



BEATTIE
PADOVANO LLC

IMPACT OF COVID-19 PANDEMIC ON ENVIRONMENTAL REMEDIATION AND PERMITS

The Governor and NJDEP have issued clear guidance that site remediation cases and environmental permit compliance must continue during the pandemic. The federal Environmental Protection Agency also issued Interim Guidance on Site Field Work Decisions on April 10, 2020, where EPA is the lead agency or has direct oversight of the remediation. New Jersey's Department of Environmental Protection issued a press release and Compliance Alert on April 21, 2020 deeming compliance and remediation an essential business. Written notifications of noncompliance are required under the Compliance Alert. On April 24, 2020, the Commissioner of NJDEP issued a Notice of Rule Waiver/ Modification/ Suspension to temporarily extend most regulatory timeframes for remediation activities by 90 days. Only those circumstances created or directly related to COVID will be eligible for an extension and they will be granted on a case by case and site specific basis so the responsible party and its environmental professionals will need to document the narrowly tailored extension.

More recently, on May 2, 2020, the Governor signed Executive Order 136 that tolls timeframes for NJDEP review of applications, permit renewals, and other approvals to allow NJDEP to focus on pandemic issues. The timeframe to submit soil and fill recycling registration forms was extended as was municipal solid waste and recycling reports and e-waste reports. This tolling will impact review permits and approvals for nonessential construction projects such as wetlands and stream encroachment permits and treatment works approvals. DEP personnel have been responsive to permit applications for remediations and preapplication conferences for developments. Email communications are preferred as most NJDEP personnel are working remotely. There are also enhancements to DEP online and electronic submittals of forms and documents, however, original documents are still required in certain instances.

For more information on this guidance contact Daniele Cervino, Chair of the Environmental Practice.