

NJDEP Extends Remedial Timeframes

2/9/2021

On February 1, 2021, the New Jersey Department of Environmental Protection (NJDEP) issued a Notice of Rule Waiver/Modification/Suspension extending certain remedial timeframes as a result of the COVID-19 pandemic (Notice). These extensions were put into place pursuant to Executive Order #103, publicly announced on February 8.

The Notice extends completion of the remedial action from May 6, 2021 to May 6, 2022 for all remediations that are subject to the Site Remediation Reform Act (SRRA) statutory guidelines (to complete remedial investigations by May 7, 2014 and May 7, 2016) and for which remedial action timeframes for completion have not passed. This includes timeframes subject to Administrative Consent Orders. For remediations that are not subject to specific SRRA timeframes, the Notice further extends certain timeframes for remediation activities, for a total of 455 days, inclusive of the prior 270-day extension allowed by the Notices issued in 2020 to address delays as the result of the pandemic. This Notice also extends all subsequent timeframes (for example, if the remedial investigation regulatory timeframe for a remediation with impacted ground water is extended from March 9, 2020 to June 7, 2021, the remedial investigation mandatory timeframe is extended to June 7, 2023, the remedial action regulatory timeframe is extended to June 7, 2026, and the remedial action mandatory timeframe is extended to June 7, 2028).

The extensions in the Notice only apply to sites where the responsible party has retained a Licensed Site Remediation Professional.

For a copy of the Notice, [click here](#).

This Notice provides some relief for responsible parties and their consultants who have had to modify their plans and delay remedial work, in some instances, to address not only safety concerns but delays caused by the pandemic. The extensions will be automatically applied and do not have to be requested.