



Division of Site Remediation and Waste Management to Propose Grace Period Rule and Rule Amendments

Who is affected by this initiative?

All persons remediating contaminated sites in New Jersey are regulated by this rule. These parties include responsible parties, developers, homeowners and parties required to conduct remediation pursuant to the Industrial Site Recovery Act and the Underground Storage of Hazardous Substances Act.

What is occurring that may help me?

The Grace Period proposal will categorize violations of the following Site Remediation Program rules as either minor or non-minor. Interested parties are invited to participate in the formation of new and amended rules as follows:

Underground Storage Tanks: N.J.A.C. 7:14B

Industrial Site Recovery Act (ISRA) Rules: N.J.A.C. 7:26B

Department Oversight of the Remediation of Contaminated Sites (“Oversight Rule”): N.J.A.C. 7:26C

Technical Requirements for Site Remediation (“Tech Rule”): N.J.A.C. 7:26E

The proposed rules set forth how the New Jersey Department of Environmental Protection (DEP) will respond to any violation identified as minor. The proposed grace period is intended to encourage compliance and foster a greater sense of cooperation between the DEP and the regulated community.

The DEP is also proposing the following amendments:

ISRA Rule:

- Specifically N.J.S.A. 7:26B, Appendix A to remove stipulated penalties from the Standard ISRA Remediation Agreement (RA)
- Specifically N.J.A.C. 7:26C-10 to include penalty provisions for violations of the RA.

Oversight Rule:

- Specifically N.J.A.C. 7:26C-3 regarding the memoranda of agreement (MOA) application and termination process. The proposed changes are intended to increase the efficiency of the voluntary cleanup program by eliminating frivolous applications for MOAs.

COMPLIANCE ADVISORY

- Specifically N.J.A.C. 7:26C, Appendix A to remove stipulated penalties from the Standard Administrative Consent Order (ACO).
- Specifically N.J.A.C. 7:26C-10 to include penalty provisions for violations of the ACO.
- Specifically N.J.A.C. 7:26C-10 to ensure that the penalty process in the Oversight Rule dovetails with the grace period process.

In addition, the DEP is proposing to amend the ISRA RA to make this document consistent with the Oversight Rule ACO.

How can I participate?

The rule proposal appeared in the New Jersey Register on Aug. 15, 2005. The public comment period for the rule is from Aug. 15 through Oct. 14, 2005. A public hearing is tentatively scheduled for 1:30 p.m. on Sept. 19, 2005 in the DEP's public hearing room, 401 E. State St., Trenton.

Whom should I contact with questions?

Site Remediation

(609) 292-1250

Where can I get more information?

Visit the following Web sites for additional information:

Draft Grace Period Rule proposal: <http://www.nj.gov/dep/rules/proposals/081505b.pdf>

Site Remediation: http://www.nj.gov/dep/srp/regs/proposed/prop_grace_2005.htm

Directions to the DEP: <http://www.nj.gov/dep/where.htm>

Please note this advisory is intended to be a summary explanation of a DEP initiative. It does not include all potentially applicable requirements. If you have any questions about complying with this initiative, please contact the Site Remediation Program number listed above.