



N60478.AR.000535
NWS EARLE
5090.3a

State of New Jersey

Department of Environmental Protection

Christine Todd Whitman
Governor

Robert C. Shinn, Jr.
Commissioner

JUL 14 1999

Northern Division - NAVFACENCOM
10 Industrial Highway
Mailstop 82
Lester, PA 19113

Dear Mr. John Kolicius:

Thank you for your request for a copy of the Site Remediation Program's Variance Database. It includes variances from the Department's Technical Requirements for Site Remediation N.J.A.C. &:26E and provides examples of flexibility within the rule. The attachment is 17 pages in length. Please make note that it does not represent every variance granted or denied by the Department's Site Remediation Program because of tracking inconsistencies. Also note that this database is currently used for information purpose only and as a consistency aid for Department staff. This is not a regulatory document and should not be cited as such.

For technical assistance, please contact Ms. Carey Compton by telephone at (609) 777-1388. Please send any suggestions regarding the Variance Database to:

Carey Compton, Variance Database Coordinator
Site Remediation Program, 4th Floor
P.O. Box 413
Trenton, New Jersey 08625

Thank you for the opportunity to serve you.

Yours Truly,

Carey Compton for B.S.

Brian Sogorka, Section Chief
Bureau of Environmental Evaluation
And Risk Assessment

cc/li
Enclosures

NJDEP/SRP's Summary of Variance Database

GRANTED_DATE	CITATION	SUMMARY	JUSTIFICATION	GRANTED
8/12/98	2.1(a)13	A variance was requested from the requirement to submit a complete chain of custody for soil samples	Certification was supplied by the sampler and additional staff documenting proper handling and preservation of samples.	Y
9/18/98	2.1(a)14	A variance was granted for PCB samples which exceeded the holding times.	PCB's were determined not to be a contaminant of concern at the site.	Y
9/29/97	2.1(a)4	The R.P. wanted to use the encore sampler to collect the samples. The sampling device would be sent directly to the lab for methanol extraction and analysis at the lab. The only field preservation would be packing the samples on ice (4°C).	The request did not include information on how the sample would be sealed or preserved in the field, how the lab would extract the sample and did not specify a 'holding' time for sample collection to extraction and analysis. There was no QA/QC which would support the alternate method. For the most part the alternate method was solely designed to avoid the consultant having to handle and ship Methanol and as a cost cutter. There was no technical justification that the results would be equal or more accurate. The variance request was withdrawn on 9/29/97 rather than go through the process to develop an acceptable alternate method. The appropriate technical basis for approval of this variance would state the following criteria; 1) use of a 5 gram stainless steel or disposable sampler, 2) maintained sampler temperature at 4 degrees C, 3) properly sealed and completely filled sampler, 4) a methanol:soil ratio of 2:1, and 5) sample would be analyzed or extracted with methanol (in the laboratory) within 48 hours of collection.	N

GRANTED_DATE	CITATION	SUMMARY	JUSTIFICATION	GRANTED
6/7/94	2.1(b)2	The variance request was to use Enzyme Immunoassay (EIA) to analyze in the field post-excavation soil samples for PCBs of which 50% would be laboratory confirmed.	The Department conditionally accepted the proposal pending an acceptable correlation between field screening results vs. laboratory confirmation results.	Y
5/3/95	2.1(c)2	Allowed the use of the Skinners List of compounds in lieu of the TCL/TAL to characterize potential discharges of petroleum products/wastes to ground water from SWMUs and AOCs.	Compounds on the Skinners List are specific to refinery wastes. Note: This is technical not a Variance. A limited contaminant list may be used pursuant to N.J.A.C. 7:26E-1.6(c). This is an example of built-in flexibility within N.J.A.C. 7:26E-2.1(c)2.	Y
10/21/94	2.1(d)	After removal of the diesel line, post-excavation soil samples were not analyzed for TPH, but rather for VO+10, BN+15 and Pb. The Department recommended granting a variance, without a request from the responsible party, for omitting TPH analysis.	Soil samples were analyzed for volatile organics and no volatile organics were detected above the applicable Soil Cleanup Criteria (SCC). The analyses of VO+10, BN+15 and Pb are beyond the NJDEP's minimum Technical Requirements of N.J.A.C., 7:26E-2.1(d) and are allowed as per N.J.A.C., 7:26E-1.7.	Y
1/25/95	2.1(d)	The R.P. proposed to analyze ground water samples for BTEX only. The contaminant of concern is diesel fuel.	The ground water quality has not been characterized in this area of concern. Therefore the full volatile organic analysis is necessary.	N
6/5/95	2.1(d)	Since analyses of 7 post excavation soil samples indicate low lead levels (2.2 - 12.1 ppm) < Dept's RDCSCC, the R.P. requested waiver of lead analysis for initial gw investigation.	A 3000 gallon gasoline UST was in poor condition with several holes, and was in contact with gw at 7.25 ft. - therefore potential exists for direct discharge into gw. Low soil levels does not mean gw has not been impacted.	N
6/19/95	2.1(d)	This is a grant of variance without RP request. During abandonment of 2000 gal gas UST, the R.P. analyzed post abandonment soil samples for only VO+10, and omitted lead.	1. No discharge associated with UST 2. Concentrations of VOCs were non detect	Y
11/21/95	2.1(d)	A new spill of PCB oil was released onto surficial soils and the contaminated soils were quickly excavated/removed. Soils samples were collected for waste classification analyses. Post-exavation samples were collected and analyzed for TPH using Modified method 8015. Resampling for PCB analysis within the excavation limits was not required.	The area of the spill was surficial and previous sampling of the oil indicated non-PCB oil (although it is always acknowledged that low-level PCBs could potentially be present). The analyses for TPH using modified method 8015 did not indicate any TPH concentration levels of concern. No PCB's were detected in the soil awaiting disposal. It was therefore presumed that levels of PCBs would not be present. Any future sampling for PCBs must use the current PCB method (8080). Note also: The area would be included in a DER.	Y

GRANTED_DATE	CITATION	SUMMARY	JUSTIFICATION	GRANTED
1/25/97	3.13(c)3v	The variance was granted from submittal of electronic data as required per N.J.A.C. 7:26E-3.13(c)3v. This is a generic variance from the requirement to submit data electronically as per the Department's Technical Requirement for Site Remediation, N.J.A.C., 7:26E-3.13(c)3. Since this has become a generic variance based on the criteria in the justification below, there is no need to enter additional variances from 3.13(c)3 into the database as long as all of the criteria in the justification below are met.	The NJDEP waived the electronic data requirement for homeowner residential UGST. Waived by Department for Homeowner residential USTs where single-family homeowners are completing a walk-away remediation activity of Number 2 fuel oil, as long as residential standards are being met and no ground water investigation was required. If a ground water investigation was conducted, then the homeowner is responsible for providing all data per N.J.A.C., 7:26E-3.13(c)3, even if the ground water was not contaminated.	Y
10/5/98	3.2(a)3iii	A variance was granted from the requirement to submit an appropriate topographic map section.	With minimal levels of TPHC remaining at the site that is located in urban area of Elizabeth, Union County, the lack of a topographic map did not affect the NJDEP's decisions.	Y
10/19/98	3.4(c)	Composite sampling was used because after removal of soils affected by a cleaning fluid spill, only a thin veneer of soil remained above the gravel fill.	The variance is justified due to the fact that an insufficient amount of soil was present to sample and by the nature of the KOH compound (cleaning fluid). The spill of biodegradable floor cleaning fluid was remediated with two composite samples collected for pH analysis. pH results were 6.9 and 7.71 units.	Y
5/25/95	3.7(c)2	The R.P. proposes to use a Passively Placed Narrow Diameter Point sampling tool to collect the required ground water sample at the area of concern, excavation formerly containing one 550 gallon diesel underground storage tank. The sampling method shall be capable of collecting a ground water sample across the water table and analyze it for VOC and BNS.	This sampling method acceptable based on the minimal level of soil contamination and based on the geology of the site. Note: Technically, this is not a variance since the Department's Technical Requirements for Site Remediation, N.J.A.C., 7:26E-3.7(c)2 refers to section 1.6(c) providing flexibility for this in the rule.	Y

GRANTED_DATE	CITATION	SUMMARY	JUSTIFICATION	GRANTED
2/5/98	3.9(a)1i	The RP asked to collect a soil sample below gravel beneath large above ground storage tanks (AGSTs). The RP did not want to complete the borings to the water table (WT). It was generalized that the Technical Requirements apply to the entire State. As this site exists in North Jersey and has tight soil a release could not reach the WT. No site specific information was submitted to support this conclusion.	The RP generalized that North Jersey soil was more loamy than the average for the State and thus borings to the depth of the water table were not necessary. Site soil type was not discussed. The site is a bulk tank farm on the Hackensack River. Financing was also used as justification for the RPs request to not use a drill rig to bore to the WT.	N
11/5/93	3.9(a)3	A variance was requested to reduce the number of soil borings required to delineate around the tankfield at the site. This variance request was based upon the existence of six monitoring wells currently at the site.	Please note that this variance was not given based upon the argument submitted by the RP. The variance was given based upon the orientation of the tanks in the tankfield. According to N.J.A.C 7:26E-3.9(a)3, the minimum number of soil borings at the site with three 12,000 gallon tanks would be eight borings per tank for a total of 24 borings. The soil borings around the tank would be as follows: one boring at each end of the tank and three borings at each side of the tank. Given this interpretation, the middle tank in a tankfield consisting of three tanks would have a total of six borings on either side. To reduce the number of required soil borings, the following two part test would be required to be used. Part I In situations where the tanks are sufficiently spaced to permit drilling between the tanks but are not so far apart such that their arrangement cannot be considered a tankfield, a variance can be given to reduce the number of required soil borings along the sides of the middle tank and the adjacent tanks by a factor of two. Part II If the tanks are spaced such that drilling between them cannot be proven feasible, a variance can be given to waive all soil borings between adjacent tanks. Based upon the information submitted to the Department and the information gathered during site visits, the conditions at the site fulfilled both Part I and Part II of the two part test for a variance for the reduction of soil borings at the site. Therefore, the number of borings required around the existing tankfield was reduced from 24 to 12 borings. The further reduction of sampling was not given on the basis of existing groundwater data from wells located at the site since no soil samples were taken during the installation of the existing monitoring wells and because the Department does not currently utilize groundwater data in lieu of soil samples. The RP was reminded that no such provision exists in the technical regulations. The proposal was also rejected since the distances between borings was in excess of 40 feet.	Y

GRANTED_DATE	CITATION	SUMMARY	JUSTIFICATION	GRANTED
12/6/93	3.9(a)3	Requested variance for frequency, location and deferral of soil sampling around an active UST field. Requested deferral until post-remedial stage of remediation.	Variance denied because no soil sampling has been conducted to date and an impact to ground water has been documented. The RP is also proposing a soil-vapor extraction system to be installed, but without soil delineation the effectiveness and adequacy of the system cannot be evaluated. Secondly, without this delineation, the extent of post-remedial sampling for the SVE system cannot be determined.	N
5/25/94	3.9(a)3	The variance approval letter for soils dated 5/25/94 was to waive the N.J.A.C. 7:26E-3.9(a)3 requirement for additional soil samples to be completed around current tank system. Seven soil samples had been collected.	The RP completed substantial compliance with N.J.A.C. 7:26E based on work generated to date, i.e. Seven (7) soil samples were collected in the vicinity of the tank field and piping. Installation of the tank field was within water table, and the location of the existing station building and fuel oil tank were in close proximity to the tank field. Thus, conducting the additional soil sampling was not possible and impractical.	Y
6/1/97	3.9(a)3	Soil samples were collected along the centerline instead of on all four sides of the UST as required per the Department's Technical Requirements for Site Remediation, N.J.A.C., 7:26E-3.9(a)3. Soil samples were collected after the 8,000 gallon UST was removed and samples were analyzed for TPHC results. No Further Action was required based on justification.	Soil sampling results for TPHC were below 100 ppm. In addition, downgradient well was also sampled and indicated no contamination, and tank was reported to not have any holes when excavated. Note: This is technically not a variance as centerline sampling from below the tank bottom is allowed/required as per the Department's Technical Requirements for Site Remediation, N.J.A.C., 7:26-3.9(a)3i(4)-(if within 6' & not in saturated zone)	Y
11/19/93	3.9(a)3i	The R.P. submitted a variance request to reduce the # of samples required for an active UST field and to sample five feet from the tanks instead of the required 2 feet.	The number of samples required for an active UST field suspected of a discharge was reduced from a total of 18 samples to 10 samples. Samples were not required to be collected from between the tanks, because there were multiple monitoring wells downgradient of the UST field. The location of the samples was relocated from within 2 feet of the active USTs to within 2 feet of the UST backfill.	Y
4/21/97	3.9(a)3i	The R.P. requested a variance to reduce the number of soil boring samples around and on each site of 3-4,000 gallon USTs, as required per N.J.A.C., 7:26E-3.9(a)3i. A total number of 12 soil samples was collected from the perimeter of the farms.	Requirement waived due to the risk of penetrating through one of the active tanks due to the in-line orientation of the tanks and several soil borings are required to be installed between the tanks and within the tank field. Variance granted due to safety concerns, provided that the tanks are in the same excavation and additional soil borings to be completed in the areas of two pump islands to demonstrate no soil contamination exists.	Y
6/24/94	3.9(a)3i(1)	A variance was granted to allow the RP to conduct soil samples at greater than two feet from former tank location.	The former tanks were located under the current pump island and canopy and the area has been backfilled with pea gravel. Thus, to collect soil samples from within two feet of the former tank location was not possible.	Y

GRANTED_DATE	CITATION	SUMMARY	JUSTIFICATION	GRANTED
11/29/93	3.9(a)3i(2)	The R.P. requested a reduced number of sample locations for an active tank field, requesting to collect samples at a frequency of one sample for 30 linear feet of perimeter, with a minimum of one sample at each of the four side walls. The R.P. also requested to collect said samples within 5 feet of the tank field instead of the prescribed 2 foot distance.	The R.P. reasoned that sandy soil conditions would transmit the hydrocarbon pollutants a greater distance from the source area. Site specific conditions would enhance the transport of contaminants, but advectionally at the water table. For same consideration of subsurface conditions, the favored component of transport while still in vadose zone would be downward, & tank was in vadose zone. Therefore, 5' is too far away to determine soil conditions.	N
3/31/94	3.9(a)3i(2)	The RP/consultant used soil samples from borings around the tank field to determine if the associated piping leaked. Soil samples at piping due to utilities interference.	Soil borings obtained in the vicinity of the tank field were insufficient to determine pipeline integrity.	N
1/23/97	3.9(a)5	A variance from the requirement to sample soil from below a piping run was granted for the residential #2 fuel line.	The piping was removed and the area screened with a PID. No evidence of a discharge was observed. Post-ex soil samples were collected for the residential tank and the laboratory analytical results supported the field screening results.	Y
4/28/98	3.9(a)5	A variance was granted from the requirement to obtain soil samples from below the piping associated with a residential #2 fuel oil UST.	Field screenings indicated that no contamination was present. The laboratory sample results were ND. The residential pipeline is relatively short and because the UST was close the UST soil samples are within a close proximity to the fuel line piping.	Y
6/2/98	3.9(a)5	A variance was requested from the requirement to obtain a piping soil sample.	No evidence of discharge from the piping was observed; the excavation was located close to the house and therefore soil samples from the tank excavation are located close to the piping.	Y
6/30/98	3.9(a)5	A variance was granted from collecting soil samples from below underground piping.	The piping was removed along with the UST. There was no evidence of contamination (i.e., analytical, visible and/or via PID). Post-ex soil samples were collected for the tank that was located within close proximity to the UST. The UST and piping were residential and used for #2 fuel oil.	Y
6/30/98	3.9(a)5	A variance was granted from the requirement to collect soil samples from below a piping run.	The piping was removed. In addition, the area was screened with a PID and no evidence of contamination was observed. Post-ex soil samples were collected for analyses from below the associated and nearby UST.	Y
10/9/98	3.9(a)5	The requirement to collect soil samples from under piping was waived.	Field observations (i.e., absence of stained soil and stressed vegetation) indicated that the piping was intact and that no discharge had occurred. Field screening results were ND. The contaminant was #2 fuel which is low in toxicity. The pipeline was copper which resists corrosion. Soil samples from the tank excavation in close proximity to the pipeline are below the cleanup criteria.	Y

GRANTED_DATE	CITATION	SUMMARY	JUSTIFICATION	GRANTED
11/2/98	3.9(a)5	The variance from the requirement to sample the soil below a residential, #2 fuel oil piping run was granted.	The residential piping was constructed of seamless copper. The area was screened with a PID and no visible contamination was observed. In addition, post-ex samples were collected for the residential #2 UST.	Y
12/2/98	3.9(a)5	The variance was granted from the N.J.A.C. 7:26E-3.9(a)5 requirement to sample soil from below underground piping.	Five factors provide the technical justification. No contamination was noted upon removal of the entire length of piping. The contaminant was #2 fuel which is low in toxicity. The pipeline was copper which resists corrosion. Soil sampling results from the associated tank excavation in proximity to the pipeline are below the cleanup criteria. The pipeline was less than fifteen feet in length.	Y
1/4/99	3.9(a)5	A variance from the requirement to sample soil from below underground piping was granted.	The technical justification for the residential piping is as follows. The contaminant was #2 fuel which is low in toxicity. The pipeline was copper which resists corrosion. Soil samples from the tank excavation that were in close proximity to the pipeline are below the applicable NJDEP cleanup criteria. The pipe line was only 7 feet long. Visual inspection and field screening of soils below the pipeline indicated no evidence of a discharge.	Y
2/4/99	3.9(a)5	A variance from the requirement to collect a sample below piping was made.	Piping sample was not necessary due to lack of evidence of a discharge, there were no indications of a leak.	Y
10/3/95	3.9(a)5iv	Flexibility was provided within N.J.A.C., 7:26E-3.9(a)5, the requirement for underground piping sampling. The sampling for the underground piping was reduced to less than 1 sample every 50 feet.	The Site is a refinery with more than a mile of piping. Sampling will be focused only at the perimeter of the site and on active lines as an initial step. Limited sampling will be done on all other piping. Note: Technically, this is not a variance since the Department's Technical Requirements for Site Remediation, N.J.A.C., 7:26E-3.9(a)5 refers to section 1.6(c) providing flexibility in the rule regarding this issue.	Y
8/11/97	3.9(a)5iv	The RP asked for a reduction in the soil sampling frequency of 1 for every 50 ft for a piping run of 1,500 ft.	The piping runs were buried in compacted limestone almost to a concrete consistency. The piping extends out to the runway for plane refueling. It was presumed that the jet fuel would follow the piping since the surrounding fill was compacted to hold the weight of a plane. Sampling was required because the lines had failed a pressure test and were presumed to have leaked. This technically did not need a variance per 7:26#-1.6(c).	Y
10/5/98	3.9a(5)ii	A variance was granted for soil sampling for below-grade piping that extended through the foundation of the house.	The results of soil samples collected from the excavation showed that concentrations of TPHC were below the NJDEP's criterion of 10,000 ppm total organic. The concentrations of TPHC were less than 1,000 ppm. Since the piping ran through the foundation, stability of the house was a concern. Due to the stability of the structure of the house, soil samples were not collected from the below grade piping.	Y

GRANTED_DATE	CITATION	SUMMARY	JUSTIFICATION	GRANTED
2/10/99	4.1(a)	Most of the site is contaminated with a similar suite of chemicals. They do not appear to be emanating from a single Area of Concern (AOC) so the entire site is being investigated as one unit. The smaller AOC are no longer operable for the site.	There is wide-spread contamination at the site and the proposal is the best approach for this site.	Y
3/25/94	4.1(a)1	The R.P.s wanted only to delineate to the 6' interval as a matter of cost savings. Since the site adjacent to the one in question was vertically delineated and both sites are comprised of historic fill, in addition to both sites being filled at approximately the same time, the R.P.s felt no new information could be gained by vertical delineation.	The Department approved the variance provided the RPs agree to the same remedial action as the property that had the proper delineation	Y
3/27/95	4.1(a)3	The R.P. requested a variance not to install bedrock monitoring wells during Phase II. The depth to bedrock varies from 4-20' b.g.s. Phase I soil boring logs indicated Manufactured Gas Plant contamination at the top of fractured bedrock.	The R.P. stated that their rationale for not installing bedrock wells was that there was no water use in the area and the water table aquifer was grossly contaminated by petroleum refineries/distributors. The variance request was denied because horizontal and vertical ground water delineation needs to be defined to establish boundaries of a CEA, and ground water contamination needs to be defined for proposing & implementing a risk based RA	N
10/27/93	4.1(b)	The R.P. requested a variance of the requirement to delineate the extent of soil contamination near a monitoring well which contained free product. The variance was requested based upon the fact that there is soil contamination at MW-2 and that this cannot be addressed until after post-excavation samples from the upgradient tankfield were analyzed.	This variance request was not approved since it did not propose an alternate approach to delineation near this well but proposed to delay delineation until after the upgradient tankfield was excavated. There was nothing in the R.P.'s justification to indicate that either the monitoring well or the area downgradient of the tankfield would be excavated. Therefore, the R.P. was not relieved of the requirement to delineate as per 4.1(b), 6.4(a)5, and the Department's Cleanup Criteria.	N
6/1/95	4.1(b)2	Since PCB concentrations generally decrease with depth and the contamination is mostly limited to the upper 2', vertical delineation of each and every on-site sample point to 0.49 ppm would not alter the remedy selection and would be cost prohibitive.	Based on the relative immobility of the contaminant and the site specific data which indicated that in most locations, the PCBs did not migrate vertically beyond 2', BEERA agreed that the establishment of a vertical gradient was not req'd at every sample location.	Y

GRANTED_DATE	CITATION	SUMMARY	JUSTIFICATION	GRANTED
11/2/98	4.2(b)4iii	A variance was granted from the requirement to submit a topographic map as per N.J.A.C. 7:26E-4.2(b)4iii.	The case was a residential UST removal with minor soil contamination only. The lack of a topographic map did not affect case decisions.	Y
6/5/95	4.4(a)4	The R.P. proposes to use a pasively placed narrow diameter point (PPNDP) in lieu of a monitor well to conduct an initial GW investigation.	Depth to GW is known and is within 10 ft below ground surface, and the soil composition - fine sand, <15% silt+clay - lends itself to use of this alternate technique. Caution to RP: may be difficult to obtain turbid-free samples. If the passively placed narrow diameter point method indicates contaminants > GWQS, MW installation will be necessary.	Y
1/16/95	4.4(c)	Variance proposed to use hydropunch sampling to determine impact to groundwater. If groundwater is not impacted based on hydropunch sampling than a 'NFA' would be issued based on hydropunch sample results.	Hydropunch can not be utilized since depth to groundwater is unknown. Note: technically this is not a variance since it is allowed to approve of an alternative method as per the Department's Technical Requirements for Site Remediation, N.J.A.C., 7:26E-4.4(c) that refers to section 1.6(c) allowing flexibility.	N
1/26/95	4.4(c)	The R.P. proposed to use a Hydropunch II to collect ground water samples around one 3,000 gallon diesel fuel UST which was abandoned in place within a concrete vault. TPHC was detected within the vault at 27,000 ppm. A DER will be implemented to allow the contaminants to remain in place, therefore a ground water investigation is required.	The Hydropunch II will collect a representative ground water sample and will allow for screening across the water table (depth to not available). Note: Technically, this is not a variance since an alternate method can be allowed as per the Department's Technical Requirements for Site Remediation, N.J.A.C., 7:26E-4.4(c) that refers to section 1.6(c) providing flexibility.	Y
4/26/95	4.4(c)	A variance was granted tp use a hydropunch ground water sampler instead of installing an additional monitoring well.	The depth to groundwater is known. The % silt and clay is <15%, (i.e., very sandy soils). One well already exists at site, and is showing no contaminants above GWQS. Note: Technically, this is not a variance since an alternative method can be allowed as per the Department's Technical Requirements for Site Remediation, N.J.A.C., 7:26E-4.4(c) that refers to section 1.6(c) providing flexibility.	Y
5/10/95	4.4(c)	Request to sample groundwater using Hydropunch II instead of groundwater monitoring well.	Known depth to groundwater and soil type. Note: technically this is not a variance since an alternate method is allowed as per the Department's Technical Requirements for Site Remediation, N.J.A.C., 7:26E-4.4(c) that refers to section 1.6(c) providing flexibility.	Y

GRANTED_DATE	CITATION	SUMMARY	JUSTIFICATION	GRANTED
11/30/94	4.4(c)	The variance was to install a geoprobe in lieu of a monitoring well.	There was a high ground water table at this site. Note: Technically, this is not a variance since an alternative method can be allowed as per the Department's Technical Requirements for Site Remediation, N.J.A.C., 7:26E-4.4(c) that refers to section 1.6(c) providing flexibility.	Y
11/1/94	4.4(d)	The proposal to use Hydropunch samples for preliminary delineation of ground water contaminated with gasoline was granted.	The R.P. has found elevated levels of BTEX, MTBE & TBA in the down gradient well. The company will be installing monitoring wells based upon the Hydropunch results to verify the delineation of the gasoline plume. Note: Technically this is not a variance as 4.4(d) refers to 1.6c.	Y
12/5/94	4.4(e)	Reduction from requirement of 3 or 4 monitoring wells to 2 wells.	26 soil samples, all of which were non-detect and/or below standard for volatile organics and lead. 4 of 6 USTs were out of use since 1954, and had been filled with vermiculite. Groundwater is likely tidally influenced; therefore, 3 wells would likely not aid in determining groundwater flow direction.	Y
6/27/94	4.4(f)	Due to limited access, the R.P. requested an alternative well construction technique using a tripod rig and a driven casing method for two off-site wells.	The R.P.'s request is approved based on legitimate concerns regarding access to the required area.	Y
2/22/94	4.4(f)1	The R.P. requested a variance to install a well within an area of limited access (traffic patterns, buildings and utility concerns) by means of a geoprobe over conventional methods.	*NOTE - A variance is not needed for use of alternate groundwater sampling methods as long as appropriate justification is provided in the report (NJAC7:26E,3.7(c)2). The R.P.'s request was approved based upon legitimate concerns regarding the access to the required area.	Y
6/24/94	4.4(g)3ii(3)	The RP requested to conduct hourly tidal influence measurements in ground water monitoring wells while conducting other work on site, rather than on a 71-hour cycle.	Numerous rounds of ground water sampling has always resulted in a constant ground water flow direction. Also the site is located in the area of Barnegat Bay which has an average tidal range of less than half of a foot between mean low and mean high tide.	Y

GRANTED_DATE	CITATION	SUMMARY	JUSTIFICATION	GRANTED
1/12/99	4.4(g)4	No split spoon sampling was performed during installation of a monitor well.	However, previous activities adequately identified the stratigraphy at the site. In addition, this MW was installed within an excavated area that was backfilled with certified clean fill.	Y
10/7/97	4.4(h)2	The variance was to waive the second round of ground water sampling to document levels of lead below the GWQS.	The first round of ground water sampling detected lead at concentration levels above the NJDEP's GWQS. However, based upon the ND levels of lead in the 2nd round and no levels of lead detected in the soil post excavation samples, a confirmatory ground water sample for lead was not required.	Y
8/15/98	6.1(b)3	The RP was unable to produce a copy of the local UCC demolition permit.	During the remedial action, contractors were changed and the original contractor did not transfer a copy of pertinent documents to the second contractor. All attempts to acquire the missing information were futile according to the certified report. Time was essential in this project. Instead, a certified statement from the contractor was substituted.	Y
7/7/98	6.3(b)6i(1)	This is a variance from the photo-documentation requirement which documents the condition of an UST prior to removal.	The UST reported to have leaked, remediation was completed and cleanup verified with analytical results of soil samples. Thus, the lack of photos did not alter the fact that an NFA determination was appropriate.	Y
8/15/98	6.3(b)6i(1)	A variance was granted from the requirement to submit photographic documentation of the UST condition at the time of removal.	The justification is three-fold: a) the original UST removal was performed by a different contractor than the one who completed the RA, b) the site was properly remediated in accordance with N.J.A.C., 7:26E, and c) the original tank pull was observed by Bergen County under the pilot project.	Y
10/15/98	6.3(b)6i(1)	A variance from requirements in N.J.A.C. 7:26E-4.3(b)6i for submitting photo-documentation for the UST excavation, was granted.	The responsible party failed to obtain photo-documentation. An UST was removed for disposal. The AOC was remediated to below the applicable NJDEP's Residential Soil Cleanup Criteria.	Y
11/6/98	6.3(b)6i(1)	This is a variance from the photo documentation requirement which documents the condition of an UST during removal.	The UST was removed and properly disposed of. The post-excavation soil samples results verified the cleanup. Thus, the lack of photos did not alter the fact that an NFA determination was appropriate.	Y
11/13/98	6.3(b)6i(1)	After an UST removal activity, the photo documentation were not submitted in the follow-up report pursuant to N.J.A.C., 7:26E-6.3(b)6i(1).	Photographs were not taken by the former consultant. However, the UST was confirmed to have leaked and the analytical results of the post-excavation soil samples were below the applicable NJDEP criteria. Although supportive, photos are not necessary since site was otherwise, appropriately remediated in accordance with N.J.A.C. 7:26E.	Y

GRANTED_DATE	CITATION	SUMMARY	JUSTIFICATION	GRANTED
12/10/98	6.3(b)6i(1)	Photo documentation of an UST condition were not submitted; 2 photos were taken but misplaced by contractor.	Since a sufficient amount of soil (approx. 15 tons) was removed and final post-ex samples were all < 835 ppm TPHC, photo documentation of the tank condition would not alter the adequacy of the remedial action. Thus, the variance from photo documentation was granted.	Y
12/15/98	6.3(b)6i(1)	Photos were taken of the UST condition. However, the film was not able to be developed due to operator error.	The variance was granted because the remedial actions were completed on-site. The RAR provided sufficient data and documentation to confirm removal of contamination and disposal of the tank.	Y
1/20/99	6.3(b)6i(1)	This is a variance from the requirement to submit photographs documenting the condition of a removed UST.	The UST was reported to have leaked. Discharge and cleanup verified visually on-site and through analytical results.	Y
11/18/98	6.3(b)6i(3)(A)	Base on the size of the tank, three centerline samples should have been collected. However, only two were submitted for analysis.	This variance has been approved based on the good condition of the UST upon removal (no corrosion holes) as well as the very low concentration levels of TPH detected in the two samples collected (30 ppm and 111 ppm)	Y
3/9/99	6.3(b)6ii	The tank was abandoned in place and soil samples locations were chosen from adjacent and downgradient locations based upon numerous site specific factors.	Based upon the fact that groundwater was encountered, proximity of building foundation, numerous utility lines, and subsurface structures alternative sampling locations were approved.	Y
8/24/98	6.3(b)6ii3	A variance was provided waiving the requirement to sample through the base of abandoned underground residential storage tank.	The side wall soil samples obtained from around the UST were within 2 feet of the centerline of the tank.	Y
1/25/94	6.4(a)	The R.P. proposed not to collect all required post-ex soil samples. Soil excavations instead would continue to 'clean' perimeter samples which have previously been analyzed and reported during the remedial investigation phase. However, some post-ex samples will be taken, where needed, to fulfill the requirements of N.J.A.C. 7:26E.	The R.P. collected a large number of delineation samples. In almost all areas, the contamination has been delineated vertically and horizontally with a far greater sampling frequency than is even required during post-ex sampling by the Tech. Regs.	Y
1/6/99	6.4(a)	During the remedial action excavation activity, a required sidewall soil sample was not collected.	The side of the excavation was adjacent to a building foundation and to collect a post-excavation sidewall soil sample was not feasible. In addition, the nearby (base and other sidewall) analytical sampling results were within the applicable NJDEP Soil Cleanup Criteria.	Y

GRANTED_DATE	CITATION	SUMMARY	JUSTIFICATION	GRANTED
2/17/94	6.4(a)2	The R.P. requests a reduction in number of soil samples collected for a former tank field with new USTs located in it. Based on overhead obstructions, shallow gw depth and previous sampling from 6 borings along the western boundary and northeastern corner, the R.P. proposes to collect 2 additional soil samples from along former piping.	No soil samples were required between tank fields based on shallow ground water depth and active USTs/piping. However, 6 additional samples were required along perimeter since source of groundwater contamination was not identified. Skid rig shall be used if obstructions prohibit the use of a drill rig. The 2 proposed samples shall also be collected.	Y
11/7/94	6.4(a)2	The RP proposed to delineate the area of concern for PHCs and PCBs, and after delineation, perform soil excavation without post-excavation sampling using delineation sampling results to define clean zone.	Site conditions were a small size of area of concern (process area), limited access to process area, and the need to continue operations during excavation. Excavation to be done within 90 days of delineation sampling.	Y
12/5/94	6.4(a)2	This variance allowed the collection of pre-remediation soil samples to define a clean zone prior to excavation and thus, eliminate post-remediation sampling.	Soils will be excavated to clean zone sample locations. Note: this type of variance should only be issued if the facility or AOC are inactive and if the remedial action will occur shortly after the pre-remedial samples are taken. Otherwise, the pre-remedial samples may not represent the true condition of the AOC (i.e., other discharges may have occurred since the pre-remedial sampling.)	Y
11/6/97	6.4(a)2ii	Post excavation soil samples were not collected at the required frequency of 4 sidewall and 1 bottom sample for an excavation between 20 and 300 feet in perimeter.	The excavation was screened with an HNU meter & five soil sample locations were biased to the areas with the highest readings. Therefore these samples have been determined to be adequate to confirm No Further Action.	Y
12/8/98	6.4(a)2ii	Remedial Investigation soil sampling was conducted at a frequency of one sample every 15' for a total of 5 samples for a total of 5 samples along what became the side wall post excavation. The RP requested to use the sampling results, in conjunction with a single post excavation sampling result collected along the 60' excavation wall, for post excavation purposes.	The sidewall will be approximately 60' in length. A greater number of RI samples was collected than was required (i.e., one every 15'). Therefore, a single post excavation sample on that wall was considered adequate, as it will be in conjunction with the 5 RI samples previously collected. Thus, the variance was granted.	Y
6/23/98	6.4(a)2ii(1)	A variance was granted to collect only 2 sidewalls samples of 4 required as per N.J.A.C., 7:26E-6.4(a)2ii(1a) for the removal of a 550 gallon tank.	The excavation was 6 feet wide and not extended beyond the initial tank removal. After 3 pre-excavation samples, and the 2 from sidewalls, were analyzed it was determined that results were within unrestricted use criteria and no soil removal was required. The 2 samples were sufficiently biased towards areas of suspected contamination and justified by field screening and 6 test borings adjacent to the excavation.	Y

GRANTED_DATE	CITATION	SUMMARY	JUSTIFICATION	GRANTED
9/9/98	6.4(a)2ii(1)	The remedial action was performed in 1989 prior to the Technical Requirements. Therefore contingency VOCs were not sampled and the location and frequency of samples were not in conformance with current requirements for tank removal.	However, additional test pits and monitor wells were installed and sampled for appropriate parameters in and around the tanks indicated no problems were associated with tanks. Additional remedial actions for other AOCs are ongoing and are not indicative of tank-related contaminants. Current work is in substantial compliance.	Y
7/20/94	6.4(a)2ii(2)	The RP requested a variance to eliminate some required soil borings at a former tank field which is under the current pump island. The RP also requested to eliminate sampling at former waste oil tank, which is under the current tank field.	The variance was granted because the area under the current pump island was inaccessible, and the former waste oil tank was located in current tank field, making soil sampling difficult. The soil data was contaminated at concentration levels above the IGSCC. However, soil data was not contaminated at concentration levels above the RDCSCC. To compensate, a monitor well approximately 10' downgradient, was required and the R.P. agreed to do a soil vapor extraction to remediate.	Y
10/13/98	6.4(a)2ii(2)	The underground storage tank and contaminated soils were removed. The contractor collected two sidewall and two bottom post excavation soil samples. The Technical Requirements for Site Remediation require one sample from every sidewall and one from the bottom based on excavation dimensions.	Given that all TPHC results are below 100 ppm and the contractor indicated that the sample locations were biased in the field pursuant to 6.4(a)4, a variance is considered appropriate. Additional sampling would likely reveal no relevant additional information.	Y
4/19/96	6.4(a)2iii	The variance was granted to reduce the frequency of post remedial sampling from 2500 samples to 1000 samples for an area covering 34.5 acres.	Based on a conservative TPHC cleanup criteria of 1,000 ppm, as well as homogeneous conditions (i.e., land farming of 34.5 acres from surface to the ground water table). The RP will also conduct VOC and BN analyses of 25% of the 1,000 soil samples. Note: Technically, this is not a variance as for larger excavations, sampling frequency may be reduced if documentation acceptable to the NJDEP is provided in the RAR as per N.J.A.C., 7:26E-6.4(a)2iii.	Y
1/26/98	6.4(b)	Backfilling of the excavation was not required by means of this variance.	Backfilling of the excavation was not required as the site is undergoing redevelopment. The excavation will be backfilled with material suitable for site redevelopment. It is noted in the DEP's NFA Letter that the backfilling of the excavation is not complete and that the NFA does not address this issue.	Y

GRANTED_DATE	CITATION	SUMMARY	JUSTIFICATION	GRANTED
10/21/98	6.4(b)	Backfilling of the excavation was not required.	Backfilling of the excavation was not required as site is slated for residential development. Excavation will be backfilled during residential site development. It was noted in the DEP NFA letter that backfilling of the excavation is incomplete and the NFA does not pertain to the backfilling of the excavation.	Y
8/30/94	6.4(b)2	As part of the proposed in-situ flushing, basins and shallow infiltration galleries (laterals) will be constructed. The eight inches of compacted fill in the bottom of the basin area will consist of permeable clean fill material ($K > 1.0 \times 10^{-3}$ cm/sec.). The compacted fill in the basins will not be of the same permeability of native soil in the area.	The permeable fill in the basin is necessary because of the fact that the bottom of the basin is close to the seasonal high groundwater level. Flushing will be accomplished via surface flooding through the base of the basin.	Y
8/10/98	6.4(b)2.i.	A variance was requested from the requirement to use backfill with equal permeability to native soil.	Fill material with a different permeability was utilized for a limited area under the driveway.	Y
3/26/97	6.4(b)2ii	The R.P. requested a variance to use sand to backfill a clay/silt sloped excavation area of approximately 5,000cyds (~90'X60'+side, slopes to a depth of 18" in center area) located adjacent to a shallow manmade lake. Due to weather, a compromise was reached allowing the R.P. to use sand fill for the bottom 14' depth.	The approval minimizes the amount of erosion that will occur post-remediation because the top 4' of the excavation will be filled with clay silt fill and re-seeded. In addition, a wedge of lower permeable clay/silt fill is placed adjacent to and into the lake to minimize a potential bathtub effect. Additionally, the excavation will remove the vast majority of the categorized 'non-hazardous' manufactured gas plant coal tar contaminated soil.	Y

GRANTED_DATE	CITATION	SUMMARY	JUSTIFICATION	GRANTED
6/17/98	6.4(d)	<p>The RP brought fill from another location onto Area 14; this fill is stockpiled in the southwest portion of the site. The RP performed limited soil sampling after the material was stockpiled on site. No soil re-use proposal had been presented to the NJDEP. Based on NJDEP comments, the RP agreed to perform additional sampling and provide much more detail on the origin of the material. Based on the origin, (non- area of concern types of locations) the NJDEP agreed to reduced sampling frequency relative to NJAC 7:26E 6.4(d) since the volume of material is well over 1,000 cubic yards.</p>	<p>The subject of the soil reuse proposal involves approx. 200,000 cubic yards of soil. Under 7:26E6.4(d), hundreds of samples would be needed. The fill is intended for use as intermediate fill for site redeveloped into a warehouse and paved parking areas. The RP provided sufficient information to document that no industrial activities occurred at the location from which the stockpile originated. 10 samples were previously collected which showed minimal contamination in excess of the NJDEP's PAH Soil Cleanup Criteria. The RP proposed to collect an additional 20 samples. Given that the material has been well mixed via the process of removal and placement at Area 14 (subject of RAWP), the stockpiles are considered "well mixed". The origin of the soil and the intended re-use (beneath a warehouse and paved parking area) played a major role in NJDEP approval of significantly reducing the number of samples needed. The 20 additional discrete samples will be tested for BN, metals and explosive parameters (and VOCs, if indicated by field instrument readings).</p>	Y

Total Count: 91