

CHAPTER 26E

**TECHNICAL REQUIREMENTS
FOR SITE REMEDIATION**

Authority

N.J.S.A. 13:1D-1 et seq., 13:1E-1 et seq., 13:1K-6 et seq.,
58:10-23.11a et seq., 58:10A-1 et seq., 58:10A-21 et seq.,
and 58:10B-1 et seq.

Source and Effective Date

R.2003 d.29, effective December 17, 2002.
See: 34 N.J.R. 170(a), 35 N.J.R. 710(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1d, the expiration date of Chapter 26E, Technical Requirements for Site Remediation, was extended by gubernatorial directive from December 17, 2009, to December 17, 2010. See: 42 N.J.R. 69(b).

Chapter Historical Note

Chapter 26E, Technical Requirements for Site Remediation, was adopted as R.1993 d.245, effective June 7, 1993 (operative July 1, 1993). See: 24 N.J.R. 1695(a), 25 N.J.R. 2281(b).

Pursuant to Executive Order No. 66(1978), Chapter 26E, Technical Requirements for Site Remediation, was readopted as R.1997 d.124, effective February 18, 1997. As a part of R.1997 d.124, effective May, 19, 1997 (operative July 18, 1997), Subchapter 5, Remedial Alternative Analysis, was repealed and a new Subchapter 5, Remedial Action Selection, was adopted. See: 28 N.J.R. 1098(a), 28 N.J.R. 2298(a), 29 N.J.R. 2278(b).

Chapter 26E, Technical Requirements for Site Remediation, was readopted as R.2003 d.29, effective December 17, 2002, and Subchapter 8, Engineering and Institutional Controls, was adopted as R.2003 d.29, effective February 3, 2003. See: Source and Effective Date. See, also, section annotations.

Subchapter 7, Permit Identification and Application Schedule, was renamed Permit Identification, Permit Application Schedule and Discharge to Ground Water Proposals; and Appendix B, Well Search Format and Appendix F, Groundwater Classification Exception Area Fact Sheet, were repealed by special adoption R.2009 d.361, effective November 4, 2009 (to expire May 4, 2011). See: 41 N.J.R. 4467(a).

In accordance with N.J.S.A. 52:14B-5.1d, the expiration date of Chapter 26E, Technical Requirements for Site Remediation, was extended by gubernatorial directive from December 17, 2007 to December 17, 2009. See: 40 N.J.R. 150(b).

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SUBCHAPTER 1. GENERAL INFORMATION

7:26E-1.1 Scope

(a) This chapter constitutes the minimum technical requirements to investigate and remediate contamination at any site.

(b) Any remediation performed pursuant to this chapter shall not relieve any person from:

1. Complying with more stringent requirements or provisions imposed by any other Federal, State or local applicable statutes or regulations; or
2. Obtaining any and all permits required by State, Federal or local statute or regulation, except as expressly provided herein.

(c) No provision of this chapter shall be construed to limit the Department's authority to require additional remediation based upon site-specific conditions in order to protect human health and the environment.

(d) The Department's approval of any document pursuant to this chapter shall not be interpreted as an approval of any remediation costs eligible for reimbursement pursuant to N.J.S.A. 13:1E-116, N.J.S.A. 58:10B-28, or any other law.

Amended by R.2003 d.198, effective May 19, 2003.

See: 34 N.J.R. 3703(a), 35 N.J.R. 2319(a).

Added (d).

7:26E-1.2 Liberal construction

These rules, being necessary to promote the public health and welfare, and to protect the environment, shall be liberally construed in order to permit the Commissioner and the Department to effectuate the purposes of N.J.S.A. 13:1D-1 et seq., 13:1E-1 et seq., 13:1K-6 et seq., 58:10-23.11a et seq., 58:10A-1 et seq., 58:10A-21 et seq., 58:10B-1 et seq. and 58:10C-1 et seq.

Special amendment, R.2009 d.361, effective November 4, 2009 (to expire May 4, 2011).

See: 41 N.J.R. 4467(a).

Inserted "and to protect the environment," and " 58:10B-1 et seq., and N.J.S.A. 58:10C-1 et seq.", and deleted "and" preceding "58:10A-21".

7:26E-1.3 Applicability

(a) Any person conducting remediation pursuant to any of the following statutes shall comply with this chapter and all guidance found on the Department's website, www.nj.gov/dep/srp/srra/guidance:

1. The Industrial Site Recovery Act (ISRA);
2. The New Jersey Underground Storage of Hazardous Substances Act (UST);
3. The Spill Compensation and Control Act;
4. The Solid Waste Management Act;
5. The Water Pollution Control Act;
6. The Resource Conservation and Recovery Act (RCRA);
7. The Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended by Superfund Amendments and Reauthorization Act of 1986 (42 U.S.C. §§9601 et seq.) (CERCLA);
8. The Brownfield and Contaminated Site Remediation Act, N.J.S.A. 58:10B-1 et seq.; and
9. The Site Remediation Reform Act, N.J.S.A. 58:10C-1 et seq.

(b) The requirements of this chapter are applicable as follows:

2. By establishment of a contaminant gradient as follows:

- i. Contaminant levels decrease by:
 - (1) Ten percent or more between the initial characterization sample and each of two sequential delineation samples; or
 - (2) A factor of five or more between the initial characterization sample and a single delineation sample; and
- ii. Once a contaminant gradient has been established, the approximate limits of contamination may be reasonably estimated by extrapolation in order to complete the remedial investigation. However, when a contaminant gradient is used to estimate the limits of contamination, the extent of contamination above the applicable unrestricted use remediation standard shall be confirmed using laboratory analyses prior to the completion of a remedial action; and

3. If a vertical soil contaminant gradient has not been established to the water table:

- i. For contaminants having water solubility greater than 100 milligrams per liter at 20 degrees Celsius to 25 degrees Celsius, saturated zone soil shall be delineated for residual product pursuant to N.J.A.C. 7:26E-2.1(a)11, and for direct contact soil cleanup criteria; and
- ii. For other contaminants, delineate for direct contact soil cleanup criteria.

(c) The person responsible for conducting the remedial investigation shall conduct notification and public outreach pursuant to N.J.A.C. 7:26E-1.4.

Amended by R.1997 d.124, effective May 19, 1997 (operative July 18, 1997).

See: 28 N.J.R. 1098(a), 28 N.J.R. 2298(a), 29 N.J.R. 2278(b).
 In (a), inserted "restricted use"; deleted (a)4ii, substantially amended (a)5; deleted (a)7; recodified former (a)8 as (a)7; substantially amended (b); in (b)2ii, added "in order to complete . . . completion of the remedial action; and"; and added (b)3.

Amended by R.2003 d.29, effective February 3, 2003.

See: 34 N.J.R. 170(a), 35 N.J.R. 710(a).

In (a), inserted "soil" preceding "remediation standards" and "or the applicable groundwater or surface water remediation standard pursuant to N.J.A.C. 7:26E-1.13" preceding "The purposes".

Amended by R.2008 d.262, effective September 2, 2008.

See: 39 N.J.R. 2687(a), 40 N.J.R. 5010(a).

Added (c).

Special amendment, R.2009 d.361, effective November 4, 2009 (to expire May 4, 2011).

See: 41 N.J.R. 4467(a).

Rewrote the introductory paragraph of (a); and in the introductory paragraph of (b), rewrote the first sentence.

7:26E-4.2 Remedial investigation workplan

(a) The person responsible for conducting the remediation shall prepare a remedial investigation workplan prior to conducting the remedial investigation. The remedial investigation

workplan shall be in a format that corresponds to the outline of this section.

(b) The remedial investigation workplan shall include:

- 1. A detailed schedule for all remedial investigation activities, including timelines and target dates for:
 - i. The start and completion of all field activities;
 - ii. Receipt of analytical results required in N.J.A.C. 7:26E-4.1 and 4.3 through 4.7; and
 - iii. Submission of all reports to the Department;

2. A description of the role of principal personnel who will participate in the remedial investigation:

- i. The information in (b)2i(1) and (2) below about project personnel, including the project manager and, if applicable, a facility contact, legal contact, and contractor and subcontractor contacts, shall be provided. In addition, the telephone number of the project manager shall be provided.

(1) Responsibilities; and

(2) Authority on the project.

- ii. If the principal personnel designated on the project change, information for the new personnel shall be submitted to the Department within 30 calendar days of such change;

3. The following historical information, unless the remediation is directed at either a specific discharge event, rather than a particular area of concern at a site, or any underground tank or underground tank system:

- i. Historical site plans, if available, after completion of a due diligence search, and facility as-built construction drawing detailing, at a minimum, all information pursuant to N.J.A.C. 7:26E-3.2(a) and, in addition, topography using two-foot contours, potential contaminant conduits including all subsurface utilities. Maps depicting the entire site shall be scaled at one inch to 200 feet or less and individual area of concern maps shall be scaled at one inch to 40 feet or less. If more than one map is submitted, maps shall be presented as overlays, keyed to a base map; and

- ii. An interpretive aerial history pursuant to N.J.A.C. 7:26E-3.1(c) 1vi including all photos. Matched pairs shall be provided, if available, to allow for stereo viewing. Photos shall include a north arrow, bar scale, date and source of photo, and site boundaries. Matte finish reproductions are preferred;

4. Descriptions of the following unless the remediation is directed at either a specific discharge event, rather than a particular area of concern at a site, or any underground tank or underground tank system. If applicable, the Depart-

ment Geographic Information System shall be used as a source of information for (b)4i through vi below:

- i. The physical conditions of the site and surroundings, including a general description of soils, geology, hydrogeology, and topography;
 - ii. The usage, distance to, flow direction, and names of surface water bodies within one-half mile of the site boundary, with emphasis upon water bodies topographically or hydraulically downgradient of the site that may receive site discharges or runoff;
 - iii. A copy of the United States Geologic Survey (USGS) 7.5 minute topographic quadrangle that includes the site and an area of at least a one mile radius around the site shall be required. This map shall be that USGS revision in effect at the time of the report and shall clearly note the facility location and property boundaries. When a portion of the USGS quadrangle is used, the scale (including a bar scale), north arrow, contour interval, longitude and latitude, along with the name and date of the USGS quadrangle shall be noted on the map;
 - iv. In addition, a wetlands map from the "National Wetlands Inventory" which provides a wetlands map superimposed on a USGS 7.5 minute topographic quadrangle shall be included;
 - v. Copies of boring logs from on-site construction; and
 - vi. Land use within a 1,000 foot radius of the site boundary including proximity of the site to environmentally sensitive areas and/or sensitive human receptors (for example, residences, schools, parks);
5. A description of each area of concern including dimensions, suspected contaminants, and suspected source of discharge;
6. An area of concern sampling summary table of proposed sampling and analysis shall be presented in the remedial investigation workplan text or on the sample location map specified in (b)7 below, according to the following headings (a suggested format is included in Table 4-1):
- i. Location: Use the same alpha or numeric designation as shown on the scaled sampling location map;

- ii. Matrix: Waste, soil, surface water, ground water, or sediment;
 - iii. Sample depth:
 - (1) Soil/sediment—depth of sample increment which will be analyzed;
 - (2) Ground water—indicate water bearing zone to be sampled (water table, confined, and semi-confined) and sample depth;
 - (3) Surface water—indicate depth of water sample.
 - iv. Analytical parameters for each sample (for example, priority pollutant metals, full priority pollutant scan); and
 - v. Sampling method;
7. Proposed sample locations shall be indicated on a sample location map, scaled as in (b)3i above. Sample locations may be superimposed on maps presented pursuant to (b)3i above;
8. Other sampling proposals including any proposals to conduct the following studies:
- i. Treatability, bench scale, pilot studies pursuant to N.J.A.C. 7:26E-4.1(a)4i;
 - ii. Data necessary to develop discharge permit effluent limitations; and
 - iii. Ecological investigations for the purposes of characterizing natural resource injuries pursuant to N.J.A.C. 7:26E-4.7;
9. Quality assurance project plan including proposed sampling/analytical methods pursuant to N.J.A.C. 7:26E-2.2;
10. Health and safety plan pursuant to N.J.A.C. 7:26E-1.9; and
11. A completed case inventory document prepared pursuant to the Department's Guidance for the Preparation of the Case Inventory Document. The case inventory document shall be provided at the front of the workplan.

TABLE 4-1
Suggested Format Sampling Summary Table

<u>Location</u>	<u>Medium</u>	<u>Sample Depth</u>	<u>Analytical Parameters</u>	<u>Sampling Method</u>
Area T: MWT-1	Seepage Pit Ground	Water Table (20')	Priority Pollutants	Bailer
MWT-2	Ground Water	Water Table (20')	Priority Pollutants	Bailer
MWT-3	Ground	Water Table (20')	Priority	Bailer