

2. For a partnership or sole proprietorship, by a general partner or the proprietor, respectively; or

3. For a municipality, State, Federal or other public agency, by either a principal executive officer or ranking elected official.

(d) A duly authorized representative of the person described in (c)1 through 3 above may sign the certification required in (a)1 and 2 above. A person is a duly authorized representative only if:

1. The authorization is made in writing by a person described in (c) above;

2. The authorization specifies either an individual or a position having a responsibility for the overall operation of the site or activity, such as the position of plant manager, or a superintendent or person of equivalent responsibility (a duly authorized representative may thus be either a named individual or any individual occupying a named position); and

3. The written authorization is submitted to the Department along with the certification.

Amended by R.1997 d.499, effective November 17, 1997.

See: 29 N.J.R. 46(a), 29 N.J.R. 4957(a).

Rewrote (a); deleted existing (b) and (c); recodified existing (c)1 and (c)2 as (a)1 and (a)2; deleted existing (c)2iv; recodified existing (d) as (b); and inserted new (c) and (d).

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

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

Rewrote the section.

Amended by R.2006 d.328, effective September 18, 2006.

See: 37 N.J.R. 2923(a), 38 N.J.R. 3821(a).

Rewrote the introductory paragraph of (a)1.

7:26C-1.3 Definitions

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise:

“Administrative consent order” means an administrative order which is signed by one or more persons and the Department; and may be in the form of a memorandum of understanding for public entities at the Department’s discretion.

“Applicant” means a corporation, partnership, individual, society, association, consortium, joint venture, commercial entity, county, municipality, or public school district that has applied to the Department for a loan or grant.

“Area of concern” means any location defined as such pursuant to the Technical Requirements for Site Remediation, at N.J.A.C. 7:26E-1.8.

“Authority” means the New Jersey Economic Development Authority.

“CERCLA” means 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.).

“Commissioner” means the Commissioner of the Department of Environmental Protection or his or her authorized representative.

“Conditional hardship grant” means a grant to an eligible owner or operator as provided in N.J.S.A. 58:10A-37.5.

“Contaminated site” means any site defined as a contaminated site pursuant to the Technical Requirements for Site Remediation, at N.J.A.C. 7:26E-1.8.

“Contamination” or “contaminant” means any discharged hazardous substance as defined in N.J.S.A. 58:10-23.11b, hazardous waste as defined in N.J.S.A. 13:1E-38, or pollutant as defined in N.J.S.A. 58:10A-3.

“Covenant not to sue” means a document which shall be identical in wording to Appendix C, incorporated herein by reference.

“Deed notice” means a document defined as such pursuant to the Technical Requirements for Site Remediation, at N.J.A.C. 7:26E-1.8.

“Department” means the New Jersey Department of Environmental Protection.

“Directive” means a document the Department issues pursuant to N.J.S.A. 58:10-23.11 et seq. and 13:1D-1 et seq., to, among other things, notify the recipient thereof that the Department has determined that it is necessary to clean up and remove or arrange for the cleanup and removal of a discharge and that the Department believes the recipient is a person who may be subject to liability for the hazardous substance that was discharged.

“Discharge” means an action or omission defined as such pursuant to the Technical Requirements for Site Remediation, at N.J.A.C. 7:26E-1.8.

“Engineering controls” means any physical mechanism defined as such pursuant to the Technical Requirements for Site Remediation, at N.J.A.C. 7:26E-1.8.

“Environmental medium” means any such medium defined as such pursuant to the Technical Requirements for Site Remediation, at N.J.A.C. 7:26E-1.8.

“EPA” means the United States Environmental Protection Agency.

“Grace period” means the period of time afforded under N.J.S.A. 13:1D-125 et seq., commonly known as the Grace Period Law, for a person to correct a minor violation in order to avoid imposition of a penalty that would be otherwise applicable for such violation.

“Hazardous substance” means any substance defined as such pursuant to the Discharges of Petroleum and Other Hazardous Substances Regulations, at N.J.A.C. 7:1E-1.7.

“Hazardous waste” means any solid waste as defined in the Hazardous Waste Regulations, at N.J.A.C. 7:26G-5.

“Immediate environmental concern” means a condition defined as such pursuant to the Technical Requirements for Site Remediation, at N.J.A.C. 7:26E-1.8.

“Industrial establishment” means any place defined as such pursuant to the Industrial Site Recovery Act, N.J.S.A. 13:1K-8.

“Innovative remedial action technology” means a remedial action defined as such pursuant to the Technical Requirements for Site Remediation, at N.J.A.C. 7:26E-1.8.

“Institutional controls” means a mechanism defined as such pursuant to the Technical Requirements for Site Remediation, at N.J.A.C. 7:26E-1.8.

“Limited restricted use remedial action” means a remedial action defined as such pursuant to the Technical Requirements for Site Remediation, at N.J.A.C. 7:26E-1.8.

“Memorandum of agreement” means a written agreement between the Department and one or more persons to conduct remediation of a site or an area of concern.

“Memorandum of understanding” means an oversight document executed by the Department and a public entity, similar to the form of an administrative consent order.

“Multiple responsible parties” means five or more unrelated responsible parties, as determined by the Department, involved at a contaminated site.

“Natural resources” means all media defined as such pursuant to the Technical Requirements for Site Remediation, at N.J.A.C. 7:26E-1.8.

“No further action letter” means a written determination by the Department that based upon an evaluation of the historical use of the site, or of an area of concern or areas of concern at that site, as applicable, and any other investigation or action the Department deems necessary, there are no discharged contaminants present at the site, at the area of concern or areas of concern, at any other site to which a discharge originating at the site has migrated, or that any discharged contaminants present at the site or that have migrated from the site have been remediated in accordance with applicable remediation regulations.

“Operator” means any person defined as such pursuant to the Industrial Site Recovery Act, N.J.S.A. 13:1K-6 et seq. and the Underground Storage of Hazardous Substances Act, N.J.S.A. 58:10A-21 et seq.

“Oversight costs” means all cleanup and removal costs as defined by the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11b, that the Department incurs in overseeing the remediation conducted by the person responsible for conducting the remediation or in overseeing the remediation conducted by a contractor on behalf of the Department, calculated in accordance with the formula included at N.J.A.C. 7:26C-9.3.

“Oversight document” means any document the Department or a court issues to define the role of a person participating in the remediation of a contaminated site or area of concern, and may include, without limitation, an administrative order, administrative consent order, court order, memorandum of understanding, memorandum of agreement, or remediation agreement.

“Person responsible for conducting remediation” means a person responsible for conducting remediation as defined pursuant to the Technical Requirements for Site Remediation, at N.J.A.C. 7:26E-1.8.

“Petroleum” means petroleum defined pursuant to Underground Storage Tanks rules, at N.J.A.C. 7:14B-1.6.

“Pollutant” means any substance defined as such pursuant to the Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq.

“Preliminary assessment” means the first phase in the process of identifying areas of concern defined as such pursuant to the Technical Requirements for Site Remediation, at N.J.A.C. 7:26E-3.1.

“Public entity” means any county, municipality, or public school district, but shall not include any authority created by those entities.

“RCRA” means the Resource Conservation and Recovery Act, as amended (42 U.S.C. 6901 et seq.).

“Regulated tank system” means an underground storage tank system defined pursuant to Underground Storage Tanks rules, N.J.A.C. 7:14B.

“Remedial action” means those actions defined as such pursuant to the Technical Requirements for Site Remediation, at N.J.A.C. 7:26E-1.8.

“Remedial action workplan” or “RAW” means a plan for the remedial action to be undertaken at a contaminated site defined as such pursuant to the Technical Requirements for Site Remediation, N.J.A.C. 7:26E-6.

“Remedial investigation” means actions defined as such pursuant to the Technical Requirements for Site Remediation, at N.J.A.C. 7:26E-1.8.

“Remediation” or “remediate” means all necessary actions defined as such pursuant to the Technical Requirements for Site Remediation, at N.J.A.C. 7:26E-1.8.

“Remediation agreement” means an agreement defined as such pursuant to the Industrial Site Recovery Act Regulations, at N.J.A.C. 7:26B-1.4.

“Remediation costs” means all costs associated with the remediation, including the Department’s oversight costs.

“Responsible party” means a person who is in any way responsible for a contaminated site, or for the contaminants at a site including, for the purposes of this chapter, each owner or operator, and any other person obligated by law to clean up and remove contaminants at a site.

“Restricted use remedial action” means a remedial action defined as such pursuant to the Technical Requirements for Site Remediation, at N.J.A.C. 7:26E-1.8.

“Restricted use standard” means a numeric remediation standard defined as such pursuant to the Technical Requirements for Site Remediation, at N.J.A.C. 7:26E-1.8.

“Site investigation” means those actions defined as such pursuant to the Technical Requirements for Site Remediation, at N.J.A.C. 7:26E-1.8.

“Spill Act” means the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11 et seq.

“Underground storage tank” means an underground storage tank defined as such pursuant to the Technical Requirements for Site Remediation, at N.J.A.C. 7:26E-1.8.

“Unrestricted use remedial action” means a remedial action defined as such pursuant to the Technical Requirements for Site Remediation, at N.J.A.C. 7:26E-1.8.

“Unrestricted use standard” means a numeric remediation standard defined as such pursuant to the Technical Requirements for Site Remediation, at N.J.A.C. 7:26E-1.8.

Amended by R.1997 d.499, effective November 17, 1997.
See: 29 N.J.R. 46(a), 29 N.J.R. 4957(a).

Amended “Administrative consent order”, “Commissioner”, “Contaminated site”, “Department”, “Directive”, “Discharge”, “Environmental medium”, “Immediate environmental concern”, “Memorandum of agreement”, “Memorandum of understanding”, “Natural resources”, “Oversight document”, “Owner”, “Preliminary assessment”, “Remedial action”, “Remedial investigation”, “Remediation”, and “Site investigation”; added “Area of concern”, “Contamination”, “Declaration of environmental restrictions”, “Engineering controls”, “Financial assistance”, “Industrial establishment”, “Institutional controls”, “ISRA”, “No further action letter”, “Operator”, “Remedial action workplan”, “Remediation agreement”, “Restricted use standard”, and “Unrestricted use standard”; and deleted “Contaminant”, “Decision document”, “ECRA”, “Hazardous constituent”, “Operable unit”, “Operation, maintenance and monitoring”, “Priority site”, “Record of decision”, “Remedial alternative analysis”, “Remedial design”, and “Solicitation document”.

Amended by R.1998 d.155, effective April 6, 1998.
See: 29 N.J.R. 5154(a), 30 N.J.R. 1321(a).

Inserted “Applicant”, “Authority”, “Conditional hardship grant”, “Fund”, “Petroleum”, “Public entity”, “Regulated tank systems”, “Underground storage tank”, and “Underground storage tank system”.

Amended by R.1999 d.241, effective August 2, 1999.
See: 30 N.J.R. 2373(a), 31 N.J.R. 2167(a).

Inserted “Covenant not to sue”, “Innovative remedial action technology”, “Limited restricted use remedial action”, “Restricted use

remedial action” and “Unrestricted use remedial action”; rewrote “Declaration of environmental restrictions” as “Deed notice”; and rewrote “Institutional controls”.

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

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

Rewrote the section.

Amended by R.2006 d.328, effective September 18, 2006.

See: 37 N.J.R. 2923(a), 38 N.J.R. 3821(a).

Added definition “Grace period”.

Administrative Correction.

See: 38 N.J.R. 4693(d).

Case Notes

Commercial general liability insurer’s engineering costs for remedial investigation were “defense expenses,” rather than liability coverage for damages. *General Acc. Ins. Co. of America v. State, Dept. of Environmental Protection*, 278 N.J.Super. 412, 651 A.2d 472 (A.D.1995), certification granted 140 N.J. 328, 658 A.2d 728, reversed 143 N.J. 462, 672 A.2d 1154.

7:26C-1.4 Dispute resolution

(a) Any person conducting remediation with Department oversight may initiate the Department’s dispute resolution process or the expedited dispute resolution process set forth in this section to resolve certain issues which arise that were not resolved at the case manager level, except as noted in (l) below.

(b) Any person conducting remediation with Department oversight may initiate this process by submitting a written request, to the section chief of the case manager overseeing the remediation of the site, which shall include all of the following:

1. The site name, address, and contaminated site list number;
2. The name of the case manager overseeing the remediation of the site;
3. The name, address, and telephone number, of the person making the request;
4. A summary of the issue not resolved including a brief discussion of why the Department’s decision is not appropriate;
5. A description of previous efforts to resolve the issue;
6. A recommendation for resolution of the issue not resolved; and
7. A request for a meeting with the Department, if appropriate or desired.

(c) The section chief shall contact the requester by telephone to provide a response and shall provide a written response within seven calendar days after receipt of the written request in (b) above. The written response shall include the name, address, and telephone number of the bureau chief.

(d) If the requester is not satisfied with the resolution provided by the section chief, the requester may submit a written request for resolution of the issue to the bureau chief

identified in the written response in (c) above. The written request shall include all the information in (b) above.

(e) The bureau chief shall contact the requester by telephone to provide a response and shall provide a written response within seven calendar days after receipt of the written request in (d) above. The written response shall include the name, address, and telephone number of the assistant director.

(f) If the requester is not satisfied with the resolution provided by the bureau chief, the requester may submit a written request for resolution to the assistant director identified in the written response in (e) above. The written request shall include all the information in (b) above.

(g) The assistant director shall contact the requester by telephone to provide a response and shall provide a written response within seven calendar days after receipt of the written request in (f) above. The written response shall include the name, address, and telephone number of the director.

(h) If the requester is not satisfied with the resolution provided by the assistant director, the requester may continue the process in (b) through (g) above with the Director, Assistant Commissioner, and Commissioner or his or her designee.

(i) Any person may initiate the expedited dispute resolution process, instead of the process set forth in (b) through (h), above, by making a written request to the Commissioner or his or her designee, for an expedited review of the issue. The Commissioner, or his or her designee, shall issue a decision regarding the disputed issues within 21 calendar days after receipt of the request.

(j) If resolution of the disputed issues is not achieved through the process set forth in (b) through (i) above, the person may initiate the Department's alternate dispute resolution process by submitting a written request to the Commissioner.

(k) If resolution cannot be achieved through the alternate dispute resolution process and the Department determines the matter to be a contested case, the Department may transfer the matter to the Office of Administrative Law for scheduling of an adjudicatory hearing. An adjudicatory hearing shall be conducted pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

(l) The dispute resolution process set forth in (b) through (j) above does not apply to:

1. Issues regarding oversight costs;
 - i. Issues regarding oversight costs shall be resolved pursuant to N.J.A.C. 7:26C-9.4;
2. Technical issues which arise during Department oversight of remediation; or
3. Legal issues.

(m) The Department shall not act upon a request for dispute resolution unless it is submitted in writing and includes all the information in (b) above.

New Rule, R.1997 d.499, effective November 17, 1997.

See: 29 N.J.R. 46(a), 29 N.J.R. 4957(a).

Former N.J.A.C. 7:26C-1.4, "Liberal construction", recodified to N.J.A.C. 7:26C-1.7.

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

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

Rewrote the section.

7:26C-1.5 General provisions

(a) Any person that the Department allows to participate in the remediation of a contaminated site with Department oversight shall comply with the provisions of this section.

(b) A person conducting the remediation of a contaminated site with Department oversight shall pay all applicable oversight costs pursuant to N.J.A.C. 7:26C-9.

(c) Any person conducting remediation at a site pursuant to an oversight document or a court order shall, in addition to any other obligation required by law, notify the Department immediately upon knowledge of any condition posing an immediate environmental concern to the public health and safety or the environment. The Department may stop any remediation and any construction, improvement, or change at the contaminated site, due to the immediate environmental concern caused by contaminants.

(d) Nothing in this chapter shall be construed as limiting:

1. Any legal, equitable or administrative remedies against any person which the Department may have under any applicable law or regulation;

2. The Department's discretion to pursue or to refrain from pursuing any such remedies; or

3. Except as otherwise stated in this chapter, any legal, equitable or administrative remedy which the party responsible for conducting the remediation may have under any applicable law or regulation.

(e) Failure to comply with the requirements associated with this chapter may result in the Department instituting proceedings to assess and collect civil or civil administrative penalties or penalties pursuant to N.J.A.C. 7:26C-10, or any other legal or equitable relief.

(f) The participation by any person in any of the procedures outlined in this chapter shall not relieve that person from responsibility to comply with all other applicable statutes and regulations. Except as otherwise stated in this chapter, nothing shall be construed as limiting any legal, equitable or administrative remedies which the party conducting remediation may have under any applicable law or regulation.

(g) Nothing in this chapter prohibits a person from assessing or investigating a potentially contaminated site without the Department's oversight unless:

1. The Department issues a directive pursuant to N.J.S.A. 58:10-23.11f; or

2. The person has actual notice that the Department has begun publicly funded remediation.

New Rule, R.1997 d.499, effective November 17, 1997.

2. The information is complete, however, the requested disbursement amount includes remediation costs that the Department has not approved, and therefore, the Department will only disburse funds for the approved remediation costs; or

3. The information is incomplete, indicating the missing information, and the Department shall not give further consideration to the disbursement request until the requester submits all the required information.

Amended by R.2003 d.198, effective May 19, 2003.
See: 34 N.J.R. 3703(a), 35 N.J.R. 2319(a).
Rewrote the section.

7:26C-7.11 Return of the remediation funding source

(a) The Department shall notify in writing the person required to establish the remediation funding source, when that person is no longer required to maintain the remediation funding source.

(b) The Department shall return the remediation funding source pursuant to (c) below when:

1. The Department determines that the person responsible for conducting the remediation has completed all the substantive and financial requirements of:

- i. The oversight document;
- ii. Court order; or
- iii. Department approved remedial action workplan for an industrial establishment; or

2. The Department approves in writing one of the following for the final remedial action for the site:

- i. An innovative remedial action technology;
- ii. A limited restricted use remedial action; or
- iii. An unrestricted use remedial action.

(c) When the Department makes one of the findings or approvals listed in (b) above, the Department shall allow the person responsible for establishing the remediation funding source to terminate or modify the remediation funding source consistent with the finding or approval. The Department shall only allow that person to terminate the remediation funding source if there is no additional remediation necessary at the site.

Amended by R.1999 d.241, effective August 2, 1999.
See: 30 N.J.R. 2373(a), 31 N.J.R. 2167(a).
Rewrote (b); and added (c).

Amended by R.2003 d.198, effective May 19, 2003.
See: 34 N.J.R. 3703(a), 35 N.J.R. 2319(a).

In (a), substituted "required to establish" for "that has been established" and "source, when that person" for "source, that the person"; in (b), inserted "for the final remedial action for the site" in the introductory paragraph of 2; in (c), substituted "necessary at" for "which has not yet been completed".

7:26C-7.12 Failure to perform the remediation

(a) The Department shall notify in writing the person required to establish a remediation funding source if the Department determines that the person responsible for conducting the remediation has failed to perform the remediation as required pursuant to an oversight document, court order or Department approved remedial action workplan. The person shall have 30 calendar days after receipt of such notice, unless otherwise extended in writing by the Department, to perform the obligation(s) not performed.

(b) The Department shall provide a copy of the notification in (a) above to the current owners and operators of the site when the person required to establish the remediation funding source has failed to remediate the site.

(c) Thirty calendar days after the person's receipt of the notification in (a) above, the Department may, in its sole discretion, perform the remediation of a site using the funds in the remediation funding source.

(d) The Department may, in its discretion, disburse all or some of the monies to a person, other than the person who established the remediation funding source pursuant to this subchapter, after that other person has completed the remediation of the contaminated site with the Department's oversight.

Amended by R.2003 d.198, effective May 19, 2003.
See: 34 N.J.R. 3703(a), 35 N.J.R. 2319(a).
Rewrote the section.

SUBCHAPTER 8. SITE ACCESS

7:26C-8.1 Scope

This subchapter identifies the minimum requirements for a person planning to conduct remediation of real property not owned by that person, to obtain access to that property.

7:26C-8.2 Site access

(a) Any person responsible for conducting remediation of real property not owned by that person shall take all appropriate actions to obtain the access necessary to implement the remediation as outlined in (b) below.

(b) The person responsible for conducting remediation of real property not owned by that person that requires access to that property shall send a written request via certified mail, return receipt requested, with a copy to the Department, for access to the property, to each owner which shall include:

1. A copy of the oversight document or a description of the regulatory program pursuant to which remediation is being conducted;

2. A site map indicating each area for which access is needed;
3. A description of the reason access is needed and the extent of access needed;
4. A description of the remediation to be conducted, indicating the approximate time of initiation of the remediation and the approximate time necessary to implement the remediation; and
5. A request that the site owner respond in writing to the person requesting access within 30 calendar days after receipt of the written request.

(c) If the owner of the property does not respond, the person conducting the remediation shall send a second written request by certified mail return receipt requested, with a copy to the Department, to the property owner. The second written request shall include a copy of the first written request detailed in (b) above.

(d) Nothing contained in this section shall be construed to relieve any person conducting remediation of that person's obligations to conduct remediation at any portion of a site or area(s) of concern to which the person has access.

(e) The person responsible for conducting the remediation shall initiate and rigorously pursue an action in Superior Court, including an appeal to the Appellate Division, if appropriate, for site access if an access agreement with the property owner is not reached. The person responsible for conducting the remediation shall provide written confirmation to the Department of the initiation of such action. Upon request by the Department the person responsible for conducting the remediation shall submit a copy of the court order that indicates that the Superior Court denied access to the property.

Amended by R.2003 d.198, effective May 19, 2003.
See: 34 N.J.R. 3703(a). 35 N.J.R. 2319(a).

In (b), substituted "the reason access is needed" for "why" in 3: in (c), substituted "shall" for "may" preceding "send a second written request".

SUBCHAPTER 9. OVERSIGHT COSTS

7:26C-9.1 Scope

- (a) This subchapter provides:
1. The fixed cost schedule for Department review of a preliminary assessment report, site investigation report or biennial certification submitted by any person;
 2. The fixed costs schedule for a person to obtain Department oversight of remediation of a discharge from an underground storage tank not regulated by N.J.A.C. 7:14B;

3. The oversight cost formula for Department oversight activities to be directly billed to the person conducting the remediation of a site not subject to the fixed costs set forth at N.J.A.C. 7:26C-9.2; and

4. The procedures and criteria by which the recipient of a bill for Department oversight costs calculated pursuant to N.J.A.C. 7:26C-9.3(d) may contest those oversight costs.

Amended by R.2003 d.198, effective May 19, 2003.
See: 34 N.J.R. 3703(a), 35 N.J.R. 2319(a).
Rewrote the section.

7:26C-9.2 Fixed oversight costs

(a) The applicable fixed costs, required by this section upon submittal to the Department of each request or submission, are as follows:

1. Preliminary assessment report	\$250.00
2. Site investigation report	\$500.00
3. Remedial action report*	\$500.00
4. Biennial Certification	\$250.00

* This is limited to underground storage tanks not regulated by N.J.A.C. 7:14B.

(b) The fixed costs required by (a) above are nonrefundable, are not one time costs, and are required with each and every applicable submittal made to the Department.

(c) The Department shall not review a preliminary assessment report, site investigation report, biennial certification or remedial action report for remediation of a discharge from an underground storage tank, unless and until the Department receives the appropriate fixed cost as listed in (a) above.

Amended by R.2003 d.198, effective May 19, 2003.
See: 34 N.J.R. 3703(a). 35 N.J.R. 2319(a).
Rewrote the section.

7:26C-9.3 Oversight cost formula

(a) Oversight costs are due to the Department, at the address provided at N.J.A.C. 7:26C-9.5, within 30 calendar days after receipt from the Department of a bill for the Department's oversight costs for the period being charged.

(b) The Department shall include the following information in the bill for the Department's oversight costs referenced in (a) above:

1. The site job number;
2. The name of each staff member performing work on the site;
3. The number of hours spent by each staff member working on the site; and
4. The dollar amount of the oversight costs calculated pursuant to (d) below.