

NEW JERSEY STATE LIBRARY

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., 58:10-23.11 et seq., 58:10A-1 et seq., and 58:10A-21 et seq.

Source and Effective Date

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).

Executive Order No. 66(1978) Expiration Date

Chapter 26E, Technical Requirements for Site Remediation, expires on June 7, 1998.

Law Review and Journal Commentaries

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

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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.

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 which 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 Environmental Cleanup and Responsibility Act (ECRA);
2. The New Jersey Underground Storage of Hazardous Substances Act (UST);
3. The Spill Compensation and Control Act;
4. The Solid Waste Management Act; and
5. The Water Pollution Control 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) For any site at which a particular phase of remediation was commenced prior to July 1, 1993, the Department may evaluate such work to determine whether the work is in substantial compliance with this chapter, and therefore acceptable to the Department.

7:26E-1.4 Notification

(a) The person responsible for conducting the remediation shall notify the Department in writing as follows:

1. Prior to the initiation of any sampling activities at a site which is not already known to the Department pursuant to either a Department regulatory reporting requirement or Department oversight of the remediation; and
2. Prior to the implementation of a remedy described at N.J.A.C. 7:26E-5.1(c), unless the Department has been otherwise notified of the remedy selected pursuant to Department oversight of the remedial action.

(b) If the remediation is being conducted in response to an emergency situation, the notifications to the Department required pursuant to (a) above will be satisfied through compliance with N.J.A.C. 7:1E.

(c) The notification to the Department pursuant to (a) above shall be in writing and shall include the following information:

1. The name and address of the person responsible for implementing the remedial action;
2. The name of the site;
3. The street address of the site;
4. The lot and block of the site;
5. A brief description of the current use and occupancy of the site;
6. The nature of the sampling activities or remedial action to be performed; and
7. The anticipated start date of the sampling activities or remedial action.

(d) The information required pursuant to (a) above shall be submitted to:

Division of Responsible Party Site Remediation
Bureau of Field Operations
CN 407
Trenton, NJ 08625-0407
Attention: Site Assessment

7:26E-1.5 Certifications

(a) If a document prepared pursuant to this chapter is to be submitted to the Department, it shall be signed and certified pursuant to N.J.A.C. 7:26C, 7:26B or 7:14B.

7:26E-1.6 Documenting compliance with the technical requirements

(a) All work being conducted at a site pursuant to this chapter, whether or not being done with Department oversight, shall be documented and included in reports which follow the format and contain the information required pursuant to the reporting sections of N.J.A.C. 7:26E-2 through 7. If a report has already been submitted to the Department pursuant to another Department regulatory program, including but not limited to, N.J.A.C. 7:14B, 7:26B or 7:26C, then a summary of what was included in the previously submitted report may be submitted. The summary shall include a reference to the Department program to which the report was submitted and the date that it was submitted. Any reports prepared pursuant to this chapter may be combined into a single report.

(b) When the remediation is conducted with Department oversight (see N.J.A.C. 7:26E-1.3 above), the person responsible for conducting the remediation shall submit workplans (if applicable) and reports pursuant to the schedule contained in the oversight document which the person executed with the Department pursuant to N.J.A.C. 7:26C, or as the Department requires pursuant to ECRA or UST. The workplan and/or report shall comply with the format and contain the information required pursuant to N.J.A.C. 7:26E-2 through 7.