



site remediation & waste management

Site Remediation & Waste Management Proposes Grace Period Rule

Key Dates:

NJ Register publication: August 15, 2005.

Public comment period: August 15, 2005 through October 14, 2005.

Scheduled public hearing: September 19, 2005.

Related Links:

- [The Rule Proposal Public Notice](#)
- [The Rule Proposal](#) (PDF 551 Kb)

Notes:

The online copy of SRWM Regulations are "courtesy copies." To obtain official copies of these regulations consult the NJDEP Office of Legal Affairs' [How to Get Copies of Departmental Rules](#) page.

For other DEP rules and proposals, see the [DEP Rules](#) page.

- [Help using PDF and other file formats](#)

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 does the proposal include?

The Site Remediation Program (SRP) of the Site Remediation and Waste Management Program (SRWM) is proposing to amend the Oversight Rules in order to identify violations of the Underground Storage Tank Rules, N.J.A.C. 7:14B, the Industrial Site Recovery Act Rules, N.J.A.C. 7:26B, the Oversight Rules, N.J.A.C. 7:26C, and the Technical Requirements for Site Remediation Rules, N.J.A.C. 7:26E, as either minor or non-minor for the purpose of providing grace periods in N.J.S.A. 13:1D-125 et seq., commonly known as the Grace Period Law. The proposed amended rules set forth how the Department will respond to any violation identified as minor. The Department is also proposing amendments to the Oversight Rules regarding the penalty provisions of N.J.A.C. 7:26C-10 to ensure that the penalty process in the Oversight Rules dovetails with the grace period process.

The Department is also proposing amendments to the Oversight Rules at N.J.A.C. 7:26C-3 regarding the memoranda of agreement (MOA) application and termination process. These proposed changes are intended to increase the efficiency of the voluntary cleanup program by eliminating frivolous applications

for MOAs.

The Department is proposing amendments to the Standard ISRA Remediation Agreement (RA) at N.J.S.A. 7:26B, Appendix A and the Standard Administrative Consent Order (ACO) contained in N.J.A.C. 7:26C, Appendix A to remove stipulated penalties from each of these agreements and to instead have the penalty provisions of N.J.A.C. 7:26C-10 apply to violations of the ACO and RA. In addition, the Department is proposing to amend the Standard RA to make this document consistent with the Standard ACO.

What is the goal & anticipated outcome?

The proposed amendments will encourage compliance with the State's contaminated site remediation laws such as the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11 et seq., the Underground Storage of Hazardous Substances Act, N.J.S.A. 58:10A-21 et seq., and ISRA, N.J.S.A. 13:1K-6 et seq., associated rules, administrative orders, ACOs and RAs issued by the Department. The proposed amendments will provide a positive impact by outlining specific procedures for the enforcement of contaminated site remediation rules. By removing the threat of penalties for certain types of violations where compliance is achieved within the time specified, the proposed amendments will encourage the regulated community to take positive action toward achieving compliance resulting in the remediation of contaminated sites. Rapid remediation of a contaminated site results in less exposure to the contaminants, thus less adverse risks to human health and the environment. The proposal also includes changes aimed at improving program consistency and efficiency.

How can I participate?

The rule proposal is scheduled to appear in the NJ Register on August 15, 2005. The public comment period for the rule is from August 15, 2005 through October 14, 2005, and a public hearing is tentatively scheduled for 1:30 p.m. on September 19, 2005 in the Department's public hearing room, 401 E. State St., Trenton.

Where can I get more information?

Visit the following web site for additional information, including notices of opportunities for public participation and/or comment prior to formal NJDEP rulemaking: <http://www.nj.gov/dep/rules/ipr.html>

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