

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

Chapter 26E, Technical Requirements for Site Remediation, expires
on December 17, 2007.

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Analysis, was repealed and a new Subchapter 5, Remedial Action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.

Law Review and Journal Commentaries

Corrective Action. Norman W. Spindel and Andrea Wolff, 151
N.J.L.J. 752 (1998).

Historic Pesticide Contamination Task Force Issues Report. Bruce S.
Katcher, 155 N.J.L.J. 1155 (1999).

ISRA: What You Need to Know. Richard J. Conway, Jr., 160
N.J.Law. 16 (Mag.) (April 1994).

Liability Limitations: Even With New Protections, Purchasers Must
Be Diligent. Todd L. Normane, 151 N.J.L.J. 748 (1998).

Natural Resource Damages: New Jersey's New Approach. Dennis
Krumhotz and Marilyn R. Greenberg, 155 N.J.L.J. 705 (1999).

Who is "In Any Way Responsible" Under the Spill Act? Matthew S.
Slowinski, 150 N.J.L.J. 301 (1997).

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. GENERAL INFORMATION

- 7:26E-1.1 Scope
- 7:26E-1.2 Liberal construction
- 7:26E-1.3 Applicability
- 7:26E-1.4 Notification
- 7:26E-1.5 Certifications
- 7:26E-1.6 Documenting compliance with the technical require-
ments

- 7:26E-1.7 Criteria for going beyond the minimum technical re-
quirements
- 7:26E-1.8 Definitions
- 7:26E-1.9 Health and safety plan
- 7:26E-1.10 Severability
- 7:26E-1.11 Bias for action
- 7:26E-1.12 Requirement for Department oversight of remediation
- 7:26E-1.13 Minimum groundwater and surface water remediation
standards

**SUBCHAPTER 2. QUALITY ASSURANCE FOR SAMPLING
AND LABORATORY ANALYSIS**

- 7:26E-2.1 Quality assurance requirements
- 7:26E-2.2 Quality assurance project plan

**SUBCHAPTER 3. PRELIMINARY ASSESSMENT AND
SITE INVESTIGATION**

- 7:26E-3.1 Preliminary assessments
- 7:26E-3.2 Preliminary assessment
- 7:26E-3.3 Site investigation
- 7:26E-3.4 Site investigation—general sampling requirements
- 7:26E-3.5 Site investigation—building interiors
- 7:26E-3.6 Site investigation—soil
- 7:26E-3.7 Site investigation—groundwater
- 7:26E-3.8 Site investigation—surface water and sediment
- 7:26E-3.9 Site investigation—area specific requirements
- 7:26E-3.10 Site investigation—background investigation in soil
- 7:26E-3.11 Site investigation—ecological evaluation
- 7:26E-3.12 Site investigation—historic fill material
- 7:26E-3.13 Site investigation report

SUBCHAPTER 4. REMEDIAL INVESTIGATIONS

- 7:26E-4.1 Remedial investigation requirements
- 7:26E-4.2 Remedial investigation workplan
- 7:26E-4.3 Remedial investigation of soil
- 7:26E-4.4 Remedial investigation of ground water
- 7:26E-4.5 Remedial investigation of surface water, wetlands and
sediment
- 7:26E-4.6 Remedial investigation of landfills and historic fill ma-
terial
- 7:26E-4.7 Remedial investigation of ecological receptors
- 7:26E-4.8 Remedial investigation report
- 7:26E-4.9 (Reserved)

SUBCHAPTER 5. REMEDIAL ACTION SELECTION

- 7:26E-5.1 Remedial action selection
- 7:26E-5.2 Remedial action selection report

APPENDIX

SUBCHAPTER 6. REMEDIAL ACTION

- 7:26E-6.1 Remedial action requirements
- 7:26E-6.2 Remedial action workplan
- 7:26E-6.3 Specific remedial action requirements
- 7:26E-6.4 Post-remedial action requirements
- 7:26E-6.5 Remedial action schedule
- 7:26E-6.6 Remedial action progress reports
- 7:26E-6.7 Remedial action report

**SUBCHAPTER 7. PERMIT IDENTIFICATION AND
APPLICATION SCHEDULE**

- 7:26E-7.1 Permit identification

**SUBCHAPTER 8. ENGINEERING AND INSTITUTIONAL
CONTROLS**

- 7:26E-8.1 General requirements
- 7:26E-8.2 Deed notice requirements

- 7:26E-8.3 Groundwater classification exception areas
- 7:26E-8.4 Monitoring, maintenance, and biennial certification—who has obligation and when
- 7:26E-8.5 Monitoring, maintenance, and biennial certification—requirements for deed notices and declarations of environmental restrictions
- 7:26E-8.6 Monitoring, maintenance, and biennial certification—specific requirements for groundwater classification exception areas
- 7:26E-8.7 Monitoring, maintenance, and biennial certification—engineering and institutional controls

- APPENDIX A Laboratory Data Deliverables Formats
- APPENDIX B Well Search Format
- APPENDIX C Mann-Whitney U-Test
- APPENDIX D Historic Fill Database
- APPENDIX E Model Deed Notice
- APPENDIX F Groundwater Classification Exception Area Fact Sheet
- APPENDIX G Contour Map Reporting Form
- APPENDIX H Model Public Notice

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, 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., and 58:10A-21 et seq.

7:26E-1.3 Applicability

(a) This chapter establishes the minimum technical requirements that form the basis of the Department's review of the remediation of any contaminated site in New Jersey, including, without limitation, those sites and activities subject to:

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); and
8. The Brownfield and Contaminated Site Remediation Act.

(b) Any person seeking Department review of work undertaken pursuant to this chapter shall:

1. Execute an oversight document with the Department pursuant to N.J.A.C. 7:26C;
2. Comply with the requirements of N.J.A.C. 7:26B; or
3. Comply with the requirements of N.J.A.C. 7:14B.

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

1. For any site at which a particular phase of remediation was commenced prior to July 1, 1993, the Department shall evaluate such work to determine whether the work is in substantial compliance with this chapter, as originally adopted effective June 7, 1993 (see 25 N.J.R. 2881(b)), and therefore acceptable to the Department.