

New Jersey Amended Regulations: Indoor Air Notification and New RAP Media Component

Environmental and Land Use

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The New Jersey Department of Environmental Protection (NJDEP) adopted amendments to N.J.A.C. 7:26B, 7:26C, 7:26E, and 7:26F that result in a new identified institutional control and major changes to the Remedial Action Permit (RAP) process in New Jersey. NJDEP has adopted the Indoor Air Notification Area (IANA) establishing a new institutional control which addresses indoor air/vapor intrusion exposure pathway. This regulation requires notification of an IANA to the public, specifically that air inside of a building on a site is above the applicable remediation standards and that it requires mitigation and monitoring to ensure that occupants in the building are protected. As with Classification Exception Areas for groundwater, a Geographic Information System (GIS) for IANA will be mapped out on the NJDEP website. The IANA requires data evaluation, mapping, and notification of potential exposure risk if an engineering control is not being operated or maintained. When an IANA is proposed or revised, the municipality, health department, county planning boards, nearby property owners, tenants, and occupants must be advised.

In addition to the mapping and notification requires for IANA, indoor air is now a RAP component and will need to be included in RAP applications, modifications, and terminations. The new RAP applications have a section related to indoor air, thus indoor air, like groundwater and soil, will be subject to RAPs, financial assurance, and long-term compliance when engineering controls are implemented. Under the new system, one RAP application can be used for soil, groundwater, and indoor air.

NJDEP has asked that RAP submissions utilize the new forms, which will include addressing indoor air, when necessary. The IANA Instructions and Fact Sheet are available, along with the RAP forms.

If you have any questions about this article, please contact:

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