

# NJDEP Technical Guidance Document: Response to Comments

**Document:** *"Historically Applied Pesticide Site Technical Guidance"*

*Comment Period start: Wednesday July 16, 2014  
Comment Period End: Wednesday August 27, 2014*

**DEP Committee Co-Chairpersons: Chris Dwyer and Lynne Mitchell**

Comment	Page	Section	Subsection	COMMENTS	RESPONSE
1		4		If HAP is a <u>contaminated</u> area of concern, the NJDEP Hotline should be called and an incident number obtained. The PI number would be assigned via a letter to the Responsible Entity as is usually done.	The section on how to obtain a PI number has been removed from the guidance document. If sample results are above RDCSRS a call must be placed to the DEP Hotline.
2		5		Rename Section "Preliminary Assessment and Site Investigation". Change "SI" to "PA" in first paragraph. In an Appendix, include a portion of a historic aerial photograph showing an example of 1) agricultural areas, 2) non-agricultural areas, 3) areas where investigator should use professional judgment.	The guidance document has been revised and maps have been added.
3		5	1c	For play area sampling frequency at child care centers or educational facilities, see the Child Care Center Guidance Document (currently in DRAFT)	All HAP areas should be sampled in accordance with this guidance document. There is no conflict with this guidance document and the Child Care Center Guidance Document.
4			2	If performing a HAP investigation for child care center licensing compliance, an Ecological Evaluation is not required if sampling only in the proposed play area.	All HAP areas should be sampled in accordance with this guidance document. There is no conflict with this guidance document and the Child Care Center Guidance Document.
5				While we acknowledge that the presence of Historically Applied Pesticides (HAPs) may present a potential threat to human and/or ecological receptors, this guidance document fails to address the issue which is fundamental to investigation and remediation of HAPs; specifically, whether the NJDEP has statutory authority to require their investigation and remediation. Based upon a reading of Section 58:10-23.11a of the Spill Compensation and Control Act (the Act), it is apparent that pesticides applied for their intended purpose were not "discharged" and are therefore not subject to the Act. This Guidance appears to tacitly admit this fact by consistently differentiating between, and applying different standards to, HAPs and pesticides which were discharged. It is our opinion that that the NJDEP does not have the statutory authority to mandate the investigation or remediation of HAPs, so long as their presence resulted from their use according to their intended purpose. Therefore, while a property owner may wish to voluntarily mitigate the exposure risks presented by HAPs, the regulatory requirements of the Technical Requirements for Site Remediation (Technical Rules) and other NJDEP regulations do not apply, neither a RAP nor a RAO is required and this Guidance is simply a technical aid to assist property owners who wish to voluntarily address HAPs on their property. This distinction should be stated early in this document. It is understood that the NJDEP specifically wishes to avoid establishing policy through issuance of guidance documents. However, addressing this issue should not be confused with establishing policy. Without statutory authority, there is no policy to establish, and no regulations to enforce. The following comments are based upon the NJDEP's apparent lack of statutory authority to require or regulate the investigation and remediation of HAPs	The Department disagrees with this statement. The Department has the statutory authority to address HAP contamination and this guidance document addresses how to accomplish this.
6		2.0		The first paragraph uses the language "If a Response Action Outcome (RAO) is to be issued by an LSRP, this guidance....". This language could be construed to mean that HAP must be addressed when any RAO is being issued, even if it is unrelated to the HAP (i.e. AOC specific). Recommend the sentence be amended to clarify that an unrelated AOC specific RAO does not need to address HAP.	The guidance document has been revised to address your concern.
7		2.0		While lenders may require the closure of a RAO from property owners who are addressing HAPs during property development, the NJDEP does not have the statutory authority to require a RAO. Indeed, "if a RAO is to be issued by the LSRP" (first paragraph) implies that RAO issuance is voluntary. The NJDEP should confirm this and clarify whether a LSRP may voluntarily issue a RAO when one is not required by regulation, as is implied in the first paragraph.	The Department has the statutory authority to address HAP contamination and this guidance document addresses how to accomplish this. The issuance of a RAO for HAP contamination is not voluntary. The guidance document has been revised to address the commenter's concern.
8		3.0		"if a RAO is to be issued" (last paragraph) implies that RAO issuance is voluntary. The NJDEP could confirm this and clarify whether a LSRP may voluntarily issue a RAO when one is not required by regulation.	When HAP contamination is found the issuance of a RAO is not voluntary.
9		4.0		Wording is confusing in the sentence that reads "The letter should be submitted when a remedial phase report is anticipated to be submitted to the NJDEP within a month.". Does this mean that the letter should be submitted within a month of the anticipated submittal date of a remedial phase report?	The guidance document has been revised and this section was removed from the guidance document.
10		4.0		The last two bullets under Case Processing should be merged, and "remedial action report (" should be added before "RAR)".	The guidance document has been revised to address your concerns.

11		5	5.16	It is unclear if sampling should be conducted from the 0-6" interval from grade, or from the 0-6" interval of "topsoil" that was part of the cultivated zone. For example, if imported fill was brought into the site for grading purposes subsequent to the property's agricultural use, shouldn't SI sampling depth be adjusted?	The guidance document, in Section 4.1.b has been revised to address your concerns.
12		5.0	5.4	Last sentence in the section indicates that if SI sampling attains the RDCSRS, no further evaluation of HAP is needed. What if the IGW soil screening level is exceeded?	This guidance document recommends that soil samples in the SI phase should only be compared to the RDCSRS. If there is an exceedance the guidance document details further evaluation in the RI phase. Since IGWSSL are used to determine how much of the contaminant would leach through the soil column in a given period of time, and since these discharges are historic in nature, comparing the soil samples to IGWSSL is not appropriate.
13		5.0	5.4	"As indicated in the attainment guidance, excessive data from uncontaminated areas should not be included when compliance averaging." How would the presence of naturally occurring arsenic affect compliance averaging for arsenic in HAP areas? The naturally occurring arsenic would not be a "contaminated" area. However, the background concentrations could negatively affect compliance averaging.	Naturally occurring arsenic would affect the site specific cleanup standard, which would become the new value that you should be using for attainment.
14		6.0	6.3	3rd paragraph. Why would more topsoil be equivalent to more "clean" soil for blending? Is there a need to separate topsoil sampling from the soil immediately beneath it? Does the "cultivated zone" need to be defined separately from the topsoil? This paragraph seems to assume that all topsoil is impacted. The calculation should not be based upon the thickness of the topsoil layer, but by the depth of the impact above the cleanup standard.	The guidance document has been revised to address your concerns and to clarify that more impacted soil would require more non-impacted soil to be blended.
15		6.0	6.3.1	Scenarios - are these running averages for a single point on the site? The most contaminated location? Is it recommended to perform the running averages across all areas with exceedances?	The running averages are used to illustrate how deep you would need to blend the soil to achieve compliance. This should be done throughout the site to determine the most appropriate blending depth.
16		7.0	2(b)	This subsection states that a groundwater investigation is warranted if the HAP above the RDCSRS are not on the immobile chemicals list and the buffer zone between the bottom of the zone where HAP exceed RDCSRS and the water table is less than two feet thick. First, shouldn't the HAP concentrations be compared to the IGWSSLs? Second, this appears to preclude the use of the SPLP test to establish a site-specific IGWSSL for the HAPS. Since most HAP constituents are, in fact, immobile, the SPLP test would appear to be an effective and relatively inexpensive option to determine potential threat to groundwater.	This guidance recommends only comparing the HAP to the IGWSSLs only when the HAP is in contact with the water table. All other instances the HAP should be compared to the RDCSRS. SPLP is not needed because we are not remediating to the IGWSSL, instead remediation to the RDCSRS is required.
17		7.0	3(b)	This subsection states that "ground water samples should be analyzed for those site-specific HAP that exceed RDCSRS as identified in the soil SI/RI." Shouldn't the HAP concentrations be compared to the IGWSSLs?	Since IGWSSL are used to determine how much of the contaminant would leach through the soil column in a given period of time, and since these discharges are historic in nature, comparing the soil samples to IGWSSL is not appropriate.
18		8	8.1	"The NJDEP notes that municipal approval and an acknowledgement by the owner of the receiving property may be required." Should this apply? Isn't relocation of exceedances only for on-site soil, so there should not be a receiving site?	The guidance document has been revised to address this issue by moving the language in question to the paragraph that dealt with excavated soil to be reused off site. There could be a receiving site that is able to receive this soil (like on like).
19		8	8.2	States that "in general, HAP above the RDCSRS should not be placed in close proximity to the water table during consolidation" Shouldn't the HAP concentrations be compared to the IGWSSLs? This precludes the use of the SPLP test to establish a site-specific IGWSSL.	For HAP contaminated material, this guidance recommends comparing sample results to RDCSRS. You can choose to compare to IGWSSL and use SPLP if you wish.
20		8	8.3	Recommend deletion of the phrase "Based on experience" from the opening sentence of the fourth paragraph. Also recommend deletion of the word "excessive" in the second sentence of the same paragraph.	The guidance document has been revised to address your concerns.
21		8	8.3	The last bullet states "blending should not be used when the seasonal high water table is within the blending zone". It's not clear if the intent of this bullet is that blending should not take place at all within the range of GW depth variation, or only during the period of time when ground water intersects the blending zone. If it's the former, please explain why.	Blending should not occur when the soil is wet because wet soil does not blend well. In addition, blending should not be used when seasonal high water table is within the blending zone, because it will make the contaminants more mobile and could contaminate the ground water.
22		8.7		"If HAP-related ground water contamination is found, then it is necessary to establish a CEA." If the NJDEP does not have the statutory authority to regulated HAPs, it does not have the statutory authority to require a CEA. Will these CEAs be managed similarly to Historic Fill CEAs?	The Department has the authority to address HAP contamination and to require a CEA. This guidance document addresses how to accomplish this.
23				A list of Historically Applied Pesticides and their breakdown products with applicable remediation standards need to be included.	The list of HAP was listed in the 1999 Guidance and is in the Appendix of this Guidance. The pesticides included in the analysis list are the pesticides and the breakdown products for which the investigator should be concerned.
24				The last sentence needs to be further discussed and referenced. Radon is also naturally occurring contaminant but it is monitored and remediated.	SRP does not have the authority to remediate naturally occurring contaminants.
25				There is no mention or clarification provided regarding Green Acres Potential Historic Pesticide Contamination Certification. This should also be discussed in the Guidance Doc.	This guidance document addresses remedial options for HAP impacted soil. The Green Acres Program has reviewed this document and does not find any conflicts with their program.
26				This section describes attainment relative to a remedial action (blending) and should be moved to Section 8.3.	This section is in the RI section because additional delineation samples may be needed as a result of the RI samples. During the RI phase a determination is made as to whether or not blending is feasible.

27				The discussion under Scenario B should be modified to replace the words "we recommend blending to the next depth interval to ensure compliance" to "the investigator may wish to assess whether a greater blending depth is warranted to compensate for variabilities in HAP concentrations". This change places the final decision with the LSRP, which is more consistent with the Site Remediation Reform Act.	The guidance document has been revised to address your concerns.
28				The example in Scenario C shows that the arsenic concentration is below the applicable remediation standards at 54" (the result is 9 ppm vs. a 19 ppm standard). (In fact, three successive samples contain arsenic below the 19 ppm standard.) The running average in this table is intended to demonstrate how the results would apply to a blending remedy. At 54", the running average of 19.1 meets the NJDEP Soil Remediation Standard (19 ppm) through rounding. Rounding is accepted by the Department for remedial action attainment purposes. Accordingly, the 60" value should be removed from the table and the descriptive text should be modified to explain this rounding convention.	The guidance document has been revised to address your concerns to not include rounding.
29				Ecological evaluations are routinely performed to determine if a discharge of a pollutant in a commercial or industrial setting has impacted a sensitive ecological receptor. It is unclear why the Department is requiring an ecological evaluation for HAP sites since HAP contamination results from pesticides historically applied pursuant to state or local guidelines. Furthermore, evaluating the ecological exposure pathway at HAP sites is often complicated by the presence of naturally occurring arsenic or off-site contributors (e.g., adjacent farms), and rarely results in the need to perform active remediation of an ecological receptor. The commenter recommends that the requirement to perform an ecological evaluation at HAP sites be removed.	The ecological evaluation is necessary to determine if there has been an impact to the sensitive receptor and will remain in this guidance document.
30				Is this letter requesting a PI number intended to replace/avoid contacting hotline for spill case number when exceedances of SRS are indicated during initial SI?	The section on how to obtain a PI number has been removed from the guidance document. If sample results are above RDCSRS a call must be placed to the DEP Hotline.
31				Should the initial SI include sampling of sediment at adjoining draining features, creeks, etc.	Yes, this is discussed in section 4.1a of the revised guidance document; PA/SI Site Investigation sampling locations
32				What acreage would be "very large HAP" area?	Over 100 acres is considered to be very large HAP area for use in this guidance document.
33	12	6	6.3.1	Please provide detailed guidance for reduced frequencies i.e. 200 acres, 400 acres, 30% reduction?	Detailed guidance will not be provided. Professional judgment should be utilized based upon an evaluation of site history and the size of the site.
34	12	6	6.3.1	The EE is conducted only in response to confirmed HAP contamination based on sampling results?	If ecological sensitive areas are present on the site they must be evaluated and compared to the appropriate ecological screening criteria.
35	13	6	6.3.1	When is a remedial phase report due? Since the hotline is not required to be called, it appears there are timeframes? What makes someone write this letter or prepare a Remedial Phase Report? If there is a change in use and HAPs are identified, then RP should have one month to write the letter	The guidance document has been revised to address your concerns and the section on when to call the hotline has been removed from the guidance document.
36	7-8	5	5.2	If soil samples meet RDCSRS, the no further investigation required and unrestricted use? Why not compare to GW screening levels in SI? What if change in use includes irrigation/potable wells and in the contamination eventually migrate and impact ground water RI Section does refer to the IGWSSL	Soil samples results are being compared to the RDCSRS to be consistent with past practice and the 1999 guidance document.
37	3	4		If averaging works, then it's possible the site has no restriction and not under NJDEP oversight. What if property is subdivided in the future, should the property have a Deed Notice at a minimum?	The Department allows for compliance averaging because pesticides were applied via uniform application and should have a relatively homogenous distribution on the site. As with other sites, a deed notice would not be required if compliance averaging is used.
38	4	5.1	5.1b	"To provide for a reasonable implementation...is issued final (or the revision date) and the time it should be used". We believe more clarity is needed to define this timeframe.	This is boiler plate for all guidance documents.
39	4	5.1	5.1c	should "conduct" be "collect"?	The guidance document has been revised to address your concerns.
40	4	5.1	5.1d	What about a site that has already been subdivided?	Sampling should be consistent with the guidance document or professional judgment of the LSRP.
41	4	5.2		Does LSRP have to approve blending?	Yes, if blending is implemented.
42	3	4		This section should reference use of the Incremental Sampling Method (ISM) as an alternative method for site investigation (ITRC, 2012, as referenced in the NJDEP "Technical Guidance for the Attainment of Remediation Standards and Site-Specific Criteria"). ISM would appear to be particularly appropriate for the characterization of HAP.	All other sampling methods are still available to be used, it is recommended that the investigator follow this HAP guidance document.
43	4	5	SI	Note that the ISM method entails sample compositing; therefore, compliance averaging cannot be applied to ISM results.	That is a correct statement.
44	5	5.4		There should be some discussion of ISM in this section; i.e., ISM as an option if not already employed during SI.	All other sampling methods are still available to be used, it is recommended that the investigator follow this HAP guidance document.

45	1	1		Given the broadcast application of most HAP, the guidance should make available the use of other sampling methods, such as incremental sampling, that are better suitable for this task. This sampling methodology has been referenced in the RI and Attainment Guidance documents	All other sampling methods are still available to be used, it is recommended that the investigator follow this HAP guidance document.
46		5.1	5.1C	The discussion under Scenario B should be modified to replace the words "we recommend blending to the next depth interval to ensure compliance" to "the investigator may wish to assess whether a greater blending depth is warranted to compensate for variabilities in HAP concentrations". This change places the final decision with the LSRP and PRCR, which is more consistent with the Site Remediation Reform Act.	The Committee agrees with your comment, the guidance document has been revised to address the commenter's concerns.
47		6	6.1	Consistent with section 5.1.c a reduced sampling frequency for sites over 10 acres should be utilized. The scheme of section 5.1.c should be carried through here. The option of utilizing incremental sampling or other structured composite methods should also be considered in this discussion	Reduced sampling frequency is always an option to an LSRP, although in section 5.3 that is referenced, reduced sampling to determine the feasibility of blending is not recommended.
48		8.3		Treatment methods for HAP do exist, and while they may be costly, they could be appropriate under some circumstances and should not be entirely dismissed	We do not dismiss treatment options. If the treatment method is feasible it may be used.
49		5	1	Neither a Remedial Action permit (RAP) nor a biennial certification should be required for a CEA associated with HAP. If a regulatory change is required to allow this, the new CEA requirements should be delayed until the regulation is promulgated with proper opportunity for comment. As most HAP sites are located in areas where the historical application of pesticides extends across multiple properties where groundwater conditions will be similar over large areas, the additional obligations of a RAP and biennial certification will not appreciably improve the protectiveness of the CEA. Rather, they will increase costs for individual property owners while neighboring HAP properties are not establishing a CEA. This increase cost will be a financial disincentive to acquisition, including purchase for farmland/open space preservation.	A RAP is required for HAP at this time.
50		6		Guidance does not section-out the SI of groundwater stage, but bundles it into §7. I would prefer to see this phase in a stand-alone section.	This guidance recommends that investigating ground water is not required until the RI phase of the investigation. This is consistent with past practices. The LSRP can choose to investigate ground water earlier.
51	10	6	0	Guidance does not explicitly indicate that the routine application of pesticides does not constitute a spill or discharge (if not a mixing area or other bulk "dump" site)	The Spill Act defines a discharge.
52	12	6	3.1	I would request clarification about managing the vegetative layer, e.g. grass sod, and whether the plant and root strata would be removed prior to determining the SI sampling depth interval. (Partially discussed in §6.2.) The FSPM is a little indistinct on this issue.	Sampling should be directly below the vegetative layer between 0-6 inches below surface.
53	19	8	4	Are there any correlations between the type of agriculture and the type of pesticides used, perchance?	Although certain pesticides have been linked with certain types of agriculture, the Department recommends running the full pesticide scan for all types of HAP sites.
54	20	8	7	We find using soil and topographic maps are unreliable to estimate DTW.	These maps should be used in conjunction with other data available.
55				Are there to be any default buttresses or limits to the concept of soil blending, to avoid excessive volume dilutions becoming the default approach?	There are no limits to the amount of soil that can be blended at the site. The Department wanted it to be noted that if proper delineation sampling is not conducted then additional soil may be needed to blend to the appropriate standard.
56				Regarding excavation as a solution, are there to be any limits about relocating HAP-impacted soils, akin to the "like-on-like" and "accordant concentrations" or the "no expansion of footprint" provisions employed in the fill guidance and rules? The general impression here is that relocating and reusing soil on or to an active farm is to be the default solution without regarding to the ultimate resulting quality of the receiving site soils providing it is an active farm - as few controls will be triggered. Further, the designations of on-site and off-site under this section would appear a little loose.	As discussed in section 8.1, any soil can be moved within the site as long as it will continue to be used for agricultural purposes. There is no limit to the amount of soil that can be moved off-site but that soil must meet the like on like 75% rule.
57				Would the technical guidance on capping be apposite to be incorporated by reference too?	The person responsible for conducting the remediation should consider all SRP guidance when conducting remediation.
58				Remediation verification testing (sampling and analysis): Is there any requirement to obtain test results that demonstrate clean margins outside the remediated area - not just prove the efficacy of the blending by testing the blended section? The limit of remediation is often determined by hedgerows, etc. The periphery of fields are often de-facto swales.	This determination should have been done during the SI/RI phases.
59				The use of the HAP Response Action Outcome (RAO) notice: Are there any contraindications to using this notice in both ROA-A and RAO-E scenarios?	Yes, the RAO insert can only be used for an RAO-E because it states that an HAP investigation was not conducted. It would not be appropriate to issue an RAO-A with the insert.
60				Suggest changing residential direct contact soil criteria to residential direct contact site remediation standards and acronym to RDCSRS and make the same change in the glossary to be consistent with the current rules.	RDCSCC is only used in this document in reference to the Historic Pesticide Task Force Document.

61				Not sure this is the right place but.. We should add that the bottom of the proposed blended depth should be evaluated regarding potential groundwater impacts as discussed in section 7. The concept is you need >2 feet for immobile compounds or you have to evaluate GGW before deciding to blend.	Section 5.3 discusses the feasibility of blending. Section 6 discusses when a ground water investigation is needed. Section 7.3 discusses actually blending of the soil. Therefore section 6 which discusses the requirements for a ground water investigation should be weighed against the results of the sampling in section 5.3 which should occur before any actual blending. All sections mentioned are for the new guidance document.
62				Scenario B remove "we recommend" and change to "investigator may consider" or something like that to indicate this is up to the LSRP or investigator to decide.	The guidance document has been revised to address your concerns.
63				Scenario C 19.1 is compliant and the last line should be removed and the summary should indicate compliance at 54".	The guidance document has been revised to address your concerns.
64				Suggest that the "virtual" CEA similar to the that used for regional historic fill be approved by the Department for use where regional historic pesticide groundwater impacts have been confirmed as per my previous comment.	A virtual CEA would require an amendment to ARRCs. Your suggestion has been taken under consideration.
65				First paragraph; first: remove "and increase crop yield". Pesticides, at best, only prevent crop yield decrease.	The Department disagrees with this statement and the document is not being revised.
66	5	2		<p>The 1999 Findings and Recommendations for the Remediation of Historic Pesticide Contamination document included recommendations for sites where due diligence was conducted (i.e., the site was not investigated due to a regulatory driver such as obtaining a No Further Action letter from the NJDEP). Due diligence-related statements included the following:</p> <ul style="list-style-type: none"> <li>- Sampling of former agricultural areas, and any necessary remediation, should be conducted prior to site development.</li> <li>- Sampling of former agricultural areas, and any necessary remediation, should be conducted for areas with exposed soil that are intensively used by children, such as schools, daycare centers and playgrounds.</li> <li>- Sampling and remediation at sites that have already been developed, except as noted above, should be conducted whenever the current or potential future occupant desires. The Department should provide guidance concerning sampling methods and exposure control alternatives to any person concerned with historic pesticide contamination.</li> </ul> <p>If a Preliminary Assessment Report (or similar due diligence activity) identifies the presence of HAP or potential presence of HAP on-site, explicit guidance should be provided stipulating the <u>option</u> to investigate further. i.e., the guidance document should explicitly state that following the HAP guidance document in cases where an RAO is <u>not</u> required is <u>optional</u>.</p>	The guidance document has been revised to indicate that it is necessary to follow this guidance when addressing HAP areas of concern. If HAP is being investigated and is found above standards an RAO must be issued and is not optional.
67	4	5	5.1c	Scenario table B: add " 6" " to first row of depth and "0.73" to first row of Running Average.	The guidance document has been revised to address your concerns.
68	6	5	5.3	Point 2: make clear whether these factors are inclusive or exclusive of each other.	The guidance document has been revised to address your concerns.
69	8	6	6.3	Insert "Phytoremediation" as a remedial option for HAP.	Phytoremediation is included in "treatment" option
70	9	6	6.3.1	First bullet: add comma after "concentrations", and replace "and" with "or sites with".	The guidance document has been revised to address your concerns.
71				From our understanding, we believe that neither a Remedial Action Permit or a biennial certification are required for the CEA attributable to historically applied pesticides. We would like this to be clarified and stated as such in the guidance document.	At this time a CEA and a RAP are both required. The guidance document has been revised to address the concerns of the commenter.
72	5	2	0	The statement, "Guidance has been sought to address concerns regarding the potential human health risks associated with residuals from historically applied pesticides (HAP)" is vague and confusing. Generally, technical guidance does not address potential health risks. This statement should be removed.	The guidance document has been revised to address your concerns.
73	6	4	4	The letter requesting the PI should be submitted when enough information exists to make the determination HAP is present. Requesting a PI# one month before a key document submittal date will likely lead to delays and possibly missed timeframes.	The section on how to obtain a PI number has been removed from the guidance document. The process of obtaining a PI for HAP is the same as it is for all other cases.
74	6	5	0	The use of air photos is discussed. Air photos will only provide information on land use, not the use of pesticides. This discussion must be corrected.	Aerial photographs will provide valuable information on what parts of the property were used for agricultural purposes and what types of agricultural products were cultivated. It is assumed that anywhere there was agricultural activity there is a potential that pesticides were used.

75	7	5	1	While this section is called "Site Investigation Sampling" the scope is well beyond that of an SI. SI sampling should be focused and limited in scope and biased based on the factors presented in section 5.1.a. While the intent is understood, the procedure conflicts with the normal PA/SI/RI process. In reality, this a combined SI/RI and the guidance should be revised to reflect that, which is consistent with the normal investigation process.	It is recognized that the scope of this section is beyond that of a typical SI, however it not a full PA nor a full RI; therefore the document was not revised.
76	7	5	2	In section 2.0 the trigger for a HAP investigation is listed as changes in land use. Presumably, the concern is direct contact by future residential users. Conducting an ecological evaluation, identifying sensitive receptors and conducting sediment and surface water sampling are not relevant to the stated objective. Much more so that in agricultural areas, surface eater bodies could well be impacted by more than one source of HAP. This section is targeting non-point sources and should be removed.	Section 2.0 has been revised to more clearly state when an investigation of HAP is recommended to be conducted.
77	9	5	4	It would seem that attainment of remediation standards is better suited to the RI phase, as the purpose of the SI is to confirm whether an AOC is infact an AOC or not.	An AOC, an area of concern, is determined to exist by the potential for contamination. It is considered a contaminated AOC once contaminants above standards are identified.
78	10	6	0	Given the broadcast application of most HAP, the guidance should make available the use of other sampling methods, such as incremental sampling, that are better suitable for this task. This sampling methodology has been referenced in the RI and Attainment Guidance documents	All other sampling methods are still available to be used, we recommend following the guidance document.
79	10	6	1	The information sources listed here are helpful in selecting sampling locations however, this subsection does not provide any discussion of actual RI sampling.	The discussion on sampling locations is part of what is required in RI sampling.
80	12	6	3	On page 12, scenario B, there is the statement recommending deeper blending than is needed. We believe that the document should "recommend that the investigator consider whether a greater blending depth may be appropriate to compensate or variabilities in HAP concentrations". This would allow the final decision to be with the LSRP which is appropriate for guidance	The guidance document has been revised to address your concerns.
81	13	6	3	We would like the DEP to either change the number in the soil blening discussion (Section 6.3.1) or make it clear that rounding is appropriate. On page 13, the arsenic concentration of 19.1 is in compliance wit a 19ppm standard. If NJDEP does not want to state this as fact, it should use different values for the example so that it does not create confusion.	This guidance document has been revised.
82	19	8	4	treatment methods for HAP do exist, and while they may be costly, they could be appropriate under some circumstances and should not be entirely dismissed	We do not dismiss treatment options . If the treatment method is feasible if may be used.
83	19	8	5	Consistent with section 5.1.c a reduced sampling frequency for sites over 10 acres should be utilized. The scheme of section 5.1.c should be carried through here. The option of utilizing incremental sampling or other structured composite methods should also	Reduced sampling frequency is always an option to a LSRP, although in the section that you referenced reduced sampling to determine the feasibility of blending is not recommended.
84	19	8	5	In cases where removal is the remdial method, the extent of the contamination and the excavation are defined during the RI and "pre-ex/post-ex" samples are collected. When the clearance samples have been collected as part of the RI, additional sampling should not be required. The guidance should reflect that.	This document deals with Historic Pesticides. The answer to your question can be found at <a href="http://www.nj.gov/dep/srp/guidance/srra/soil_inv_si_ri_ra.pdf">http://www.nj.gov/dep/srp/guidance/srra/soil_inv_si_ri_ra.pdf</a>
85		8	7	Clarify that a GWRAP not needed for HAP CEA. As written indicates CEA needed but does not clarify who is responsible for followup on CEA. NJDEP will track on NJEMS similar to Hfill CEA	This guidance document has been revised and CEA for HAP and a RAP for ground water are required.