

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

Subject: Omission of "soil-only" cases subject to the statutory requirement to complete the remedial investigation by May 7, 2014 from the February 1, 2021 Notice of Rule Waiver/Modification/Suspension

(NOTE: the following information was previously posted to the Department's web site at www.nj.gov/dep/srp/srra/listserv_archives/2021/20210218_srra.html)

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>).

Specifically, "soil-only" cases subject to the statutory requirement to complete the remedial investigation by May 7, 2014 (and that did not obtain the statutory extension to complete the remedial investigation by May 7, 2016) were not referenced in the Notice.

The Notice of Rule Waiver granted a 1-year extension to the May 6, 2021 regulatory and mandatory timeframes to complete the remedial action. This oversight was a function of these sites being subject to a February 6, 2019 regulatory timeframe, and therefore a February 6, 2021 mandatory timeframe, to complete the remedial action [see N.J.A.C. 7:26E-5.8(b)1.i].

Persons responsible for conducting the remediation of such a "soil-only" case may submit a mandatory timeframe extension request to the Department by May 1, 2021 using the Remedial Timeframe Notification form (available at https://www.nj.gov/dep/srp/srra/forms/rem_timeframe_notification.pdf?version_1_3), and the Department will approve a 1-year extension of the February 6, 2021 mandatory timeframe to February 6, 2022. It should be noted that the form is to be submitted by the retained licensed site remediation professional (LSRP).

Please note that submission of this form and extension approval to February 6, 2022 does not correct any past violations that occurred if the February 6, 2019 timeframe was missed and not otherwise extended by a prior extension request.