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**New Jersey Extends Deadline for Remedial Investigation of  
Qualifying Contaminated Sites For Two Years**

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Governor Chris Christie recently signed into law A-4543/S-3075 (Spencer/Schepisi/Smith/Bateman), which extends the deadline for completing the remedial investigation of contaminated sites before the Department of Environmental Protection (“DEP”) takes direct oversight of the sites. The law provides for an extension of two years for the completion of the remedial investigation if specified criteria are met. A document specifying that the criteria are met must be submitted to DEP by March 7, 2014.

The Site Remediation Reform Act (SRRA) established a May 7, 2014 deadline for completion of remedial investigations of sites where contamination was identified on or before May 7, 1999. This deadline also applied to sites at which contamination should have been identified on or before May 7, 1999 due to a legal obligation to complete a preliminary assessment and/or site investigation. SRRA required that Remedial Investigation Reports (RIR) be filed with DEP for such sites by the May 7, 2014 deadline. If the RIR is not submitted by the deadline, the SRRA requires DEP to take over direct oversight of the remediation of the property.

The primary method established in the law to qualify for the deadline extension until May 7, 2016 requires the License Site Remediation Professional (“LSRP”) retained by the applicant for the site must submit to DEP by March 7, 2014, a document, certified to by the applicant, stating that the following conditions have been met:

- a licensed site remediation professional has been retained to conduct a remediation of the site;
- any remediation requirements included in mandatory remediation timeframes have been met at the time of the certification;
- technically complete submissions have been made for the (a) initial receptor evaluation, (b) immediate environmental concern source control report, (c) light non-aqueous phase liquid interim remedial measure report, (d) preliminary assessment report, and (e) site investigation report;
- a remediation funding source has been established, if required;
- if a remediation funding source is not required to be established by the applicant pursuant to law, then a remediation trust fund for the estimated cost of the remedial investigation has been established;
- any oversight costs imposed by the department have been paid to the department; and



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- the annual fees imposed by the department for the remediation and remediation funding source surcharges have been paid to the department.

The law also authorizes an extension if completion of the remedial investigation is due to a delay in the provision of State financial assistance from the Hazardous Discharge Site Remediation Fund. Under that provision the applicant responsible for the remediation is entitled to an extension if it filed a complete application for the funding prior to March 7, 2014 and qualifies for funding and remains eligible for funding. The application for an extension must be submitted by March 7, 2014. The applicant must submit an update on the status of the funding application to DEP every six months. The extension to complete the RIR under that provision is for 2 years after the applicant receives funding or is determined not to be eligible for funding.

The law provides that the extensions submitted under either of the above provisions automatically are approved upon receipt by DEP. DEP can undertake direct oversight of a remediation for which an extension was granted if the conditions for granting the extension are no longer met or if any mandatory remediation timeframe is not met. DEP is required to notify the person responsible for the remediation that it is revoking the extension.

For the full text of the legislation, click [here](#).

Additional information regarding compliance with DEP's Site Remediation Reform Act can be found [here](#).

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