

Site Remediation Reform Act (SRRA) Listserv Archives

July 15, 2021 - [EXTERNAL]: Extension of certain remediation timeframes pursuant to P.L.2021, c.103

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Subject [EXTERNAL]: Extension of certain remediation timeframes pursuant to P.L.2021, c.103

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On June 4, 2021, Governor Phil Murphy approved P.L.2021, c.103 and issued Executive Order No. 244, which terminated the Public Health Emergency declared under EO 103 (2020) (see <https://nj.gov/infobank/eo/056murphy/pdf/EO-244.pdf>). Section 3 of P.L.2021, c.103 extended the effective period for any administrative order, directive, or waiver issued pursuant to EO 103 (2020) until January 11, 2022, unless the Governor seeks an additional 90 days extension by notification to the Legislature, who must pass concurrent resolutions to continue any such administrative order, directive, or waiver.

On February 1, 2021, the New Jersey Department of Environmental Protection (DEP) issued a Notice of Rule Waiver/Modification/Suspension (Notice) pursuant to Executive Order No. 103 (2020), extending certain remediation timeframes (see <https://www.nj.gov/dep/covid19regulatorycompliance/docs/srp-remedial-timeframes-20210201.pdf>).

For remediations that **were not** subject to the statutory timeframes set forth in the Site Remediation Reform Act (SRRA) at N.J.S.A. 58:10C-27 and 27.1 to complete the remedial investigation by either May 7, 2014 or May 7, 2016 ("non-statutory timeframe remediations"), this Notice further extends certain timeframes for remediation activities, for a total of 455 days. The Notice also extends all subsequent timeframes.

Therefore, in accordance with P.L.2021, c.103:

For **non-statutory timeframe remediations**, for the remediation activities specified in the February 1, 2021 Notice, timeframes due on or before January 11, 2022 will continue to be extended for a total of 455 days (as well subsequent timeframes). Timeframes due after January 11, 2022 will not be extended pursuant to the February 1, 2021 Notice.

Examples:

- The due date for a remedial action report that is due January 11, 2022 will be extended 455 days, to April 11, 2023.
- The due date for a remedial action report that is due January 12, 2022 will be **not** be extended.

NOTE: Remediation activities that received a 455-day extension through the February 1, 2021 Notice and for which the new timeframe is on or before January 11, 2022 will not receive a second 455 day extension.

Remediations that **were** subject to the statutory timeframes set forth in the Site Remediation Reform Act (SRRA) at N.J.S.A. 58:10C-27 and 27.1 to complete the remedial investigation by either May 7, 2014 or May 7, 2016 will not be impacted by the January 11, 2022 expiration date since the remedial action report timeframes included in the February 1, 2021 Notice were extended by 1-year **on** February 1, 2021, including those remedial action timeframes established in Administrative Consent Orders. All such timeframes will be after January 11, 2022.

NOTE: To qualify for the extensions set forth in the February 1, 2021 Notice, the person responsible for conducting the remediation must have retained a licensed site remediation professional pursuant to the Administrative Requirements for the

Remediation of Contaminated Sites (ARRCS) at N.J.A.C. 7:26C-2.3.

NOTE: The person responsible for conducting the remediation is not required to submit an extension request for timeframes subject to the February 1, 2021 Notice. Additionally, the DEP will not review or approve extension requests for timeframes subject to the February 1, 2021 Notice that were submitted prior to issuance of the Notice. However, if the person responsible for conducting the remediation determines that the remediation activity will not be completed within the extended timeframe, the person responsible for conducting the remediation can submit an extension request to the DEP pursuant to ARRCS at N.J.A.C. 7:26C-3.2 (regulatory timeframe extension) or N.J.A.C. 7:26C-3.5 (mandatory timeframe extension). Such extension requests should be submitted to the DEP no sooner than six months prior to the due date as extended by the February 1, 2021 Notice, and no later than either 30 days (regulatory timeframe extension request) or 60 days (mandatory timeframe extension request) prior to the due date as extended by the February 1, 2021 Notice.

The DEP will be updating DataMiner to reflect the above noted extensions and will send a separate listserv advising the regulated community when completed.

Additional information regarding remediation timeframes impacted by Executive Order 103 (2020) can be found on the DEP website at https://www.nj.gov/dep/srp/executive_order/extension_information.html.

Questions regarding this listserv or remediation timeframes should be directed to the DEP Bureau of Case Assignment and Initial Notice at 609-292-2943.

Celebrating its 50th anniversary in 2020, the New Jersey Department of Environmental Protection is dedicated to protecting New Jersey's environment and public health. The agency prioritizes addressing climate change, protecting New Jersey's water, revitalizing its communities and managing and promoting its natural and historic resources.

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