CVP/SRAG Meeting
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Direct Oversight; When Does it Begin?

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Direct Oversight Triggers - ARRCS
N.J.A.C. 7:26 - 14.2(a)

➢ Site is subject to compulsory direct oversight when:

- Statutory RI timeframe is missed
- Mandatory timeframe is missed
- Expedited site-specific timeframe is missed
- Schedule established per ACO or court order is missed
- Party conducting the remediation has been the object of two enforcement actions during a 5-yr period after 5/7/09
Mandatory Timeframes - ARRCS, N.J.A.C. 7:26C-3.3

Establishes mandatory timeframes for:
- Preliminary Assessment/Site Investigation Report (ISRA)
- Site Investigation Report (Regulated UST)
- Initial Receptor Evaluation Report
- 1-year LNAPL IRM Report
- 1-year IEC Source Control Report
- Remedial Investigation Report
- Remedial Action Report

Missing a Mandatory Timeframe – triggers direct oversight
Mandatory Timeframes – The New Math

➢ Mandatory timeframe = the Regulatory Timeframe + 1 year for:
  - Preliminary Assessment/Site Investigation Report (ISRA)
  - Site Investigation Report (Regulated UST)
  - Initial Receptor Evaluation Report
  - 1-year LNAPL IRM Report
  - 1-year IEC Source Control Report

➢ Mandatory timeframe = the Regulatory Timeframe + 2 years for:
  - Remedial Investigation Report
  - Remedial Action Report
When Does the Obligation Date for Remediation Begin?

➢ ISRA Subject Sites
  • Any of the events described in ISRA, N.J.A.C. 7:26B-3.2

➢ Regulated UST Sites
  • There has been a discharge from the UST
  • Undertake closure of the UST
  • Required to conduct an unknown source investigation

➢ Spill Act Discharge Sites
  • Date of the discharge
Remember: Timeframes Run with the Site/AOC Not the Party Except:

➢ ISRA Subject Parties
  • Regulatory timeframe for PA/SI – 1 yr from date of the event; not the date the GIN is actually filed
  • Missing the mandatory timeframe triggers direct oversight for this party

➢ Regulated UST Parties
  • Regulatory timeframe for SI - 1 yr from tank closure or the date out of service tanks were required to be closed
  • Missing the mandatory timeframe triggers direct oversight for this party
Remember: Timeframes Run with the Site/AOC Not the Party

- Spill Act Discharge Sites
  - Regulatory Timeframe for Initial Receptor Evaluation Report – 1 yr from date of discharge
  - Regulatory timeframe for RI – 3/5 yrs from date of discharge
  - Missing any mandatory timeframe triggers direct oversight
Report Withdrawn or Deemed Incomplete

➢ If the Report is:

• Withdrawn by the LSRP or the Bureau of Inspection and Review (BIR) determines the report is incomplete after the date of the mandatory/statutory timeframe

• BIR will notify the RP and LSRP that direct oversight is triggered
Direct Oversight – Key Points

➢ Timeframes begin with the date of the obligation to remediate

➢ All timeframes apply to the Site/AOC **NOT** the party who is conducting the remediation except ISRA PA/SI and UST SI

➢ No notice from the NJDEP is required for compulsory direct oversight

➢ Notice of triggering direct oversight will be provided for reports that are either withdrawn or deemed incomplete by BIR
Direct Oversight – Key Points

➢ Once Direct Oversight is triggered:

• Notify the party conducting the remediation and the Department of the missed mandatory timeframe

• Immediately start complying with the direct oversight provisions (N.J.A.C. 7:26C-14.2(b))

• Contact the BEI Duty Officer at (609) 633-1480 to discuss settling the penalty and entering into an earned adjusted direct oversight ACO

• See slide presentation and handouts from the 12/13/17 CVP/SRAG meeting on the SRP website