New NJDEP Guidance for PFA and Other CEC Remediation Issued on August 5, 2021

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The New Jersey Department of Environmental Protection (NJDEP) has provided new guidance on addressing Contaminants of Emerging Concern (CEC). Among the CECs that this guidance relates to is the investigation of polyfluoroalkyl substances (PFAs) and timing for regulatory compliance under NJDEP's site remediation programs. Of note, this guidance addresses previously unknown, unidentified, or undetected CECs at a site that is undergoing a remediation with existing timeframes. The guidance provides the person responsible for the remediation may either merge the CEC AOC into the existing case and complete the remediation under the timeframes for the existing case or, more importantly, it may create a new case with a new schedule of timeframes, which will only address the CEC AOC(s).

The guidance also addresses the issuance of Response Action Outcomes (RAO) when there are both existing non-CEC areas and CECs at the property. Specifically, if all non-CEC areas of concern (AOCs) are close to completion for the existing case, the RAO-A should be issued for all non-CEC areas. The NJDEP will then close that case and the billing for that part of the remediation while the CEC case continues. A site-wide RAO (RAO-E) may only be issued when both the non-CEC AOCs have been remediated and the CEC AOCs are completed.

The Guidance, Addressing Contaminants of Emerging Concern (CECs) and Remedial Investigation and Remedial Action Timeframes for Existing Cases, can be found on NJDEP's website.