

ii. If the earliest of the events listed at N.J.A.C. 7:26C-2.2(a) occurred between November 4, 2009 and May 7, 2012, the date of that occurrence;

iii. If the earliest of the events listed at N.J.A.C. 7:26C-2.2(a) occurs after May 7, 2012, the date of that occurrence; or

iv. If a different licensed site remediation professional is hired to replace the licensed site remediation professional about whom the person notified the Department pursuant to (a)2i through iii above prior to the issuance of a response action outcome, the date of hiring of the new licensed site remediation professional;

3. Conduct the remediation:

i. Without prior Department approval, except:

(1) If the Department directs otherwise;

(2) If the person is remediating the site, area of concern or site condition pursuant to N.J.A.C. 7:26C-14;

(3) If the remediation is being conducted pursuant to (a)1ii or iii above, or the site is being remediated partially or solely to satisfy the obligations under the Resource Conservation and Recovery Act, 42 U.S.C. §§ 6901 et seq., and is a priority site under the Government Performance and Results Act, 40 U.S.C. §§ 11101 et seq., regardless of whether the U.S. Environmental Protection Agency or the Department is the lead agency for the remediation; or;

(4) If the site is suspected or known to be contaminated with anthropogenic radionuclide contamination of any media;

ii. In accordance with N.J.A.C. 7:26C-1.2(a); and

iii. By addressing all deficiencies identified by the Department in any submittals made by the person or by a licensed site remediation professional on behalf of the person;

4. Pay all applicable fees and oversight costs as required pursuant to N.J.A.C. 7:26C-4;

5. Establish a remediation funding source, if required, pursuant to N.J.A.C. 7:26C-5;

6. Provide the Department access to the contaminated site pursuant to N.J.A.C. 7:26C-8;

7. Provide the Department copies of all applicable documents concerning the remediation as required by this chapter and the Technical Requirements for Site Remediation rules, N.J.A.C. 7:26E, or upon request of the Department;

8. Meet the timeframes in this chapter and in the Technical Requirements for Site Remediation rules, N.J.A.C. 7:26E; and

9. Obtain and comply with all permits necessary for the remediation.

(b) A person responsible for conducting the remediation who has been conducting the remediation without a licensed site remediation professional prior to May 7, 2012 and is required to conduct the remediation using a licensed site remediation professional as of the effective date of this chapter shall comply with (a) above.

Administrative correction.

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

Amended by R.2011 d.251, effective October 3, 2011.

See: 43 N.J.R. 1077(a), 43 N.J.R. 2581(b).

In (a)2, substituted "form, found on the Department's" for "Licensed Site Remediation Professional Notification of Retention or Dismissal form available from the Department on its".

Recodified from N.J.A.C. 7:26C-2.4 and amended by R.2012 d.095, effective May 7, 2012.

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

Section was "Requirements for a person who initiated remediation on or after November 4, 2009". Rewrote the introductory paragraph of (a), and (a)1, (a)2 and (a)3; in (a)7, substituted "and" for a comma and deleted "and guidance," preceding "or upon"; and added (b). Former N.J.A.C. 7:26C-2.3, "Requirements for a person who initiated remediation prior to November 4, 2009", repealed.

7:26C-2.4 (Repealed)

Recodified to N.J.A.C. 7:26C-2.3 by R.2012 d.095, effective May 7, 2012.

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

Section was "Requirements for a person who initiated remediation on or after November 4, 2009".

7:26C-2.5 Record retention

(a) The person responsible for conducting the remediation shall maintain and preserve all data, documents and information concerning remediation of a contaminated site, including, but not limited to, technical records and contractual documents, and raw sampling and monitoring data, whether or not the data and information, including technical records and contractual documents, were developed by the licensed site remediation professional or that person's divisions, employees, agents, accountants, contractors, or attorneys, that relate in any way to the contamination at the site.

(b) Upon the receipt of a written request from the Department, the person responsible for conducting the remediation shall submit to the Department all data and information, including technical records and contractual documents concerning contamination at the site, including raw sampling and monitoring data, whether or not such data and information were developed as part of the remediation. The person responsible for conducting the remediation may reserve its right to assert a privilege regarding such documents, except that no claim of confidentiality or privilege may be asserted with respect to any data related to site conditions, sampling or monitoring.

(c) The person responsible for conducting the remediation shall submit three electronic copies of all records referenced

in (a) above, to the Department at the time of the issuance of a final remediation document.

SUBCHAPTER 3. REMEDIATION TIMEFRAMES AND EXTENSION REQUESTS

7:26C-3.1 Scope

(a) This subchapter contains provisions that specify the requirements for:

1. Complying with, and requesting an extension from, regulatory timeframes pursuant to N.J.A.C. 7:26C-3.2;
2. Complying with mandatory remediation timeframes pursuant to N.J.A.C. 7:26C-3.3;
3. Complying with expedited site specific remediation timeframes pursuant to N.J.A.C. 7:26C-3.4; and
4. Requesting an extension of mandatory or site specific remediation timeframe pursuant to N.J.A.C. 7:26C-3.5.

7:26C-3.2 Regulatory timeframes

(a) The person responsible for conducting the remediation who meets the criteria in N.J.A.C. 7:26C-1.4(a)1 through 5 shall comply with the regulatory timeframes established by all applicable statutes, rules and guidance, including, but not limited to, the Underground Storage Tank rules, N.J.A.C. 7:14B, the Industrial Site Recovery Act rules, N.J.A.C. 7:26B, the Technical Requirements for Site Remediation rules, N.J.A.C. 7:26E, and this chapter.

(b) The person responsible for conducting the remediation may request an extension of a regulatory timeframe by complying with the following:

1. Complete a form, found on the Department's website at www.nj.gov/dep/srp/srra/forms, and submit the form to the address noted on the form no later than 30 days prior to the end date of the regulatory timeframe. The following information shall be included:
 - i. The end date of the regulatory timeframe;
 - ii. The amount of time beyond the end date of the regulatory timeframe needed to complete the required work, but not in an amount that would exceed any mandatory remediation timeframe in N.J.A.C. 7:26C-3.3 or an expedited site specific timeframe established pursuant to N.J.A.C. 7:26C-3.4;
 - iii. A description of the cause or causes of the need for the extra time needed to complete the work; and
 - iv. The steps taken to minimize the extra time needed to complete the work; and

2. Submit any additional information the Department requests.

(c) The request for an extension of a regulatory timeframe submitted in accordance with (b) above shall be deemed to be approved by the Department unless the Department notifies the person in writing that the extension request is denied.

1. If the Department denies the extension request, the period between the date the Department received the extension request and the date the Department denies the request shall not be considered when determining whether the person responsible for conducting the remediation is in compliance with any regulatory timeframe.

(d) If the person responsible for conducting the remediation expects to or has missed a regulatory timeframe that may result in the person exceeding a mandatory remediation timeframe as established in N.J.A.C. 7:26C-3.3, or an expedited site specific timeframe established pursuant to N.J.A.C. 7:26C-3.4, the regulatory timeframe extension request shall not be deemed to be approved pursuant to (c) above.

Amended by R.2011 d.072, effective February 22, 2011.

See: 42 N.J.R. 2297(a), 42 N.J.R. 2360(a), 43 N.J.R. 389(c).

In the introductory paragraph of (b)1, substituted "form, found on the Department's website" for "Remediation Timeframe Extension Request form, available from the Department".

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

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

In (a), inserted "who meets the criteria in N.J.A.C. 7:26C-1.4(a)1 through 5" and a comma following "7:26E"; and added (c)1.

7:26C-3.3 Mandatory remediation timeframes

(a) The person responsible for conducting the remediation who meets the criteria in N.J.A.C. 7:26C-1.4(a)1 through 5 shall:

1. If required to conduct a preliminary assessment and site investigation pursuant to the Industrial Site Recovery Act, N.J.S.A. 13:1K-6 et seq., or a site investigation pursuant to the New Jersey Underground Storage of Hazardous Substances Act, N.J.S.A. 58:10A-21 et seq., submit the preliminary assessment and/or site investigation report, as applicable, within two years from the later of the following dates:

- i. March 1, 2010; or
 - ii. When the earliest of any of the events listed at N.J.A.C. 7:26C-2.2(a)1 through 6 occurs;
2. Submit the initial receptor evaluation report containing the information required by N.J.A.C. 7:26E-1.12 through 1.16 known at the time the report is submitted within two years from the later of the following dates:
- i. March 1, 2010; or
 - ii. When the earliest of any of the events listed at N.J.A.C. 7:26C-2.2(a)1 through 6 occurs;