each initial renewal application. However, DEP can consider recent CCFA letters in the review process.

13. How can I check on the status of my reports that were submitted to DEP?

You can see the status of your document reviews at:

http://datamine2.state.nj.us/DEP_OPRA/OpraMain/categories?category=Child%20Care%20Educational%20Facility%20Category

14. Can I have the PA done via the Cleanup Star Program?

No.

15. What happens if the Site Investigation soil samples show exceedances?

If an analysis of soil samples indicates there are exceedances, or levels of a contaminant that exceed the soil cleanup criteria, corrective actions must be implemented. The applicant must conduct a Remedial Investigation and Remedial Action.

16. When should I start pursuing the Child Care Facility (CCFA) letter?

DEP prefers that Preliminary Assessments (PA) be conducted approximately six months prior to the expected opening or renewal date. DEP's approximate reviewing time is averaging approximately 12 weeks, provided the PA is administratively and technically complete. If remediation needs to occur, the timeline will increase depending on the nature of the corrective action that must be taken.

17. Does a PA have to be conducted for a public park?

The Department requires a PA be submitted for the child care facility portion of the property only. If the children use public parks to fulfill the DCF outdoor activity requirements, you do not have to do a PA on the public park. **However, you must check the NJDEP Known Contaminated Sites List and confirm the park is not on the list.**

18. Does an outdoor play area for child care center that is located on a former farm with agricultural use require a site investigation be conducted?

If as a result of the Preliminary Assessment, it has been determined that the Child Care center's outdoor play area is located on a former farm with agricultural use, this would be considered a potential area of concern. A detailed description of the construction of the play area, including fencing locations, should be included to determine if any direct contact exposures exist. The potential of a direct contact threat would require soil sampling as part of a Site Investigation.

19. What about new construction? What are the environmental evaluation requirements when you are planning new construction on a former contaminated site?

As referenced in P.L. 2007, c. 1, (also known as the Madden Law) prior to receiving a construction permit from the municipality, educational centers and child care facilities are required to conduct a

review of environmental conditions. If the location of the site was previously a Uniform Construction Code Group F (factory/industrial), S (storage), H (high hazard), B (nail salon/ dry cleaner), or M (gas station), a contaminated site, subject to Industrial Site Recovery Act (ISRA), or suspected of being contaminated, there must be either a Remedial Action Work Plan approved by DEP or a No Further Action Letter (NFA) issued by DEP before a construction official can issue the construction permit. If an approved Remedial Action Work Plan, rather than an NFA, is used for obtaining a construction permit, then an NFA must be obtained before a Certificate of Occupancy (CO) can be issued.

20. Where do I send documents for review?

State of New Jersey
Department of Environmental Protection
Child Care/Educational Facility Unit
P.O. Box 028
401 East State Street
Trenton, NJ 08625

21. How can I obtain certification that shows my child care center provides safe drinking water?

There are two ways to certify safe drinking water:

- If your Child Care Facility is connected to a community water system, you need to document the name of the community water system, the unique Public Water System Identification Number, and either a copy of a recent water bill indicating service to the Child Care Center's address, or a letter from the public community water system certifying service to the address.
- If the Child Care Facility obtains drinking water from a source other than a Public Water System, you must to follow the DEP's Bureau of Safe Drinking Water (BSDW) sampling requirements.

Please submit drinking water sampling results for review to the:

NJDEP Bureau of Safe Drinking Water
PO Box 426
Trenton NJ 08625-0426

Once all sampling requirements are satisfied, the BSDW will issue a potable water certification letter.

Please see *How to Certify Safe Drinking Water is Being Provided* (<http://www.nj.gov/dep/dccrequest/safedrnk.htm>) for a full list of Sampling Parameters and Procedures.

22. How can I identify the public water system that serves my child care center?

To determine what the name of the public water system serving a residence or child care vicinity is, please visit: <http://www.state.nj.us/dep/swap/creport.htm>. Use the drop down menus at the bottom of this web page to search by, county, municipality, and/or Public Water Identification Number (PWID).

23. Does DEP's Child Care/Educational Facility Unit need my safe drinking water certification?

Yes. The potable water certification issued by the DEP's Bureau of Safe Drinking Water should be submitted with the Preliminary Assessment (PA) as part of the environmental review package.

24. Do I have to conduct a 400-foot radius search for contaminated sites?

No. DEP no longer requires a radius search to satisfy the environmental requirements.

25. What is a Letter of Prior Uses? How do I find out the past uses of my building?

The Letter of Prior Uses identifies historic uses of the property. It often may be provided by the construction code official of the municipality in which the property is located. A listing of municipal construction code officials can be found on the Department of Community Affairs web site at: <http://www.nj.gov/dca/codes/misc/muniroster.htm>. Any questions about the Uniform Construction Code should be directed to the Department of Community Affairs, Code Assistance Unit at (609) 984-7609. *The letter of prior uses does not fulfill the Preliminary Assessment or Child Care Facility Approval (CCFA) letter requirement.*

26. Do I need to send a copy of the construction code official's Letter of Prior uses to DEP?

No.

27. What are the requirements if I am located near a dry cleaner or nail salon?

DCF requires the operator of a child care center located in the same building or structure as a dry cleaner or nail salon to provide indoor air sampling results to demonstrate no impact on air quality at the child care center. Follow the Department of Health and Senior Services guidance for all indoor environmental activity. The DHSS Indoor Environments Program can be reached at 609-631-6749. DHSS Guidance can be found on the DHSS web site at <http://www.state.nj.us/health/iep>.

28. What indoor air requirements do I have to meet?

Contact the Department of Health and Senior Services, Indoor Environments Program, to determine what steps, if any, are necessary to address the risks posed by the prior historical use. The DHSS, Indoor Environments Program can be reached at 609-631-6749. DHSS Guidance can be found on the DHSS web site at <http://www.state.nj.us/health/iep>.

New Jersey Department of Environmental Protection
Site Remediation Program
Office of Community Relations (609) 984-3081

