

# Summary of EO 103 Site Remediation & Waste Management Program Timeframe Extension Actions

David Haymes

Director of the Division of Enforcement, Technical & Financial Support

[David.Haymes@dep.nj.gov](mailto:David.Haymes@dep.nj.gov)

# Statutory Cases: ACOs & RIR

- ▶ Timeframe extension for submittal of remedial investigation reports set forth in an ACO and remediation is subject to statutory timeframes omitted from Notice of Rule Waiver
- ▶ For due dates between March 9, 2020 and August 16, 2021, inclusive, PRCR must submit timeframe extension request to Department by August 16, 2021
- ▶ On and after August 17, 2021 and until the Notice is no longer in effect, PRCR must submit extension request timely pursuant to ARRCs (requirements to submit extension requests 30 and 60 days prior to timeframe in effect)
- ▶ Department will:
  - Approve a 1-year extension if the case falls within the effective dates of the Notice
  - Extend all subsequent Remedial Action timeframes 1-year as allowed by the Notice
- ▶ PRCR may submit an extension request for any future due dates

# Statutory Cases: ACOs & RAR

- ▶ Timeframe extension for submittal of remedial action report:
  - Set forth in ACO
  - Subject to statutory timeframes
  - Timeframe occurs after May 7, 2021
- ▶ Timeframe is automatically extended for one year from the date set forth in the ACO
- ▶ No action is required on the part of the person responsible for conducting the remediation or the retained LSRP; the timeframe(s) will automatically be extended by the Department

# Regulated UST SI Report

- ▶ Timeframe extensions for submittal of site investigation reports as required for regulated underground storage tank remediations omitted from Notice of Rule Waiver
- ▶ For due dates between March 9, 2020 and August 16, 2021, inclusive, PRCR must submit timeframe extension request to Department by August 16, 2021
- ▶ On and after August 17, 2021 and until the Notice is no longer in effect, PRCR must submit extension request timely pursuant to ARRCs (requirements to submit extension requests 30 and 60 days prior to timeframe in effect)
- ▶ Department will:
  - Approve a 455-day extension if the case falls within the effective dates of the Notice
  - Extend all subsequent case specific timeframes listed in the Notice by 455 days
- ▶ PRCR may submit an extension request for any future due dates

# EO 103 Extended Timeframes Due June 7, 2021 through August 16, 2021

- ▶ For timeframes for non-statutory cases extended by EO 103 due between June 7, 2021 (455 days from signing of EO 103) and August 16, 2021, inclusive:
  - PRCR will be given until August 16, 2021 to submit a timeframe extension request (whether for a regulatory timeframe or mandatory timeframe)
  - Extension requests submitted for submittal of such documents after August 16, 2021 will not be approved

# EO 103 Extended Timeframes On or After August 17, 2021

- ▶ For timeframes for non-statutory cases extended by EO 103 due on or after August 17, 2021:
  - PRCR required to submit timeframe extension request a minimum of either 30 (regulatory) or 60 (mandatory) days prior to the timeframe and pursuant to ARRCs, N.J.A.C. 7:26C-3.2(b) and N.J.A.C. 7:26C-3.5(d), respectively
  - Description of the cause or causes of the need for the extension should not be limited to simply stating “because of COVID”
  - The three Notices, as well as EO 107, allowed for persons responsible for remediation to continue with remedial activities during this public emergency, and therefore other substantive causes need to be stated

# If LSRP Is Not Retained...

- ▶ If the person responsible for conducting the remediation did not retain an LSRP by March 18, 2021 (45 days after issuance of the February 1, 2021 Notice)
  - For timeframes due between March 9, 2020 and January 31, 2021, inclusive:
    - ▶ Timeframe is extended 270 days in accordance with the August 17, 2020 Notice
  - For timeframes due on or after February 1, 2021:
    - ▶ **Timeframe will not be extended any number of days** in accordance with the February 1, 2021 Notice

# What Is Not Covered...

- ▶ Expedited site-specific timeframes are not covered by the Rule Waiver

## Additional Information

[www.nj.gov/dep/srp/executive\\_order/extension\\_information.html](http://www.nj.gov/dep/srp/executive_order/extension_information.html)