

## Site Remediation Reform Act (SRRA) Listserv Archives September 10, 2020 - [EXTERNAL]: Status of Administrative Consent Orders and Remediation Agreements

**From:** NJ Department of Environmental Protection  
NJDEP@public.govdelivery.com

**To:** NJDEP@public.govdelivery.com

**Date & Time:** 9/10/2020 3:08:00 PM

**Subject** [EXTERNAL]: Status of Administrative Consent Orders and Remediation Agreements

[EXTERNAL]: Status of Administrative Consent Orders and Remediation Agreements

This listserv supersedes the 2/6/2012 Status of Administrative Consent Orders and Remediation Agreements listserv.

Parties that executed an Administrative Consent Order (ACO) or a Remediation Agreement (RA) with the New Jersey Department of Environmental Protection (Department) prior to the enactment of the Site Remediation Reform Action (SRRA) are to conduct remediation pursuant to SRRA. With the exception of some sites subject to the Resource Conservation and Recovery Act (RCRA) and Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as well as certain federal facilities, all parties in any way responsible for remediation at a site where a discharge was discovered prior to November 4, 2009, including those sites with an ACO or an RA, are required to retain an LSRP. For details regarding which RCRA, CERCLA and federal facilities are exempted from these requirements, refer to [http://www.nj.gov/dep/srp/srra/training/matrix/quick\\_ref/rcra\\_cercla\\_fed\\_facility\\_sites.pdf](http://www.nj.gov/dep/srp/srra/training/matrix/quick_ref/rcra_cercla_fed_facility_sites.pdf).

The Department will hold in abeyance all requirements in pre-SRRA ACOs/RAs that concern obtaining the Department's pre-approval of reports, workplans, progress reports, and all requirements to meet pre-SRRA ACO/RA-specific timeframes. Parties are expected to proceed with remediation using an LSRP in accordance with N.J.A.C. 7:26C-2.4, and to meet all regulatory, mandatory, and statutory timeframes contained in the applicable rules, including N.J.A.C. 7:14B, N.J.A.C. 7:26B, N.J.A.C. 7:26C, and N.J.A.C. 7:26E.

All other requirements of the pre-SRRA ACO/RA remain in effect and are not held in abeyance, including, but not limited to, requirements for a remediation funding source (RFS), the RFS surcharge, and stipulated penalty provisions.

Any ACO or RA, regardless of the date executed with the Department, remains in effect and will not be terminated until remediation is complete and a final remedial action report is submitted to the Department pursuant to N.J.A.C. 7:26C-5.8, any remaining remediation is covered by all applicable remedial action permits, and an LSRP issues a Response Action Outcome, pursuant to N.J.A.C. 7:26C-6.2, for the Site and all other areas to which any hazardous substance discharge on the site has migrated.

---

Update your subscriptions, modify your password or email address, or stop subscriptions at any time on your [Subscriber Preferences Page](#). You will need to use your email address to log in. If you have questions or problems with the subscription service, please visit [Help](#).

This service is provided to you at no charge by [New Jersey Department of Environmental Protection](#).