

Critical Deadline for Completing Remedial Investigations in NJ Extended For Two Years

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Under the Site Remediation Reform Act (N.J.S.A. 58:10C-1 et seq.), the New Jersey Department of Environmental Protection must undertake direct oversight of certain contaminated sites when the responsible party has failed to complete a “remedial investigation” on or before May 7, 2014. Direct oversight is an enforcement status that transfers control of site remediation from the responsible party to the Department and results in increased costs and requirements. In this status, it is the Department and not the responsible party or its LSRP that selects the remedial option to be implemented. This May 7 deadline applies to:

- All contaminated areas of concern (AOCs) at a site that were identified on or before May 7, 1999, and
- All AOCs at a site that should have been identified based on the obligation to complete a preliminary assessment and/or site investigation on or before May 7, 1999 pursuant to the ISRA rules, the UST rules, an Administrative or Court Order, a Remediation Agreement, or a Spill Act Directive.

On January 21, 2014, Governor Christie signed S-3075, a bill that extends the May 7, 2014 deadline for completing remedial investigations for 2 years. To obtain an extension the responsible party must submit a completed application to the Department by March 7, 2014. For sites without a Remediation Funding Source (RFS), an RFS must be established by March 7, 2014 in the amount required to complete the remedial investigation. In addition, the responsible party must certify that it has retained a Licensed Site Remediation Professional and is in compliance with applicable remediation timeframes and other requirements.

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In light of the March 7, 2014 application deadline, responsible parties that require an extension should obtain a copy of the application as soon as it is available from the Department and begin the application process.

If you have any questions regarding this or other environmental matters, please contact **David A. Roth**, author of this Alert, or **David B. Farer**, Chair of the firm's Environmental Department.