

CHAPTER 26C

**ADMINISTRATIVE REQUIREMENTS FOR THE
REMEDICATION OF CONTAMINATED SITES**

Authority

N.J.S.A. 13:1K-8; 58:10-23.11b, 11e2, 11f, 11g and 16;
58:10A-1 et seq.; 58:10B-1 through 4, 8, 11, 12, 13,
17.1, 20, 26, 28, 29 and 31; and 58:10C-1 et seq.

Source and Effective Date

R.2011 d.251, effective September 8, 2011.
See: 43 N.J.R. 1077(a), 43 N.J.R. 2581(b).

Chapter Expiration Date

Chapter 26C, Administrative Requirements for the Remediation of Contaminated Sites, expires on September 8, 2018.

Chapter Historical Note

Chapter 26C, Department Oversight of the Remediation of Contaminated Sites, was adopted as R.1993 d.186, effective May 17, 1993. See: 24 N.J.R. 1281(b), 25 N.J.R. 2002(a).

Petition for Rulemaking: Notice of Receipt of and Action on a Petition for Rulemaking. See: 28 N.J.R. 5499(a), 29 N.J.R. 704(a).

Pursuant to Executive Order No. 66(1978), Chapter 26C was re-adopted as R.1997 d.499, effective October 23, 1997. As part of R.1997 d.499, Subchapter 2, Procedures for the Identification of the Appropriate Oversight Document, was renamed Oversight Documents; Subchapter 3, Memorandum of Agreement, was repealed and a new Subchapter 3, Administrative Process for Voluntary Cleanups was adopted; Subchapter 4, Spill Compensation and Control Act Directive; Subchapter 5, Administrative Consent Orders; Subchapter 6, Hazardous Discharge Site Remediation Fund; Subchapter 7, Remediation Funding Source; Subchapter 8, Site Access; Subchapter 9, Oversight Costs; and Subchapter 10, Civil Administrative Penalties and Requests for Adjudicatory Hearings, were adopted as new rules; Appendix A, Standard Memorandum of Agreement; Appendix E, Standard Letter of Credit; Appendix F, Standard Standby Trust Agreement; Appendix G, Standard Fully Funded Trust Agreement; Appendix H, Standard Surety Bond; and Appendix I, Oversight Cost Formula, were repealed; Appendix C, Standard Responsible Party Oversight Document, was recodified as Appendix A, Standard Administrative Consent Order; and Appendix D, Standard Publicly Conducted Administrative Consent Order was recodified as Appendix B, effective November 17, 1997. See: 29 N.J.R. 46(a), 29 N.J.R. 4957(a).

Chapter 26C, Department Oversight of the Remediation of Contaminated Sites, was readopted as R.2003 d.198, effective April 21, 2003. See: 34 N.J.R. 3703(a), 35 N.J.R. 2319(a).

In accordance with N.J.S.A. 52:14B-5.1d, the expiration date of Chapter 26C, Department Oversight of the Remediation of Contaminated Sites, was extended by gubernatorial directive from April 21, 2008 to April 21, 2010. See: 40 N.J.R. 2474(b).

Subchapter 2, Oversight Documents and No Further Action Letters, was renamed Oversight Documents, No Further Action Letters, and Remediation of Unregulated Heating Oil Tank Systems by R.2008 d.322, effective November 3, 2008. See: 40 N.J.R. 2166(a), 40 N.J.R. 6440(a).

Public Notice. See: 41 N.J.R. 4324(a).

Chapter 26C, Department Oversight of the Remediation of Contaminated Sites, was repealed and Chapter 26C, Administrative Requirements for the Remediation of Contaminated Sites, was adopted as special new rules by R.2009 d.361, effective November 4, 2009. See: 41 N.J.R. 4467(a). Provisions of R.2009 d.361 were readopted with changes incorporated at 42 N.J.R. 778(a), 42 N.J.R. 1862(a), 42 N.J.R.

2620(a) and 43 N.J.R. 389(c) as R.2011 d.251, effective September 8, 2011. As a part of R.2011 d.251, Appendix A, Developer Certification, was renamed Indirect Cost Exemption Certification, effective October 3, 2011. See: Source and Effective Date. See, also, section annotations.

Subchapter 5, Remediation Funding Source, was renamed Remediation Funding Source and Financial Assurance; Subchapter 7, Remedial Action Permits, was renamed Deed Notices, Ground Water Classification Exceptions Areas and Remedial Action Permits; Subchapter 14, Direct Oversight, Subchapter 15, Confidentiality, Subchapter 16, Linear Construction Projects, and Appendices B and D were adopted as new rules; and Appendix C was recodified from former Appendix B by R.2012 d.095, effective May 7, 2012. See: 43 N.J.R. 1935(a), 44 N.J.R. 1339(b).

Law Review and Journal Commentaries

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).

New Growth in Old Ground. Bernard A. Weintraub, 147 N.J.L.J. 761 No. 7, S-1 (1997).

Proving Bad Faith in Environmental Coverage Actions. Patrick Nucciarone, Jeffrey A. Cohen, Alexa Richman-La Londe, 149 N.J.L.J. 468 (1997).

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