

## Site Remediation Reform Act (SRRA) Listserv Archives

### May 11, 2016 - [SRRA]: Failure to meet May 7, 2016 statutory extension deadline to complete the remedial investigation

**From:** owner-srra@listserv.state.nj.us; on behalf of; SRRA <SRRA@dep.nj.gov>  
**To:** srra@listserv.state.nj.us  
**Date & Time:** 5/11/2016 4:12:00 PM  
**Subject** [SRRA]: Failure to meet May 7, 2016 statutory extension deadline to complete the remedial investigation

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The statutory timeframe extension to complete the remedial investigation established by Public Law 2013, c.283 was on May 7, 2016 ("statutory extension deadline"). For those sites that did not meet this statutory extension deadline, the following information explains the actions required to be completed over the next 90 days.

The Site Remediation Reform Act (SRRA, N.J.S.A. 58:10C-1 to -29) establishes the circumstances under which a contaminated site becomes subject to the Department's direct oversight. These circumstances include missing the May 7, 2016 statutory extension deadline to complete the remedial investigation.

Pursuant to SRRA and the Administrative Requirements for the Remediation of Contaminated Sites (ARRCS, N.J.A.C. 7:26C-14.2(a)), a site that does not meet the statutory extension deadline is immediately subject to direct oversight, and the person responsible for conducting the remediation shall comply with the direct oversight requirements at N.J.A.C. 7:26C-14.2(b). Failure to comply with direct oversight carries a penalty exposure of \$25,000 per day (see N.J.A.C. 7:26C-9.5(b)).

Although it is necessary for the person responsible for conducting the remediation to comply with all of the requirements of N.J.A.C. 7:26C-14.2(b), it is essential that the person comply timely with N.J.A.C. 7:26C-14.2(b)9 (submitting a public participation plan with a schedule within 30 days of missing the statutory extension deadline), N.J.A.C. 7:26C-14.2(b)4 (submitting a cost review to the Department within 60 days of missing the statutory extension deadline), and N.J.A.C. 7:26C-14.2(b)5 (establishing a remediation trust fund within 90 days of missing the statutory extension deadline).

Pursuant to N.J.A.C. 7:26C-14.4, the Department will consider adjustments to the requirements of N.J.A.C. 7:26C-14.2(b).

The Department suggests that the person responsible for conducting the remediation contact the Bureau of Enforcement and Investigations to discuss resolving any penalty exposure or earning adjustments in direct oversight. The Department also encourages any person responsible for conducting a remediation that has outstanding violations related to direct oversight to resolve their penalty exposure by signing an Administrative Consent Order before a formal enforcement action is taken.

The Duty Officer of the Bureau of Enforcement and Investigations can be reached at (609) 633-1480.

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