



New Jersey Department of Environmental Protection Site Remediation Program

INSTRUCTIONS FOR THE RESPONSE ACTION OUTCOME FORM

General Instructions

- 1. Applicability.** The purpose of this form is for a licensed site remediation professional (LSRP) to memorialize the completion of remediation by issuing a response action outcome (RAO) to the person responsible for conducting the remediation. The RAO renders the LSRP's opinion that the site has been remediated in accordance with all applicable statutes, regulations and guidance. This form is submitted to the Department simultaneously with the RAO when the LSRP issues the RAO to the person(s) conducting the remediation. This form allows for a self-evaluation compliance check by the LSRP helping to insure that the RAO accurately reflects the scope and extent of the remediation and appropriate notices. This form must be used in combination with the "Guidance for the Issuance of Response Action Outcomes" available at http://www.nj.gov/dep/srp/guidance/srra/rao_guidance.pdf The Word version of the RAO document is available at http://www.nj.gov/dep/srp/guidance/srra/rao_shell_document.doc
- 2. Updates.** This form, and the RAO shell document and Guidance may be updated periodically. Please use the current versions. Download the current version of this form from the Department's Website: <http://www.nj.gov/dep/srp/srra/forms> or the RAO shell and Guidance from the above links.
- 3. Signatures.** This form must be signed by the person responsible for conducting the remediation and must be signed by the LSRP.
- 4.** The RAO form must be submitted with the appropriate LSRP certified document that supports the RAO (RIR, RAW, RAR, PA/SI), unless previously submitted and approved by the Department, these documents are required and must be submitted with the RAO.
- 5.** Completed forms should be sent to:

Bureau of Case Assignment & Initial Notice
Site Remediation Program
NJ Department of Environmental Protection
401-05H
PO Box 420
Trenton, NJ 08625-0420
- 6.** All Key documents (PA/SI, RIR, RAW, RAR, RAO) must be submitted with a complete Receptor Evaluation Form and Case Inventory Document. All Case Inventory Documents must identify all active and inactive Areas of Concern (AOCs).

Section A. Site Name and Location

- **Site Name:** provide the name of the site (i.e., ABC Corporation);
- **List all AKAs:** Provide all other known names for the site;
- **Street Address:** Provide the street address for the site NOTE: This should be the physical location of the site – not be the mailing address;
- **Municipality:** Provide the name of the municipality and indicate if it is a township, a borough, or a city. NOTE: This should be the name of the municipality and not the local name;
- **County:** Provide the name of the county where the site is located;
- **Zip code:** self explanatory
- **Program Interest (PI) Numbers:** The PI Number is assigned by the Department and can be obtained via the web at <http://www.nj.gov/dep/srp/> (DEP DATA MINER REPORTS). If this is a new site with no previous SRP involvement, leave blank.
- **Case Tracking Numbers:** Provide all NJDEP generated site identification numbers (Hotline incident numbers, UST Notice of Intent to Close numbers, ISRA numbers, etc.);
- **Date Remediation Initiated:** Provide the Date Remediation Initiated: A person initiates remediation when:
 - 1) The date a person discovers or becomes liable in any way for a discharge;
 - 2) The date the owner or operator of a regulated tank system:

- i) Determines there has been a known or suspected discharge from the regulated tank system, pursuant to N.J.A.C. 7:14B; or
 - ii) Closes a regulated tank system pursuant to N.J.A.C. 7:14B-8.1(a)6, 9.1(d) and N.J.A.C. 7:14B-9.2I;
 - 3) The date the owner or operator of an ISRA industrial establishment files their General Information Notice (GIN) with the NJDEP provided that the GIN is filed pursuant to the timeframes set forth in ISRA;
 - 4) The person submits a document to the NJDEP concerning a site for which the NJDEP has rescinded a no further action letter or has invalidated a response action outcome, prior to the submission of the document; or
 - 5) When additional remediation or other activities would result in the need to file a new deed notice or replace a declaration of environmental restrictions, associated with the real property.
- **State Plane Coordinates:** The (X,Y) coordinates are computed by projecting latitudes and longitudes from a mathematical approximation of the earth (i.e., NAD 83) onto a surface that can be laid out flat. Additional information can be found at <http://www.state.nj.us/dep/njgs/geodata/dgs03-1usrgd.htm?Return3=Top>.
 - **Municipal Block(s) and lot(s):** Provide all lot and block numbers for the site.

Section B. Submittal Status

This section is to assist the NJDEP in understanding the status of submittals and permit applications. Check the boxes to indicate the status of all submissions and provide the appropriate dates.

Section C. Site Use

Check the boxes for all the current uses that apply to the site; and check all the boxes for all the future uses that apply to the site.

Section D. Public Funds

Indicate if the site utilized public funds. If "Yes," check the applicable fund(s) used.

Section E. Scope of the Response Action Outcome

1. Specify, via one check box, whether the RAO is for:
 - a) specific Areas(s) of Concern (AOC);
 - b) for the Entire Site or ISRA Subject Industrial Establishment based on a completed entire site Preliminary Assessment (PA) at a minimum;
 - c) for ISRA Subject Industrial Establishments (leasehold portion only); or
 - d) for the Entire Site – Child Care Center for initial licensing following completion of a PA, at a minimum, and Safe Drinking Water Provided Certification or for license renewal following Site Condition Certification by the facility owner.
2. Identify the total number of contaminated AOCs for your case (individually – do not combine). This number refers to the entire case not just contaminated AOCs addressed in this submittal.
3. Indicate the total number of contaminated AOC(s) addressed in this submittal.

Note: The RAO must correctly designate the "Scope of the Remediation" as Area of Concern, Entire Site or Industrial Establishment as defined by N.J.A.C. 7:26B. With the exception of "soil-only" RAOs all contamination from the site or area(s) of concern must be remediated before the RAO is issued. The reports upon which the RAO is based must include the Case Inventory Worksheet available at http://www.nj.gov/dep/srp/guidance/srra/cid_worksheets.xls prepared per the "Case Inventory Document" available at http://www.nj.gov/dep/srp/guidance/srra/cid_guidance.pdf

Scope of RAO and ISRA Lease Properties

1. If there is a single building or multiple buildings on site and an ISRA subject tenant leases the entire building(s), then without regard to fault, the property owner and tenant are responsible to conduct a fully historic investigation and remediation of the entire site. The resulting RAO should reference the scope as entire site.
2. If there are multiple buildings on site and an ISRA subject tenant leases one entire building but has no access to the other buildings, then without regard to fault, the property owner and tenant are responsible to conduct a fully historic investigation and remediation of all current or historic areas of concern associated with the building and any exterior leased space under the control of the tenant. The resulting RAO should reference the scope as leasehold only.
3. If an ISRA subject tenant leases part of a multi tenant building the scope of the investigation is limited to the tenant's leased space and any external areas current or historic used to convey hazardous materials to and from

the leased space. The only exception to the investigation is for areas of concern the tenant had no access to during their entire tenure on site. For instance, if floor drains were sealed before the tenant began his lease of the site the floor drain discharge point is not required to be investigated. The resulting RAO should reference the scope as leasehold only and must include the ISRA Multi Tenant insert that specifically identifies the floor drain discharge point was not part of the RAO. It is important to understand, access to the area(s) of concern must have been removed before the tenant began operations to exclude the area from the ISRA investigation. Without regard to use or fault, if an area of concern existed during an ISRA subjects tenant's operations it must be investigated.

Section F. Fees

If the RAO is for a child care center check the 1st box and include a check payable to the "Treasurer State of New Jersey" in the amount of \$225.00. Include your Program Interest and case number on the check.

If this RAO is for any other site/facility all fees must be paid prior to the filing of an RAO pursuant to N.J.A.C. 7:26C-6.2(a)3.

Section G. Extent of Remediation

Specify, via one check box, whether the RAO is for an unrestricted use, limited restricted use or restricted use remediation. Refer to "Guidance for Issuance of Response Action Outcomes" for detailed descriptions of unrestricted RAO, limited restricted RAO and restricted RAO. For limited restricted use and restricted use remediations, all applicable remedial action permits must be obtained before the RAO is issued.

Note: The RAO must correctly designate the "Remedial Action Type" by using one of the three entries noted above. For Limited Restricted and Restricted Use RAOs, all Remedial Action Permits must be obtained before the RAO is issued, Permit numbers and effective dates must be included in the "Conditions" section of the RAO document.

Section H. Response Action Outcome Preparation Checks

1. Self explanatory
2. The RAO Shell language may not be modified unless explicitly noted in the document.
3. Be sure to check the "cc" list to insure the appropriate individuals and agencies are copied when applicable.
4. Upon issuance of the RAO to the person(s) conducting the remediation, a copy of the RAO must be simultaneously filed with the Department along with three electronic copies of remediation related records.
5. The RAO may not be issued if fees or oversight costs are outstanding.
6. If the Department required any deficiencies from prior submittals to be corrected as part of inspection and review findings, these must be completed before the RAO is issued.
7. Refer to SRRA Section 47g(1) for detailed information concerning rendering the property unusable.

Section I. Applicable Remediation Standards/Screening Levels.

On June 2, 2008, the NJDEP adopted new Soil Remediation Standards (N.J.A.C. 7:26D). The ground water and surface water remediation standards were previously effective at N.J.A.C. 7:26E-1.13. The Remediation Standards rules and Basis and Background documents are available at <http://www.nj.gov/dep/srp/guidance/rs/>.

1. The default box should be checked if utilizing the NJDEP derived default remediation standards/criteria/screening levels. The default direct contact health based criteria and soil remediation standards can be found at http://www.nj.gov/dep/srp/regs/rs/rs_appendix1.pdf. The default Impact to Ground Water Soil Screening Levels can be found in Table 1 of the Development of Site Specific Impact to Ground Water Soil Remediation Standards Using the Soil- Water Partition Equation Guidance Document found at http://www.state.nj.us/dep/srp/guidance/rs/partition_equation.pdf. The Ecological Screening Levels can be found at <http://www.state.nj.us/dep/srp/guidance/ecoscreening/>.

The default box should also be checked if the Soil Cleanup Criteria (SCC), that were in effect prior to June 2, 2008, are being applied to the site. See <http://www.state.nj.us/dep/srp/guidance/rs/phasein.htm> for guidance on which sites may continue to utilize the SCC, which were in effect prior to June 2, 2008.

2. Indicate if compliance averaging was used to determine compliance with Inhalation pathway. Guidance can be found at <http://www.state.nj.us/dep/srp/guidance/rs/>.
3. Indicate if the compliance option was utilized for the Impact to Ground Water pathway and identify via the check boxes which compliance option was used. Guidance can be at <http://www.state.nj.us/dep/srp/guidance/rs/>.

4. Indicate if any Alternative Remediation Standards for the Ingestion/Dermal have been utilized in the remedial action of the site. Guidance can be found at <http://www.state.nj.us/dep/srp/guidance/rs/>.
5. Indicate if any Alternative Remediation Standards for the Inhalation Pathway have been utilized in the remedial action of the site. Guidance can be found at <http://www.state.nj.us/dep/srp/guidance/rs/>.
6. Indicate if a site specific standard for the Impact to Ground Water pathway was utilized. Identify all methods that were used to develop the site specific standard. Guidance on the site specific impact to ground water soil remediation standards can be found at http://www.state.nj.us/dep/srp/guidance/rs/igw_intro.htm.
7. Indicate if site specific ecological risk based remediation goals were developed. This is generally done on a site by site basis with direction from the NJDEP.
8. Specify the ground water classification at the site pursuant to N.J.A.C. 7:9C.

Section I. Media Impacted/Remediated

1. Self explanatory.
2. Specify whether the ground water data reached the minimum ground water remediation standards that apply to the site. Information about the Ground Water Quality Standards can be found at <http://www.state.nj.us/dep/srp/guidance/rs/>.
3. Self explanatory.
4. Specify if wetlands were mitigated and if the Office of Natural Resource Restoration has been involved.
5. Self explanatory.
6. Self explanatory.
7. Self explanatory.

Section J. Alternative Standards / Variances

1. If an Alternative Remediation Standard (ARS) or Alternative Vapor Intrusion Screening Level is being proposed, check the box and attach the Alternative Soil Remediation Standard and/or Screening Level Application Form. The Alternative Soil Remediation Standard and/or Screening Level Application Form can be found at <http://www.nj.gov/dep/srp/srra/forms/>. The ARS requirements can be found at <http://www.nj.gov/dep/srp/regs/rs/> (Subchapter 7 of the Remediation Standards Rule).
2. Refer to NJDEP Vapor Intrusion Guidance for proposing alternate screening levels. The guidance can be found at: <http://www.nj.gov/dep/srp/guidance/vaporintrusion/vig.htm>
3. If a variance from N.J.A.C. 7:26E was initiated at any point in the investigation/remediation, reference the applicable pages in the report that justify the technical basis for the variance and reference any other documentation that was relied upon for technical support.

Section K. Response Action Outcome Notices

Check all the applicable notices that were used in the issued RAO. Refer to "Guidance for Issuance of Response Action Outcomes" for detailed descriptions of RAO notices. Please note that for every Child Care Center RAO and for RAOs involving any case where contamination remains onsite that was not remediated, applicable notices are required. Notices in the RAO are used to properly advise interested parties about limitations of the RAO and other site conditions

Section L. Remediation Funding Source

A Remediation Funding Source (RFS) is required to be established and maintained pursuant to the Administrative Requirements for the Remediation of Contaminated Sites (see N.J.A.C. 7:26C-5.2). Once a RAO is issued for the entire site, the RFS can be returned pursuant to N.J.A.C. 7:26C-5.11(f). If a RAO is issued for an Area of Concern only, the person responsible for conducting the remediation may be able to decrease the established RFS pursuant to N.J.A.C. 7:26C-5.11(a), (b) and (d). This section is intended to identify if a RFS has been established, and if so, whether the RAO is for the entire site and serves as notice to the Department to release the RFS or if the RAO is for an Area of Concern only and serves as notice to the Department to decrease the RFS posted for this site. If a return or decrease of the RFS is requested, this request must include the Remediation Cost Review form available at <http://nj.gov/dep/srp/srra/forms/>

Section M. Person Responsible for Conducting the Remediation Information and Certification

The certification in this section shall be signed and dated by the person responsible for conducting the remediation. The certification in this section shall **not** be signed by the licensed site remediation professional or law firm hired to assist the owner or operator with their compliance obligations. The certification required in this section shall be executed as follows:

1. For a corporation or limited liability company, by a principal executive officer of at least the level of vice president; or
 2. For a partnership or sole proprietorship, by a general partner or the proprietor, respectively; or
 3. For a municipality, state, Federal or other public agency, by either a principal executive officer or ranking elected official; or
 4. By a duly authorized representative of the corporation, partnership, sole proprietorship, municipality, state or Federal or other public agency, as applicable. A person is deemed to be a duly authorized representative if the person is authorized in writing by an individual described in 1, 2 or 3 above and the authorization meets the following criteria:
 - i. The authorization specifies either an individual or a position having responsibility for the overall operation of the industrial establishment or activity, such as the position of plant manager, or a superintendent or person of equivalent responsibility (a duly authorized representative may thus be either a named individual or any individual occupying a named position);
 - ii. The written authorization is submitted to the Department along with the certification; and
 - iii. If an authorization is no longer accurate because a different individual or position has responsibility for the overall operation of the industrial establishment or activity, a new authorization satisfying the requirements of this section shall be submitted to the Department prior to or together with any reports, information, or applications to be signed by an authorized representative.
- Provide the full legal name of the person responsible for conducting the remediation;
 - Provide the full name of the representative of the person responsible for conducting the remediation, pursuant to N.J.A.C. 7:26C-1. Enter "Same" if the representative is the same person as the person responsible for conducting the remediation;
 - Provide the title of the representative of the person responsible for conducting the remediation;
 - Provide the telephone number, extension number, and fax number of the representative of the person responsible for conducting the remediation;
 - Provide the mailing address, including the city/town, state, and zip code of the representative of the person responsible for conducting the remediation;
 - Provide the email address of the representative of the person responsible for conducting the remediation;
 - The representative for the person responsible for conducting the remediation shall provide:
 - ❖ His/her signature where indicated;
 - ❖ His/her name and title (i.e., President, CEO); and
 - ❖ The date when the signing occurred.
 - The person responsible for conducting the remediation should note by placing an X in the box if there have been no changes since the last submittal.

Section N. Licensed Site Remediation Professional Information and Statement

- LSRP ID Number: Provide the Licensed Site Remediation Professional ID Number.
- Provide the name, phone number, email and mailing address (city/town, state, zip code) of the Licensed Site Remediation Professional.
- The Licensed Site Remediation Professional should indicate the level of oversight he/she provided by placing an "X" in appropriate box(es).
- The certification in this section shall be signed and dated by the Licensed Site Remediation Professional.
- The Licensed Site Remediation Professional should indicate by placing an "X" in the box if there have been no changes since the last submittal.