

**New Jersey Department of Environmental Protection Policy Statement:
Interpretation of Completing a Remedial Investigation at a Contaminated Site**

I. Purpose of document

This document is intended to set forth the Department's policy regarding the interpretation of completing a remedial investigation at a contaminated site subject to regulatory and mandatory time frames pursuant to the Technical Requirements for Site Remediation (Technical Requirements, N.J.A.C. 7:26E) and the Administrative Requirements for the Remediation of Contaminated Sites (ARRCS, N.J.A.C. 7:26C).

This document addresses:

- What "completing a remedial investigation" means
- What "nature and extent of the contamination" means
- The need to attain remediation standards prior to issuance of a Response Action Outcome

II. What "completing a remedial investigation" means

For the purposes of defining "completing a remedial investigation" for this policy statement, the Department is using the statutory definition of "remedial investigation" found in the Site Remediation Reform Act (SRRA, N.J.S.A 58:10C):

"Remedial investigation" means a process to determine (1) the nature and extent of a discharge of a contaminant at a site or a discharge of a contaminant that has migrated or is migrating from the site, (2) the problems presented by a discharge, and may include data collected, site characterization, sampling, monitoring, and (3) the gathering of any other sufficient and relevant information necessary to determine the necessity for remedial action and to support the evaluation of remedial actions if necessary." (NOTE: numbers in parentheses do not appear in the statutory definitions; they are added to help interpret the following)

In order for the Department to consider the remedial investigation complete, the following must be determined:

- (1) The nature and extent of a discharge of a contaminant both on and off site;
- (2) The impacts and potential impacts to receptors presented by the discharge; and
- (3) The need for a remedial action, and, if one is necessary, collection of information to support the evaluation of possible remedial actions.

Completion of the remedial investigation is demonstrated by the submission of the following:

- (1) A remedial investigation report pursuant to the Technical Requirements (N.J.A.C. 7:26E- 4.9) (Note: this covers the nature and extent of the discharge of a contaminant);
- (2) An updated receptor evaluation as part of the remedial investigation report (N.J.A.C. 7:26E-4.9(a)2) (Note: this covers the problems presented by the discharge); and
- (3) A determination of whether a remedial action is required for the site/contaminated area(s) of concern pursuant to the Technical Requirements (N.J.A.C. 7:26E-4.9(a)6ii(2)) (Note: this covers determining the necessity for remedial action and to support the evaluation of remedial actions if necessary).

From a performance-based perspective, a remedial investigation can be considered complete when the LSRP in his or her professional judgment can conclude (1) there is sufficient information to know the nature and extent of a discharge of a contaminant both on and off site (2) there is sufficient information to know which, if any, receptors have been or may be impacted by the discharge being remediated, and (3) additional delineation is not necessary in order to select appropriate remedial action(s) to protect public health and the environment.

For situations where the LSRP is able to complete the remedial investigation simultaneously with the remedial action (such as cut and scrape remediations or underground storage tank removals with excavation and post-excavation samples that demonstrate attainment of remediation standards), it is acceptable to submit a single report, provided that the information is submitted to the Department within the regulatory and mandatory timeframes established for completing the remedial investigation.

III. What “nature and extent of a discharge of a contaminant” means

The Department interprets “the nature and extent of a discharge of a contaminant” to mean: delineation to the applicable remediation standards at the time the remedial investigation report is submitted. “Delineation” is not defined in the Technical Requirements or any applicable statute. For the purposes of N.J.A.C. 7:26E-4.1(a)1 (horizontal and vertical extent of contamination) and N.J.A.C. 7:26E-4.1(a)2 (aquatic surface water quality standard and ecological screening criterion), the Department strongly emphasizes that delineation does not mean that “clean zone” samples indicating contaminant concentrations are at or below the applicable standards are required for all environmental media to complete the remedial investigation.

The licensed site remediation professional (LSRP) should use applicable regulations, guidance, and professional judgment to determine when sufficient data exist to demonstrate “the nature and extent of a discharge of a contaminant.” The LSRP is allowed to employ multiple lines of evidence, including, but not limited to, analytical data indicating that contaminant concentrations are at or below the applicable remediation standards; extrapolation or modeling based on existing data; application of conceptual site models; or other means for determining the extent of the contamination. The remedial investigation report should include information documenting how the LSRP determined the nature and extent of the contamination.

IV. Attainment of remediation standards / Issuance of Response Action Outcome

Even though the remedial investigation does not need to include delineation to the “clean zone,” such sampling is required to demonstrate attainment of the applicable remediation standards at the conclusion of the remedial action and prior to the issuance of the Response Action Outcome (RAO).