

Site Remediation Reform Act (SRRA) Listserv Archives

January 24, 2014 - [SRRA]: Statutory extension to May 2014 remedial investigation complete deadline

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Subject [SRRA]: Statutory extension to May 2014 remedial investigation complete deadline

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Governor Christie has signed legislation allowing for a two year extension to the statutory requirement in the Site Remediation Reform Act (SRRA) for the person responsible for conducting the remediation of certain sites to complete the remedial investigation by May 7, 2014. In order to qualify for this extension, the person responsible for conducting the remediation must submit to the Department by March 7, 2014 a certification acknowledging that the following criteria have been met at the time of the certification:

(1) the person responsible for conducting the remediation has retained a licensed site remediation professional to conduct the remediation of the site; (2) the person responsible for conducting the remediation has met the remediation requirements included in all applicable mandatory remediation timeframes; (3) the person responsible for conducting the remediation has made technically complete submissions in compliance with all regulations for site remediation, as applicable, for the (a) initial receptor evaluation, (b) immediate environmental concern source control report, (c) light non-aqueous phase liquid interim remedial measure report, (d) preliminary assessment report, and (e) site investigation report; (4) the person responsible for conducting the remediation has established a remediation funding source if required by the Brownfield Act (see N.J.A.C. 58:10B-3); (5) if a remediation funding source is not required to be established, then the person responsible for conducting the remediation must establish a remediation trust fund for the estimated cost of the remedial investigation of the entire site; (6) the person responsible for conducting the remediation has paid to the Department all oversight costs known at the time of the certification and for which the person responsible for conducting the remediation has not filed a dispute with the Department; and (7) the person responsible for conducting the remediation has paid to the Department all annual remediation fees and remediation funding source surcharges, as applicable.

The Department strongly recommends that action be initiated promptly to establish a remediation trust fund, if needed, due to the timing to secure this financial instrument and the statutory requirement to submit the extension request by March 7, 2014.

There are also provisions for receiving an extension to the May 7, 2014 deadline if remediation is delayed due to obtaining state funding.

The Department will be posting information to its website beginning next week and continuing for the next few weeks, including a certification form, reports to determine whether a person responsible for conducting the remediation qualifies for the extension, and frequently asked questions. The Legislation requires that an electronic certification form be submitted by March 7, 2014. The Department is working to finalize this form and expects that it will be available for submittal via the Department's electronic portal no later than the second week of February. It is recommended that users check the website (<https://www.nj.gov/dep/srp/> or <https://www.nj.gov/dep/srp/timeframe/>) daily to see what new information the Department has posted.

