

Phase in Period Guidance

On June 2, 2008, the Department adopted new Remediation Standards rules at N.J.A.C. 7:26D. Also on June 2, 2008, the Department concurrently amended the Technical Requirements for Site Remediation at N.J.A.C. 7:26E-1.3(d). N.J.A.C. 7:26E-1.3(d) was amended to reference the new remediation standards rules and require that site-specific impact to ground water standards be developed pursuant to the Brownfield Act.

- N.J.A.C. 7:26E-1.3(d)1 establishes that the person responsible for conducting the remediation must remediate a site:
 1. To the remediation standards at N.J.A.C. 7:26D and the impact to ground water soil remediation standards developed on a site-by-site basis pursuant to N.J.S.A. 58:10B-12a; or
 2. To the Soil Cleanup Criteria (SCC) that were in effect prior to June 2, 2008 when:
 - i. The remediating party has submitted a remedial action workplan or a remedial action report before December 2, 2008 that establish the SCCs as the standards for the site;
 - ii. The remedial action workplan or a remedial action report is in compliance with the Technical Rules, N.J.A.C. 7:26E-6; and
 - iii. The SCC for the site are not greater by an order of magnitude or more, than the soil remediation standards adopted by N.J.A.C. 7:26D.
- The Soil Cleanup Criteria (SCC) that were in effect prior to June 2, 2008 are <http://www.nj.gov/dep/srp/guidance/scc/> .
- A remedial action workplan (RAWP) or a remedial action report (RAR) will be considered in compliance with the Technical Rules, N.J.A.C. 7:26E-6 when the Department has reviewed the report and has:
 1. Approved the RAWP or RAR; or
 2. Issued a Notice of Deficiency (NOD) and the remediating party rectifies all deficiencies to the Department's satisfaction within the timeframe specified by the Department; and
 3. The remedial action is conducted within the timeframe specified in the RAWP.
- A remedial action workplan (RAWP) or a remedial action report (RAR) will not be considered in compliance with the Technical Rules, N.J.A.C. 7:26E-6 when the Department has reviewed the report and has issued a Notice of Violation (NOV) to the remediating party. Under this situation, the remediating party must remediate the site to

the remediation standards at N.J.A.C. 7:26D and the impact to ground water soil remediation standards developed on a site-by-site basis pursuant to N.J.S.A. 58:10B-12a.