

Summary of Regulatory and Mandatory Timeframes for Remediation¹

Table 1. Remediation Timeframes (excludes remedial investigation timeframes see Table 2)

Remediation Requirement	Regulatory Timeframe	Tech Rule Citation	Mandatory Timeframe	ARRCS Citation
<u>LSRP Retention Requirements</u>				
Hire LSRP	When a discharge is discovered or initiation of remediation			7:26C-2.3(a)1
Submit LSRP retention form	Within 45 days after discharge or initiation of remediation			7:26C-2.3(a)2
<u>Public Notification and Outreach Requirements</u>				
Notify the Department of discharge	Immediately after discharge is identified (15 min)			7:26C-1.7(a)
Submit written documentation of the discharge (Confirmed Discharge Notification Form or GIN)	Within 14 days after a discharge is discovered or initiation of remediation			7:26C-1.7(d)
Post sign or send letters for public notification and submit documentation to local government entities	14 days prior to initiation of field activities associated with the RA			7:26C-1.7(h)2
If letters are used, distribute updated notification letters and submit documentation to local government entities	Every 2 years until final remediation document is filed or issued			7:26C-1.7(h)2i
Prepare and distribute a fact sheet which includes site and contamination information	Within 14 days after off-site contamination is identified			7:26C-1.7(l)1
Publish fact sheet in newspaper, submit documentation	Within 30 days after off-site contamination is identified			7:26C-1.7(l)3
Update, redistribute and republish fact sheet	Within 90 days after complete			7:26C-1.7(l)4

Remediation Requirement	Regulatory Timeframe	Tech Rule Citation	Mandatory Timeframe	ARRCS Citation
– soil contamination	delineation			
Conduct public notification pursuant to N.J.A.C. 7:26C-7.3 – ground water contamination	When DEP establishes a ground water CEA			7:26C-1.7(1)5
<u>Light Non-aqueous Phase Liquid (LNAPL) Requirements</u>				
Submit LNAPL Reporting Form when LNAPL > 0.01 feet in thickness is identified and initiate LNAPL recovery	Within 60 days after the date LNAPL is identified	7:26E-1.10(b)		
Initiate LNAPL Interim Remedial Measure (IRM) and submit LNAPL Reporting Form and LNAPL IRM report	Within 1 year after LNAPL is identified	7:26E-1.10(b)2	Within 2 years LNAPL is identified	7:26C-3.3(a)4
<u>Immediate Environmental Concern (IEC) requirements</u>				
Notify Department of IEC	Immediately after IEC condition is identified	7:26E-1.11(a)1		
Provide an interim response action to address potable water IEC and provide analytical results to property owner /occupant and health official	Within 5 days after identifying IEC condition	7:26E-1.11(a)2i		
Provide an interim response action to address vapor intrusion that exceeds rapid action levels and provide analytical results to property owner /occupant and health official	Within 14 days after identifying IEC condition	7:26E-1.11(a)2ii		
Provide an interim response action to address direct contact IEC and provide analytical results to property owner /occupant and health official	Within 5 days after identifying IEC condition	7:26E-1.11(a)2iii		

Remediation Requirement	Regulatory Timeframe	Tech Rule Citation	Mandatory Timeframe	ARRCS Citation
Submit IEC form, spreadsheet, map and data	Within 14 days after IEC identifying IEC condition	7:26E-1.11(a)3		
Implement an engineered response action (provide water treatment or alt supply)	Within 60 days after identifying potable water IEC	7:26E-1.11(a)6i1		
Continue to identify and sample all potable wells or buildings for VI	Within 60 days after identifying potable water or vapor intrusion IEC	7:26E-1.11(a)6i(2) 7:26E-1.11(a)6ii(2)		
Implement an engineered response action (install a vapor intrusion remedial action system)	Within 60 days after identifying vapor intrusion IEC	7:26E-1.11(a)6ii(1)		
Implement an engineered response action (implement a response action that prevents physical contact)	Within 60 days after identifying direct contact IEC	7:26E-1.11(a)6iii		
Submit IEC engineered response action report	Within 120 days after identifying IEC	7:26E-1.11(a)7		
Identify all contaminant source areas and initiate control of and submit an IEC source control report	Within 1 year after identifying IEC	7:26E-1.11(a)8	Within 2 years after identifying IEC	7:26C-3.3(a)3
Submit monitoring and maintenance reports	Annually until a remedial action permit is issues	7:26E-1.11(a)9		
<u>Receptor Evaluation Requirements - general</u>				
Submit a completed initial receptor evaluation	Submit initial receptor evaluation within 1 year after discharge is discovered or initiation of remediation	7:26E-1.12(c)	Submit initial receptor evaluation within 2 years after discharge is discovered or initiation of remediation	7:26C-3.3(a)2ii

Remediation Requirement	Regulatory Timeframe	Tech Rule Citation	Mandatory Timeframe	ARRCS Citation
<u>Receptor evaluation – Ground Water Requirements</u>				
Conduct a well search as part of the ground water receptor evaluation	Within 90 days after ground water contamination is detected	7:26E-1.14(a)1		
Notify the Department prior to sampling potable wells	7 days prior to sampling event	7:26E-1.14(a)2i		
Conduct sampling of any well that may be used for potable purposes Submit form and spreadsheet of property owners/tenants to be sampled	Within 120 days after ground water contamination is detected No later than 7 days prior to conducting sampling	7:26E-1.14(a)2		
If any potable wells are impacted, follow IEC requirements for potable water	For time frames see 7:26E-1.11(a)	7:26E-1.14(b)		
If no contaminants are detected above remediation standards, submit analytical results on a form and spreadsheet and notify well owners	Within 30 days after receipt of analytical results from the laboratory	7:26E-1.14(c)		
Update the well search to identify any new wells	Every 2 years after the first trigger for a well search	7:26E-1.14(a)3		
<u>Receptor evaluation – Vapor Intrusion (VI) Requirements</u>				
Identify structures and other information for vapor intrusion investigation	Within 60 days after determining the need to conduct a vapor intrusion investigation	7:26E-1.15(b)		
Conduct required VI sampling Submit form and spreadsheet of property owners/tenants to be sampled	Within 150 days determining the need to conduct a vapor intrusion investigation No later than 7 days prior to conducting sampling	7:26E-1.15(c)		
Notify the Department prior to sampling indoor air	7 days prior to sampling event	7:26E-1.15(c)		

Remediation Requirement	Regulatory Timeframe	Tech Rule Citation	Mandatory Timeframe	ARRCS Citation
If indoor air samples do not exceed any indoor air screening level, submit analytical results on a form and spreadsheet and notify property owner/tenant	Within 30 days after receipt of analytical results	7:26E-1.15(d)		
If indoor air samples are greater than any indoor air screening level, but less than or equal to rapid action levels (Vapor Concern) submit analytical results on a form and spreadsheet and notify property owner/tenant	Within 14 days after the receipt of analytical results	7:26E-1.15(e)1		
If a vapor concern condition exists submit a plan to the Department to address the exposure	Within 60 after the receipt of analytical results	7:26E-1.15(e)2		
If a vapor concern condition exists implement the plan to address the exposure	Within 120 after the receipt of analytical results	7:26E-1.15(e)3		
If a vapor concern condition exists submit a vapor intrusion response action report	Within 180 after the receipt of analytical results	7:26E-1.15(e)4		
If indoor air results are greater than the vapor intrusion rapid action level (RAL) follow IEC requirements for vapor intrusion	Immediately notify the Department For time frames see 7:26E-1.11(a)	7:26E-1.15(f)1		
If any indoor air results are greater than DHSS Notification Levels follow IEC requirements for vapor intrusion	Immediately notify the Department and DHSS. For time frames see 7:26E-1.11(a)	7:26E-1.15(g)		
Submit all indoor air results, maps and figures to DHSS	Within 14 days of receipt of analytical results	7:26E-1.15(h)		

Remediation Requirement	Regulatory Timeframe	Tech Rule Citation	Mandatory Timeframe	ARRCS Citation
<u>Remedial Action Permits</u>				
Submit remedial action permit application for cases where a limited restricted use or restricted use NFA was issued and no RA permit was issued	Within 2 years after last biennial certification is due, but no later than May 7, 2014			7:26C-7.6(a)
Submit remedial action permit application for soil (cases not previously NFAed)	Within 30 days after deed notice requirements are satisfied			7:26C-7.6(b)1
Submit remedial action permit application for natural attenuation of ground water (cases not previously NFAed)	At the same time that a remedial action report that demonstrates that the natural attenuation remedial action is effective is required to be submitted			7:26C-7.6(b)2
Submit remedial action permit application for active ground water remediation (cases not previously NFAed)	At the same time that a remedial action report that demonstrates that an active ground water remedial action is operational is required to be submitted			7:26C-7.6(b)3
Submit application to transfer remedial action permit	At least 60 days prior to transaction that requires a permit transfer			7:26C-7.11(b)
Submit application to modify remedial action permit	Within 30 days after determination that the permit is required to be modified			7:26C-7.12(b)
Submit a remedial action protectiveness certification	Biennially (every 2 years) on the date established by the permit			7:26C-7.7(f)
Collect at least two rounds of ground water samples representative of the entire extent of the ground water CEA	Within 180 calendar days after the anticipated expiration date of the ground water CEA			7:26C-7.9(f)

Remediation Requirement	Regulatory Timeframe	Tech Rule Citation	Mandatory Timeframe	ARRCS Citation
<u>Remedial Phase Report Requirements</u>				
Submit clean PA or PA/SI report when no contamination is detected for ISRA cases	Within 1 year from the ISRA triggering event	7:26E-3.14(a)1	Within 1 year from regulatory timeframe	7:26C-3.3(a)1
Submit SI report if for regulated UST cases	Within 1 year after: <ul style="list-style-type: none"> • An inconclusive 7-day investigation • Confirmed discharge is reported • Tank closure is initiated 	7:26E-3.14(a)2	Within 1 year from regulatory timeframe	7:26C-3.3(a)1
Submit RI Report – See Table 2 attached				
Submit Remedial Action Workplan	60 days prior to implementation of remedial action (unless unrestricted RAO is filed with 1 year when remediation was required to be initiated)	7:26E-5.5(a)		
Submit Remedial Action Report for Soil	3 years after the regulatory timeframe to complete the RI and submit the RIR	7:26E-5.8(b)1	Within 2 years from regulatory timeframe	7:26C-3.3(a)6
Submit Remedial Action Report for Soil and/or other medium	5 years after the regulatory timeframe to complete the RI and submit the RIR	7:26E-5.8(b)2	Within 2 years from regulatory timeframe	7:26C-3.3(a)6

Table 2. Remedial Investigation Timeframes

Remedial Investigation Statutory Timeframe Established by SRRA N.J.A.C. 58:10C-27a(3)
<p>If a discharge was discovered before May 7, 1999 complete the RI and submit the RIR by May 7, 2014. Regulatory and mandatory timeframes below do not apply.</p> <p>Note: Remedial actions for sites subject to the statutory timeframe must be completed by May 7, 2017, for soil only remediation and May 7, 2019, for the remediation of soil and other media.</p>

Note: See next page for site conditions that may allow the person conducting remediation to lengthen remedial investigation timeframes.

Regulatory Timeframes N.J.A.C. 7:26E-4.10			Mandatory Timeframes N.J.A.C. 7:26C-3.3(a)5
Type of remediation	If remediation was required to be initiated between 5/7/1999 - 3/1/2010, complete the RI and submit the RIR by:	If remediation was required to be initiated on or after 3/2/2010, complete the RI and submit the RIR by:	For all types of remediation
ISRA - Soil Only	March 1, 2015	3 years after the PA/SI Report is due	2 years after the regulatory timeframe
ISRA – Soil and/or any other media	March 1, 2017	5 years after the PA/SI Report is due	2 years after the regulatory timeframe
Reg. UST - Soils Only	March 1, 2015	3 years after the SI Report is due	2 years after the regulatory timeframe
Reg. UST - Soil and/or any other media	March 1, 2017	5 years after the SI Report is due	2 years after the regulatory timeframe

Type of remediation	If remediation was required to be initiated between 5/7/1999 - 5/7/2012, complete the RI and submit the RIR by:	If remediation was required to be initiated on or after 5/7/2012, complete the RI and submit the RIR by:	For all types of remediation
Spill Act - Soils Only	May 7, 2015		2 years after the regulatory timeframe
Spill Act- Soil and/or any other media	May 7, 2017	5 years after the date remediation was required to be initiated	2 years after the regulatory timeframe

Site Complexity Factors

Add 1 year for each - maximum of 3 additional years. DEP must be notified, on a form, if the remediating party intends to lengthen the RI regulatory timeframe at least 30 days prior to the due date. N.J.A.C. 7:26E-4.10(c).

1 year may be added to the RI regulatory timeframe when:

- Need to access property not owned/controlled by person responsible for conducting remediation, or
- Contamination has impacted environmentally sensitive natural resource

1 year may be added when:

- Ground water contamination exists in consolidated aquifer, or
- DNAPL present in ground water

1 year may be added when:

- Ground water contamination exists in more than one aquifer, or
- There are two or more distinct ground water contaminant plumes

Entire site remediation

For sites not subject to ISRA - 1 year may be added to the regulatory timeframe to complete the RI and submit the RI report when the person responsible intends to remediate the entire site. DEP must be notified, pursuant to N.J.A.C. 7:26E-4.10(c), on a form, if the remediating party intends to lengthen the RI regulatory timeframe at least 30 days prior to the due date.

Extension of regulatory timeframe

Provide a written request for an extension of a regulatory timeframe no later than 30 days prior to the end date of the regulatory timeframe.
N.J.A.C. 7:26C-3.2(b)

Extension of mandatory timeframe or expedited site specific timeframe

Provide a written rationale for the request no later than 60 days prior to the end date of the mandatory remediation timeframe or the expedited site specific remediation timeframe. N.J.A.C. 7:26C-3.5(a)1

Footnote

1. Table only includes timeframes associated with remediation established in the Technical Rules, N.J.A.C. 7:26E and ARRCs, N.J.A.C. 7:26C.