

(c) Within 90 days after the date that the Department informs the public, by a notice in the New Jersey Register, that an electronic portal is available, the person responsible for conducting the remediation shall submit to the Department via the electronic application all forms, applications and documents required by this chapter and the Technical Requirements for Site Remediation, N.J.A.C. 7:26E electronically.

Administrative correction.

See: 42 N.J.R. 778(a).

Amended by R.2012 d.095, effective May 7, 2012.

See: 43 N.J.R. 1935(a), 44 N.J.R. 1339(b).

Rewrote the address in (a), and rewrote (b) and (c).

Public Notice: Online Portal for the Submission of Annual Remediation Fee Reporting Form and Licensed Site Remediation Professional Notification of Retention or Dismissal Form.

See: 44 N.J.R. 2253(a).

Public Notice: Notice of Availability of Online Portal for the Submission of the Remedial Investigation Form and Report (RIR Online Service).

See: 48 N.J.R. 78(a).

7:26C-1.7 Notification and public outreach

(a) Immediately after a discharge commences, any person or persons responsible for a discharge who knows or should reasonably know of a discharge shall immediately notify the Department by following the requirements of the Discharge of Petroleum and Other Hazardous Substances rules at N.J.A.C. 7:1E-5.

(b) The person responsible for conducting the remediation shall immediately notify the Department hotline at 1-877 WARNDEP or 1-877-927-6337 when either of the following is identified at a site:

1. Contamination that has been caused by a discharge that is not already known to the Department; or
2. An immediate environmental concern.

(c) The person responsible for conducting the remediation shall notify the Department pursuant to this subsection if that person determines that contamination migrated onto the site from another site. The person responsible for conducting the remediation shall notify the Department hotline at 1-877-WARNDEP (1-877-927-6337).

(d) The person responsible for conducting the remediation shall notify the Department in writing, on the Confirmed Discharge Notification form available from the Department at www.nj.gov/dep/srp/srra/forms, within 14 days after the occurrence of any of the following events:

1. A discharge of a hazardous substance, or the discovery of a discharge of a hazardous substance pursuant to N.J.A.C. 7:1E-5.7; or

2. The owner or operator of a regulated underground storage tank:

- i. Determines that there has been a known or suspected discharge from the regulated underground storage tank, pursuant to N.J.A.C. 7:14B-6 or 7;

ii. Is required to close a regulated underground storage tank pursuant to N.J.A.C. 7:14B-8.1(b)6, 9.1(d), or 9.2; or

iii. Is otherwise required to conduct a site investigation pursuant to N.J.A.C. 7:14B.

(e) The person responsible for conducting the remediation shall provide the notification and any updates, and the fact sheet and any updates required in (h), (k), (l), (n) and (o) below in English. Additionally, where the person responsible for conducting the remediation determines that a language other than English is predominantly spoken by property owners or tenants in the area within 200 feet of the site boundary, the notification and any updates, and the fact sheet and any updates shall also be provided in that predominant non-English language.

(f) The person responsible for conducting the remediation shall include contact information for the person responsible for conducting the remediation and the name and telephone number for the licensed site remediation professional of record for the site in the notification and any updates, and the fact sheet and any updates required in (h), (k), (l), (n) and (o) below.

(g) To document compliance with this section, the person responsible for conducting the remediation shall submit one copy of each of the following in the subsequent applicable remedial phase report:

1. The notification letter and any updates, and the list of recipients required at (h) and (l) below;
2. The public notification fact sheet and any updates, and the list of recipients required at (h) below and (l) below;
3. The display advertisement required at (l)3 below or a photograph of the notification sign required in (h) below; and
4. The appropriate form, found on the Department's website at www.nj.gov/dep/srp/srra/forms.

(h) The person responsible for conducting the remediation shall:

1. Provide site specific information and documents related to the remediation at a site or area of concern when requested by the Department, including information pertaining to field sampling activities; and
2. Within 14 days prior to commencing field activities associated with the remedial action, provide notification to any local property owners and tenants who reside within 200 feet of the contaminated site, and to the government entities noted in (h)2iii below. The notification shall summarize site conditions and describe the activities that are to take place to remediate the site and shall either be in the form of written correspondence or the posting of a sign visible to the public, which shall be located on the bound-

aries of the contaminated site. The person responsible for conducting the remediation shall also:

i. Send a notification letter to each local property owner and tenant to whom notification was sent pursuant to (h)2 above that describes the current condition and progress of the remediation every two years until the required remediation is completed and the final remediation document is filed with the Department;

ii. If a sign is utilized, post and maintain the sign until such time as the required remediation is completed and the final remediation document is filed with the Department; and

iii. Submit one copy of the notification letter and list of recipients required in (h)2i above or a photograph of the notification sign required in (h)2ii above, and one copy of the fact sheet required in (l)1 below and the display advertisement required in (l)3 below, to the local government entities as follows:

(1) The municipal clerk of each municipality in which the site is located; and

(2) The county health department and the local health agency.

(i) The person responsible for conducting the remediation shall provide a copy of the remedial action workplan and any updates or status reports, and a copy of the site health and safety plan to the clerk of the municipality, county health department, and local health agency for the municipality and county in which the site is located, when requested.

(j) The person responsible for conducting the remediation of any unregulated heating oil tank system or the person responsible for conducting an emergency response action shall only comply with the notification requirements of (a) through (d) above.

(k) If the person responsible for conducting the remediation proposes to bring contaminated material on to the site in an amount that is in excess of the amount that is needed to complete the remediation requirements or to raise the topographic level in a floodplain, the person shall:

1. Obtain the Department's prior written approval;

2. Comply with the N.J.A.C. 7:26E-5.2; and

3. Provide notification, which includes the type and concentrations of contaminants in the fill material, the proposed use of the fill and the controls designed to reduce or eliminate exposure, to the following:

i. Each owner of real property and the tenants of those properties, located within 200 feet of the site boundary;

ii. The mayor of each municipality where the site located;

iii. The county designated solid waste coordinator;

iv. The municipal clerk of each municipality in which the site is located; and

v. The county health department and local health agency.

(l) Except as provided in (l)4ii and (m) below, if contamination migrates off site in any environmental medium, the person responsible for conducting the remediation shall prepare, distribute and publish a fact sheet, which shall include a description of the site's industrial history, source(s) of contamination, description of contamination, current remedial status, proposed remedial actions with a schedule, extent of contamination, actions performed to minimize the impact to the public, and a list of online resources for information about the contaminants, as follows:

1. Prepare and distribute the fact sheet within 14 days after the determination that contamination has migrated off site;

2. Distribute the fact sheet to each owner of real property, as shown on the current municipal tax duplicate, and the tenants of those properties, located within 200 feet of the site boundary and to the following government entities:

i. The municipal clerk of each municipality in which the site is located; and

ii. The county health department and local health agency;

3. Publish the fact sheet, or a fact sheet template available at www.nj.gov/dep/srp/srra/guidance that has been updated with site specific information, as a display advertisement in a daily or weekly newspaper of general circulation in the vicinity of the site, within 30 days after the determination that contamination has migrated off site;

4. For soil contamination:

i. The fact sheet shall be updated to include current contaminant extent, redistributed to the parties listed in (l)2 above and republished as described in (l)3i above within 90 days of complete delineation; and

ii. If the contamination has affected only one adjoining property and the affected contaminated medium is limited to the soil, the person responsible for conducting the remediation shall notify only that adjoining property owner and tenant in writing. The notice shall describe the nature and extent of the contamination; and

5. For ground water contamination, conduct the public notification pursuant to the requirements of N.J.A.C. 7:26C-7.3 when the Department establishes a ground water classification exception area.

(m) If only contamination from historic fill migrates off site onto an adjacent property, the person responsible for