

Executive Order 103 (2020) - Timeframe extension information (May 21, 2021)

Subject: Omission of remedial investigation report timeframes set forth in administrative consent orders from the February 1, 2021 Notice of Rule Waiver/Modification/Suspension

The following is a clarification regarding the New Jersey Department of Environmental Protection (Department) February 1, 2021 Notice of Rule Waiver/Modification/Suspension Pursuant to Executive Order No. 103 (2020) ("Notice," available at <https://www.nj.gov/dep/covid19regulatorycompliance/docs/srp-remedial-timeframes-20210201.pdf>).

Timeframe extensions for submittal of remedial investigation reports, set forth in an Administrative Consent Order (ACO) for remediations subject to the statutory timeframes set forth in the SRRA at N.J.S.A. 58:10C-27 and 27.1 were omitted from the Notice.

As a result of this omission, the person responsible for conducting the remediation may request an extension by submitting a timeframe extension request to the Department by August 16, 2021 for due dates between March 9, 2020 and August 16, 2021, inclusive, as follows:

- A. Timeframe for submittal of ACO required remedial investigation report must have occurred between March 9, 2020 and August 16, 2021, inclusive,
- B. Extension request is to be submitted using the Remedial Timeframe Notification form available at https://www.nj.gov/dep/srp/srra/forms/rem_timeframe_notification.pdf?version_1_3,
- C. Extension form is to be submitted pursuant to the Administrative Requirements for the Remediation of Contaminated Sites (ARRCS), N.J.A.C. 7:26C-3.2, by the retained licensed site remediation professional (LSRP),
- D. LSRP should indicate:
 1. Form is being submitted for the submittal of the ACO required remedial investigation report, and
 2. Extension request is for 1-year.

For due dates on and after August 17, 2021 and until the Notice is no longer in effect, the person responsible for conducting the remediation must submit the extension request timely pursuant to ARRCS (the requirements to submit extension requests 30 and 60 days prior to the timeframe are in effect). The Department will:

- A. Approve a 1-year extension if the case falls within the effective dates of the Notice, and
- B. Extend all subsequent Remedial Action timeframes 1-year as allowed by the Notice.
- C. Continue to approve 1-year extensions as described above until the Notice is no longer in effect provided the extension request is submitted timely pursuant to ARRCS.

The PRCR may not request an extension for cases where the remedial investigation and remedial action timeframes are set forth in an ACO issued on or after February 1, 2021 and which already incorporates the extension pursuant to the Notice.

For all situations noted above, the submission of the extension request form and extension approval does not correct any past violations that occurred if a previous timeframe was missed and not otherwise extended by a prior extension request.