

Reminder: Requirements for Maintaining the Statutory Extension to the May 2014 Remedial Investigation Deadline

The Site Remediation Program reminds parties currently conducting a remedial investigation under a statutory timeframe extension granted in accordance with P.L. 2013, c.238 (N.J.S.A. 58:10C-27.1) that the requirements noted below must be met in order for the extension to continue to apply.

In accordance with N.J.S.A. 58:10C-27.1c., failure to submit the required documentation noted below by the dates indicated are grounds for revoking the extension. Revocation of the extension or failure to complete the remedial investigation by the extended timeframe will subject the site to direct Department oversight and will trigger the requirements set forth in the Administrative Requirements for the Remediation of Contaminated Sites (ARRCS) at N.J.A.C. 7:26C-14.

Remediation Funding Source (RFS)

- **Annual requirement:** Parties who have posted a remediation funding source must remain in compliance with N.J.A.C. 7:26C-5. This includes submission of an annual Remediation Cost Review (RCR) form and annual renewal verification of the remediation funding source mechanism. These documents are required to be submitted by **May 7, 2015**. The RCR form may be found at: www.nj.gov/dep/srp/srra/forms/rem_funding_source_form.pdf. The RFS annual renewal notification template may be found at: www.nj.gov/dep/srp/guidance/rfsguide/rfs_renewal.htm.
- **Annual 1% Surcharge:** Payment of the annual 1% surcharge must be made by the invoiced due date for applicable RFS mechanisms (see N.J.A.C. 7:26C-5.9).
- **Disbursements:** The licensed site remediation professional (LSRP) may request disbursements from an appropriate RFS mechanism (including a Remediation Trust Fund or line of credit) pursuant to N.J.A.C. 7:26C-5.12 once every three months. All requests for disbursement must contain:
 - The name of the site and the Program Interest Number (PI#) or ISRA case number;
 - The amount of the disbursement request; and
 - A certification by both the person responsible for conducting the remediation and the LSRP that the money requested is for actual remediation costs that were or will be incurred.

A model letter that the LSRP may use to request the disbursement may be found at: www.nj.gov/dep/srp/guidance/rfsguide/rfs_authorization_disburse.html. In addition, the LSRP must file a completed Remediation Cost Review and RFS/FA form

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within 30 days after the disbursement. That form may be found at:
www.nj.gov/dep/srp/srra/forms/rem_funding_source_form.pdf.

- **Release of RFS:** Parties who have completed the remedial investigation and have submitted the required forms/documentation to the Department showing completion may request release of their posted RFS by submission of the Remediation Cost Review form.

Financial Assistance from the Hazardous Discharge Site Remediation Fund (HDSRF)

- Parties who have submitted an application for financial assistance from the Hazardous Discharge Site Remediation Fund (HDSRF) must submit to the Department a certification with an update on the status of the funding application every six months after the submission of the application for the extension. Failure to submit this status update is grounds for revoking the extension and the site will be subject to direct Department oversight.
- The extension of time for the person responsible for conducting the remediation to complete the remedial investigation pursuant to this criterion shall be no more than two years after receipt of funding, or no more than two years after it is determined (either by the applicant or the State) that the applicant is no longer eligible for funding.

Remediation Requirements

- Annual remediation fees must be paid by the invoiced due date.
- A Licensed Site Remediation Professional must continue to be retained.
- Technically complete submissions due over the course of the extension timeframe must be made in compliance with all applicable rules, including all applicable timeframes.
- For those persons that received the extension but did not submit an application for financial assistance from the Hazardous Discharge Site Remediation Fund, the remedial investigation must be completed and the Remedial Investigation Report and all required forms must be submitted to the Department by May 7, 2016.
- As noted above, for those persons that received the extension because an application for financial assistance from the Hazardous Discharge Site Remediation Fund was submitted, the remedial investigation must be completed by no more than

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two years after receipt of funding, or no more than two years after it is determined (either by the applicant or the State) that the applicant is no longer eligible for funding.

- Failure to complete the remedial investigation and submit the required documentation by the applicable deadline will subject the site to the direct Department oversight and trigger the requirements at N.J.A.C. 7:26C-14.