

NJDEP Publishes New Interim Remediation Standards for GenX Chemicals (a PFOA Substitute)

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June 5, 2023

What You Need to Know

- NJDEP has established interim groundwater, migration to groundwater, and soil leachate remediation standards for GenX chemicals, a PFOA substitute, effective immediately.
- The new standards require the evaluation and potential investigation of the presence of GenX chemicals at properties currently undergoing, or undertaking future, cleanup activities.
- Parties with properties impacted under the new interim standards should take steps to assess compliance requirements and related regulatory timeframes.

On June 5, 2023, the New Jersey Department of Environmental Protection (NJDEP) published in the New Jersey Register that effective immediately, the NJDEP has enacted interim groundwater, migration to groundwater, and soil leachate remediation standards for hexafluoropropylene oxide dimer acid and its ammonium salt (commonly referred to as GenX chemicals). GenX chemicals are members of a family of synthetic chemicals known as per- and polyfluoroalkyl substances (PFAS), were originally developed as a replacement for perfluorooctanoic acid (PFOA), and are used in the manufacturing of fluoropolymers.

The NJDEP's interim groundwater, migration to groundwater, and soil leachate remediation standards for GenX chemicals are as follows:

- Interim Specific Groundwater Quality Criterion – 0.02 micrograms per liter

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Published Articles (Cont.)

- Interim Migration to Groundwater Standard – Area of Concern / Site Specific
- Interim Soil Leachate Remediation Standard – 0.40 micrograms per liter

This action comes after recent years of NJDEP regulating emerging contaminants including PFAS. In 2015 and 2019, the NJDEP established interim groundwater standards for perfluorononanoic acid (PFNA), perfluorooctanesulfonic acid (PFOS), and PFOA. In October 2022, the NJDEP promulgated interim soil remediation standards for PFNA, PFOS, PFOA, and GenX chemicals.

The NJDEP's new standards will require properties undergoing cleanup and remedial activities currently, or in the future, to evaluate whether GenX chemicals may have been manufactured, used, handled, stored, disposed, or discharged at a site. If the chemicals were associated with a site, a party responsible for conducting the remediation may need to investigate the potential for GenX chemicals on site, and to remediate those chemicals to levels below applicable NJDEP standards.

In addition to potentially increased investigation and remediation expenses, parties conducting cleanups should assess the impact of these new standards and plan accordingly in order to meet their NJDEP timeframes.

Please contact the author of this Alert with questions related to the NJDEP's new standards for GenX chemicals or to discuss impacts to your property in greater detail.

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