



# **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

