

Site Remediation Reform Act (SRRA) Listserv Archives

October 31, 2011 - [SRRA] Mandatory Remediation Time Frames Approaching

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Subject [SRRA] Mandatory Remediation Time Frames Approaching

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Mandatory Remediation Time Frames Rapidly Approaching - March 1, 2012

The Site Remediation Reform Act (SRRA), N.J.S.A. 58:10C-1, et seq., required the Department to establish mandatory remediation time frames for the following four milestones, as codified in the ARRCs rules at N.J.A.C. 7:26C-3.3(a):

- a. Submittal of initial receptor evaluation report
- b. Submittal of a site investigation report for a regulated UST remediation or submittal of a preliminary assessment and site investigation report for a remediation involving an industrial establishment subject to ISRA.
- c. Initiation of contaminant source control and submittal of an Immediate Environmental Concern (IEC) Contaminant Source Control Report for sites where an IEC was reported.
- d. Completion of the installation of a light non-aqueous phase liquid (LNAPL) interim remedial measure, initiation of operational monitoring, and submittal of an LNAPL Free Product Interim Remedial Measures report for sites at which the presence of LNAPL was reported.

For persons responsible for conducting the remediation that initiated remediation or identified LNAPL or an IEC condition on or before March 1, 2010, mandatory time frames for completion of each of the four milestones listed above, as applicable is March 1, 2012.

For persons responsible for conducting the remediation that initiated remediation or identified LNAPL or an IEC condition after March 1, 2010, mandatory time frames are determined as follows:

- a. The mandatory remediation time frame for an initial receptor evaluation is within two years from when the earliest of any of the events listed at N.J.A.C. 7:26C-2.2(b) of the Administrative Requirements for the Remediation of Contaminated Sites (ARRCS) occurs.
- b. The mandatory remediation time frame to submit a site investigation for a regulated UST remediation or a preliminary assessment and site investigation for a remediation involving an industrial establishment subject to ISRA is two years from when the earliest of any of the events listed at N.J.A.C. 7:26C-2.2(b) occurs.
- c. The mandatory time frame to initiate contaminant source control and submit an Immediate Environmental Concern Contaminant Source Control Report for a remediation with a reported immediate environmental concern condition is two years from the date the person was required to report the IEC condition to the Department.
- d. The mandatory time frame to complete the installation of a LNAPL interim remedial measure, initiate operational monitoring and submit an LNAPL Free Product Interim Remedial Measures report is two years from the date the person identified the presence of LNAPL free product.

Where necessary, the Department recommends persons responsible for conducting remediation speak with a Licensed Site Remediation Professional to clarify these obligations.

The consequence of missing a mandatory time frame is set forth in the ARRCs rules at N.J.A.C. 7:26C-3.3(c). The ARRCs rules at N.J.A.C. 7:26C-3.3(c) state that when the Department determines that a person responsible for conducting the remediation has failed to meet a mandatory remediation time frame, the person responsible for conducting the remediation shall become subject to direct oversight of the Department pursuant to the Site Remediation Reform Act, N.J.S.A.

58:10C-27, for the site, area of concern, or condition to which the mandatory remediation time frame applies.

An extension of a mandatory time frame may be requested under limited, specific circumstances set forth in the ARRCs rules at N.J.A.C. 7:26C-3.5(d). An application for a mandatory time frame extension must be submitted no later than 60 days prior to the end date of the applicable mandatory remediation time frame. Any extension request for any mandatory remediation time frame of March 1, 2012 must be submitted to the Department prior to January 1, 2012.

Procedures for requesting an extension of a mandatory remediation time frame are set forth in the ARRCs rules at N.J.A.C. 7:26C-3.5. These procedures include but are not limited to providing a written rationale for the request in a completed form found on the Departments website at www.nj.gov/dep/srp/srra/forms and submittal of the form to the Department at the address noted on the form no later than 60 days prior to the end date of the applicable mandatory remediation time frame.

SRP Site Remediation Reform Act (SRRRA) Web site:
<https://www.nj.gov/dep/srp/srra/>