

SUBCHAPTER 8. REMEDIATION ACTIVITIES

7:14B-8.1 Immediate corrective action requirements and procedures

(a) The owner or operator of an underground storage tank system shall, upon confirming a release, take immediate action to:

1. Determine the source of the discharge;
2. Cease use of the underground storage tank system:
 - i. In the event that ceasing use of the underground storage tank system would precipitate an emergency which constitutes an immediate threat to human health and safety, then the owner/operator shall cease use of the underground storage tank system immediately subsequent to taking all necessary actions to abate the emergency.
 - ii. Where a building's sole source of heat is from an oil burner, and there has been a discharge from the underground storage tank system containing heating oil, then the owner/operator shall take immediate action to provide an alternate source of heat. Upon providing an alternate source of heat, the owner/operator shall immediately cease use of the underground storage tank system which has discharged.
3. Mitigate any fire, safety or health hazard including, but not limited to, hazards from combustible vapor or vapor inhalation and the removal of ignition sources, in accordance with appropriate standards and practices, including National Fire Protection Association Standard 329, "Underground Leakage of Flammable and Combustible Liquids", incorporated herein by reference;
4. Conduct a visual inspection to detect any above ground or exposed below ground discharge, and where any discharge is evident, mitigate the effects of the discharge;
5. Properly remove all hazardous substances from the underground storage tank system;
6. Repair, replace or close the underground storage tank system in accordance with the requirements of N.J.A.C. 7:14B-4, 5 and 9; and
7. Comply with the reporting requirements set forth in N.J.A.C. 7:14B-7.3.

7:14B-8.2 Discharge remediation requirements

(a) The owner or operator of an underground storage tank system which has discharged hazardous substances shall:

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1. Perform a remedial investigation in accordance with the requirements of N.J.A.C. 7:26E-4;
2. Perform a remedial action in accordance with the requirements of N.J.A.C. 7:26E-6;
3. Determine the classification of any wastes that are generated during the remedial investigation or remedial action, in accordance with N.J.A.C. 7:26-8.5;
4. Remove all nonhazardous waste from the site to an approved treatment, recycling, or disposal facility, in accordance with N.J.A.C. 7:26-1.1 and 1.4 or treat soils on site in accordance with N.J.A.C. 7:26E-5 and 6, or reuse soils in accordance with N.J.A.C. 7:26E-6.2(b) upon Department approval, within six months after generation; and
5. Remove all hazardous waste to an approved facility, in accordance with N.J.A.C. 7:26, within 90 calendar days after generation. Interim storage of hazardous waste shall be in accordance with N.J.A.C. 7:26-9.

7:14B-8.3 Reporting requirements

(a) The owner or operator of an underground storage tank system which has discharged hazardous substances shall provide the local health department and the Department with a remedial investigation report prepared and presented pursuant to N.J.A.C. 7:26E-4.8, accompanied by all applicable fees required in N.J.A.C. 7:14B-3, within 120 calendar days after the notification required by N.J.A.C. 7:14B-7.3(a).

1. If required pursuant to N.J.A.C. 7:26E-5, the owner or operator shall submit a remedial action selection report prepared and presented in accordance with N.J.A.C. 7:26E-5.2. Unless otherwise allowed by the Department, the remedial action selection report shall be submitted in the sequence required by N.J.A.C. 7:26E-5.2(d) and (e).

(b) The report described in (a) above shall be prepared by an individual certified in subsurface evaluation pursuant to N.J.A.C. 7:14B-13. The report(s) shall include the name and address for both the owner and the operator.

(c) In addition to the requirements listed in (a) above, the owner or operator of an underground storage tank system which has discharged a hazardous substance shall submit one of the documents listed in (c)1 through 3 below, and all of the appropriate fees pursuant to N.J.A.C. 7:14B-3.5 with the remedial investigation report to the address specified in N.J.A.C. 7:14B-2.2(b):

1. A request for a letter requiring no further action at the site if the remedial investigation indicates that no contamination at the site, or which has migrated off-site, exceeds any applicable remediation standard;

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2. A proposed remedial investigation workplan prepared and presented pursuant to N.J.A.C. 7:26E-4.2 if the remedial investigation indicates that contamination remains in excess of any applicable remediation standard and the contamination on and off site has not been fully delineated vertically or horizontally; or

3. A proposed remedial action workplan, prepared and presented pursuant to N.J.A.C. 7:26E-6.2.

(d) Within 90 calendar days after the Department's approval of the remedial investigation workplan submitted pursuant to c(2) above, the owner or operator shall submit a remedial investigation report prepared in accordance with N.J.A.C. 7:26E-4.8 and (c) above that presents all the data and information collected in accordance with the approved remedial investigation workplan, or any other sampling conducted in accordance with N.J.A.C. 7:26E.

(e) If the Department determines at any time prior to the approval of a proposed request for no further action that additional sampling and analysis is required, the owner or operator shall conduct the additional sampling and analysis as required, which may include submission of a remedial investigation workplan in the time frame specified by the Department.

(f) If the Department determines that any submittal made under this section is inadequate or incomplete, the Department shall provide the owner or operator with written notification of the deficiencies, and the owner or operator shall revise and resubmit the required information within 30 calendar days of receipt of the notification unless otherwise specified by the Department. If the revision does not address the deficiency(ies) to the Department's satisfaction, the Department shall disapprove the submittal and require the owner or operator to present a new submittal pursuant to (c) above and a new fee pursuant to N.J.A.C. 7:14B-3.5.

(g) If the Department notes any deficiencies in any of the items submitted in accordance with (c)2 and 3 above, the Department may conditionally approve the submittal. Within the timeframe specified by the Department, the owner or operator shall, in writing, accept or reject the Department's conditions. If the owner or operator rejects any one of the Department's conditions, the owner or operator shall submit a revision to the remedial investigation workplan or remedial action workplan within 30 calendar days of receipt of the conditional approval, unless otherwise specified by the Department, addressing the noted deficiencies. If the revision does not address the deficiency(ies) to the Department's satisfaction, the Department shall disapprove the submittal and require a new submittal pursuant to (c) above and a new fee pursuant to N.J.A.C. 7:14B-3.5.

(h) The owner or operator may request an extension of time to submit the remedial investigation report in accordance with (d) above. The request shall be in writing and include a justification for such a change and outline a new detailed schedule for the submission of the report. All requests for extensions shall be received by the Department

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at least 14 calendar days prior to any schedule deadline. The Department shall approve or disapprove the extension request in writing.

(i) The owner or operator of the facility shall provide the Department with 14 calendar days notice of the onset of all remedial activities and shall allow site access to observe all said activities.

(j) If the Department approves a revised remedial investigation workplan submitted pursuant to (c) above, the owner or operator shall perform the additional work in accordance with the timeframes specified therein.

(k) If the Department determines that a remedial action for affected media at or emanating from any portion of the facility is necessary prior to full contaminant delineation due to a discharge posing an immediate threat to public health or the environment, the owner or operator shall, within 45 calendar days of the request from the Department, submit to the Department a detailed remedial action workplan that shall be prepared and presented in accordance with N.J.A.C. 7:26E-6.2 and be specific to the discharge to the affected media identified by the Department.

7:14B-8.4 Implementation of the remedial action requirements

(a) After written Department approval of the remedial action workplan, including any workplan amendments, the owner or operator shall implement the remedial action workplan and any amendments thereto in accordance with the timeframes specified therein. The owner or operator shall obtain any necessary permits in accordance with N.J.A.C. 7:26E-7.

(b) The owner or operator may request, in writing, an extension of time to complete implementation of the remedial action workplan. The request shall include a justification for such a change and outline a new detailed schedule for the submission of the remedial action report. All requests for extensions shall be received by the Department 14 calendar days prior to any schedule deadline. The Department shall approve or disapprove the extension request in writing.

(c) The owner or operator shall submit an amendment to the approved remedial action workplan at any time during the implementation of the workplan, if new information, such as a new discharge, becomes available which was not adequately addressed in the original workplan. All remedial action workplan amendments shall be accompanied by a revised schedule and the appropriate additional fee pursuant to N.J.A.C. 7:14B-3.5.

(d) The owner or operator of the facility shall submit progress reports to the Department in the time frame specified by the remedial action workplan approval letter. The progress reports shall contain the information required in accordance with N.J.A.C. 7:26E-6.5 and the remedial action workplan approval letter.

(e) The Department may conduct inspections of the facility that is subject to a remedial action workplan to determine compliance with the workplan.

7:14B-8.5 Remedial action reports

(a) After the remedial action workplan is fully implemented, the owner or operator of the facility shall submit a remedial action report to the Department. The remedial action report shall be prepared and presented in accordance with N.J.A.C. 7:26E-6.6, and discuss all the data and information collected in accordance with the approved remedial action workplan. The remedial action report shall compare the proposed remedial actions described in the remedial action workplan and actual action undertaken to perform the remediation.

(b) If the Department notifies the owner or operator that the remedial action workplan has not been fully completed, the owner or operator of the facility shall correct any deficiencies, and amend the remedial action report, in the time frames specified by the Department.

(c) The Department shall issue a no further action determination to the owner or operator of the facility upon satisfactory completion of the remedial action workplan and submission of the remedial action report.

7:14B-8.6 Applicable remediation standards

(a) The owner or operator of a facility which has discharged hazardous substances shall remediate the discharge to the Technical Requirements for Site Remediation at N.J.A.C. 7:26E.

7:14B-8.7 Health and safety requirements

All remedial investigation and remedial action activities required under this chapter shall be undertaken in accordance with N.J.A.C. 7:26E-1.9.

7:14B-8.8 Leak mitigation requirements

(a) The owner or operator of an underground storage tank system which has leaked a hazardous substance into the annular space created by the secondary containment system shall:

1. Determine the source of the leak;
2. Properly remove all hazardous substances from the underground storage tank system; and
3. Repair, replace or close the underground storage tank system in accordance with the requirements of this chapter.

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(b) Within 30 calendar days after identifying a leak into the annular space of an underground storage tank system in accordance with N.J.A.C. 7:14B-7, the owner or operator shall prepare a written report containing a detailed description of the remedial actions taken concerning the leak into the annular space. The report shall be maintained on site and available for inspection by any Department representative.