

Site Remediation Reform Act (SRRA) Listserv Archives

December 22, 2011 - [SRRA] Clarification of issues concerning Site Investigation Report submissions

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Subject [SRRA] Clarification of issues concerning Site Investigation Report submissions

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Clarification of Issues Concerning Site Investigation Report Submissions

The Department has identified the following two areas where there is confusion concerning the submission of a Site Investigation Report to the Department:

1. When is a person responsible for conducting the remediation of a regulated UST required to submit a Site Investigation Report?

Currently, the majority of Remedial Investigation Reports submitted pursuant to N.J.A.C. 7:14B-8.3(a) are initial Remedial Investigation Reports, which characterize the type of contamination found at the UST facility and include the components of a Site Investigation Report. The Department does not want to receive UST Remedial Investigation Reports or Remedial Action Reports until RI and/or RA are complete. The initial report to be submitted to the Department should be one of the following (refer to the following section for an explanation of the timeframe for submittal of this initial report):

* If the RI and/or RA are incomplete: a Site Investigation Report with a completed PA/SI Form;

* If the RI is complete (i.e., contamination is fully delineated in all media) but the RA is not complete: Site Investigation and Remedial Investigation Reports with completed PA/SI and RI Forms; or

* If the RI and RA are complete (i.e., contamination is fully delineated and remediated in all media) and a Final Remediation Document is issued: Site Investigation, Remedial Investigation and Remedial Action Reports with completed PA/SI, RI, Remedial Action Report and Response Action Outcome Forms.

2. What is the regulatory timeframe for submitting a Site Investigation Report?

The regulatory timeframes for submission of a Site Investigation Report in the current UST and ISRA rules conflict with the regulatory timeframes for submission of a Site Investigation Report in the Technical Requirements. Specifically, the regulatory timeframe for submitting a Site Investigation report in the UST and ISRA rules is 270 days after the triggering event described in the those rules, whereas the Technical Requirements require the submission of a Site Investigation Report within one year from when remediation is initiated as determined pursuant to N.J.A.C. 7:26C-2.2(b)4. The Department is reconciling the conflict as follows:

* The regulatory timeframe for submitting a Site Investigation Report is one year from when the remediation was initiated as determined pursuant to N.J.A.C. 7:26C-2.2(b)4, including ISRA and UST cases.

* The Department will use its enforcement discretion and not enforce against responsible parties that miss the 270 day submission requirements pursuant to the UST and ISRA rules.

* Note that if a person responsible for conducting a remediation complies with all of the provisions for requesting an extension of a regulatory timeframe outlined in N.J.A.C. 7:26C-3.2(b), the extension request is deemed to be approved unless the Department explicitly denies the request. Failure

to meet the one year timeframe could result in enforcement action by the Department.

SRP Site Remediation Reform Act (SRRA) Web site:

<https://www.nj.gov/dep/srp/srra/>

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