



Brilliant Environmental Services, LLC (*Brilliant*) is a full-service environmental consulting and contracting firm, integrating today's technologies for tomorrow's solutions. Headquartered in New Jersey, *Brilliant* specializes in investigation, remediation, brownfields redevelopment, and underground storage tank services. *Brilliant* is the underground storage tank compliance expert.



Summer 2019 is here!!! On June 10, 2019 Brilliant will start summer hours, as we have done since inception. What are summer hours? Longer work days Monday through Thursday and half day on Friday. Our summer hours will be:

7:30AM to 5:15PM Monday through Thursday
8AM to 12PM (noon) on Friday

Of course, client needs always come first, so in the event you need us outside of these hours call (732) 818-3380 and follow the prompts for assistance.

**New Soil and Groundwater Remedial Action Permit (RAP)
Forms**

New Soil and Ground Water Remedial Action Permit (RAP) Initial, Modification, and Termination Applications and Deed Notice Termination Form and Instructions available.

The New Jersey Department of Environmental Protection (NJDEP) has created new Remedial Action Permit (RAP) applications/forms. They are: RAP Initial, RAP Modification, and RAP Termination Applications for both soil and ground water, as well as a new Deed Notice Termination Form.

Based on numerous RAP Stakeholder meetings, it was determined to separate the current Soil and Ground Water RAP Applications into initial, modification, and termination applications to be more user friendly and to make the current RAP Application process more efficient. The forms more clearly indicate what is expected to be submitted and when a submittal is needed. Insufficient information, information missing from the report that was submitted, and missed submittals are the most common deficiencies with RAP applications. These new applications/forms and instructions should better streamline RAP-related submittals to the NJDEP and reduce the total processing time for the applications.

In addition, the new Deed Notice Termination Form was created to make the current Deed Notice termination process more transparent, as this current process was not well known and difficult to understand.

The new remedial action permit applications/forms and instructions are available on the NJDEP's website. All the permit forms can be found in a new section on the Forms page (http://www.nj.gov/dep/srp/srra/forms/#rap_forms) to make finding the new forms easier. Some important changes/additions for the Soil and Ground Water RAP Initial, Modification, and Termination Applications include the following:

- Clearer Options for Section B on all applications – Reason(s) for the RAP Application are listed.
- Attached Documents Section – An administrative checklist of what is required to be submitted with the application and asks the user to indicate where this information can be located in the Remedial Action Report. Electronic copies required for most attached documents.
- Other Information Provided Section – Encourages the user to list any/all other pertinent information to support the RAP Application (i.e., professional judgement justification, compliance averaging, variances from rules/guidance, etc.).
- New questions on the applications to be consistent with current guidance include the following important topics: Indeterminate Vapor Intrusion Pathway status; Vapor Intrusion Long Term Monitoring Plan; capping of the impact to ground water pathway for volatile organic compounds; Polychlorinated Biphenyls (PCBs) – compliance/approval with the federal Toxic Substances Control Act (TSCA) program; delineation of soil/ground water contamination; compliance averaging; off-site and background ground water contamination; and chromate chemical production waste.
- Clearer instructions for the use of a Remediation Funding Source as Financial Assurance.

- Website links for the tax databases that the NJDEP uses to verify the site address and block/lot, and current owner of the site.
- Municipal Subdivisions of a site; instructions to contact the Bureau of Case Assignment and Initial Notice (BCAIN) to see if new Program Interest (PI) #s are necessary.
- Notice that a RAP application(s) will not be processed until all past RAP annual fees have been paid in full and all previously required RAP Applications have been submitted.
- Licensed Site Remediation Professional (LSRP) Retention/Dismissal Note in the instructions of all the RAP Applications.
- A RAP Modification Application is no longer needed for a change in Financial Assurance.

Do You Want to Open a Child Care Center this September? Start the Process Yesterday!

Child Care Center (CCC) Licensing in New Jersey is much more complicated and costly than other states due to environmental requirements needing to be fulfilled.

Two (2) New Jersey Agencies regulate the environment issues, namely 1) the Site Remediation Program (SRP) in the NJ Department of Environmental Protection (NJDEP), and 2) the Environmental and Occupational Health Assessment Program (EOHAP) in the NJ Department of Health (NJDOH).

The CCC must obtain a Response Action Outcome (RAO) by hiring a Licensed Site Remediation Professional (LSRP) who is a private environmental consultant licensed by the NJ Site Remediation Professional Licensing Board, of which Phil Brilliant is a member. *Brilliant* has three (3) LSRPs on staff. The original trigger for requiring the RAO was a case in Gloucester County where a CCC was opened and operated on a site and in a building which was formerly a Mercury thermometer manufacturer, exposing the children and staff to unacceptable levels of mercury.

The LSRP conducts a Preliminary Assessment (PA). The PA investigates into the site's/unit's past history and current site use so as to identify if there are any Areas of Concern (AOC's) that may result in exposure of the children, staff or visitors to contamination. Such AOC's include 1) past usage of the site as a factory, gasoline station, dry cleaners, nail or hair salon, etc.; whose operations can result in site contamination, 2) former use of the site for agriculture which can use and release pesticides, 4) former release of hazardous materials or waste, 5) the past and current presence of above or underground storage tanks (AST's/UST's), dumpsters, transformers, air vents and ducts, floor drains, chemical storage closets, boiler rooms, etc., 6) presence of historic fill, 7) etc. It not only is the building but the outside grounds which must be considered. A site and building visit is mandatory. NJDEP has a standard list of AOC's to guide LSRP's but it is not all inclusive. If no AOC's are identified or those that are identified can be disqualified as to having a potential to contaminate, the RAO can be issued. Prior to May 7, 2012, the NJDEP issued a "No Further Action" Letter (NFA) instead, based on submission of a PA.

Otherwise, a Site Investigation (SI) needs to be conducted to determine whether or not the AOC actually has resulted in site contamination. Based upon guidance in all cases the soils of the playground need to be sampled and analyzed. If the site investigation does not detect contamination above NJDEP Standards/Levels, the RAO can be issued.

If contamination is detected for an AOC, a Remediation Investigation (RI) must be conducted to determine its extent. The contamination must then be remediated, before the RAO can be issued. There are a multitude of remediation options including removal, isolation, alteration so as to be non-hazardous, use of engineering or institutional controls, etc.

The CCC must also obtain a Safe Building Interior Certificate from the NJDOH's Environmental and Occupational Health Assessment Program (EOHAP) unless the building is newly constructed or extensively and appropriately renovated. In rare cases it could still be required, i.e. if there is a possibility of contamination because of the site's past usage. This certificate is obtained by the CCC hiring an Indoor Environmental Consultant (IEC) licensed by the NJDOH, who conducts an Indoor Environmental Health Assessment (IEHA) and submits it to NJDOH's EOHAP. *Brilliant* is licensed by NJDOH to perform these services.

The IEC investigates into 1) the past usage of the building/unit and site, 2) the past or current usage of an adjacent or nearby unit, building or site, 3) the current character and condition of the building and 4) whether or not there has been past environmental investigations. It assesses whether or not the indoor environment is safe for children, staff and visitors i.e. there is no unhealthy exposure to radon, lead, asbestos-containing materials, bloodborne pathogens, mold or other chemical, physical, and biological hazards. Testing is required for radon and lead and possibly the other hazards. If the IEHA indicates no potential for exposure, the Safe Building Interior Certificate will be issued. However, it may indicate the need for air sampling in the facility to prove no exposure possibility to air contaminants before the Certificate can be obtained. Even if there are indoor air quality problems, they may be rectifiable through removal of the source or installation of a ventilation system.

In March, 2017 the Department of Children and Families amended their regulations to require an applicant or operator of a CCC to provide documentation of water testing for lead and copper when the water is supplied by a Community Water System. This testing includes almost every water faucet in a facility. *Brilliant* has a staff of field technicals completing these samples daily and working early in the mornings to satisfy the sampling while balancing the facility hours.

Since the first regulations were promulgated in 2007, *Brilliant* has conducted about 600 such studies for CCC's. Contact [Brian Babcock](#) or [Phil Brilliant](#) today.

BRILLIANT CAN ASSIST YOU!

Brilliant is your advocate in identifying all of the

options available to you...not just what's on the surface; affording you high-quality, personalized service without the high cost. We remain available and mobile to address any size project and prepared to meet with you to discuss your environmental needs. We are making improving our company daily to better service you today and into the future. Call us today at (732) 818-3380 or [email us](#).



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