

Due to COVID-19 Pandemic DEP Annual Site Remediation Fees Remain Unchanged

June 30, 2020

As part of the State of New Jersey's ongoing response to the COVID-19 pandemic, DEP Commissioner Catherine McCabe froze the annual site remediation fees and fees on annual remediation permits on June 17, 2020. This was accomplished by issuing a temporary rule suspension that would have recalculated these fees as of July 1, 2020. The current site remediation and remediation permit fees will remain unchanged until the State's 2022 fiscal year, that will start July 1, 2021.

The reason for this temporary rule suspension is that the State extended its fiscal year to expire September 30, 2020. Since fees are assessed on an anniversary date, this could have resulted in the fees for those permits renewing between July 1 and September 30 being assessed at the current rate and those renewing after that at a potentially different rate. Normally, the Department would announce in June the fees for the next fiscal year starting July 1. As Commissioner McCabe stated, "given the financial uncertainty surrounding the COVID-19 pandemic and the extension of the State FY, it is not possible for the Department to determine the SRRA Program's budget for State FY 2021 and, in turn, the annual fees calculated based upon that budget."

Accordingly, the fees associated with annual remediation permits for FY 2020, as provided at N.J.A.C. 7:26C-4.2(c) and 4.5(e), will remain as published in effect until the start of FY 2022.

If you have questions regarding any aspects of these changes to the Safe Drinking Water Act or the implications for remediation that may be required on a particular property, feel free to contact Scott E. Rekant at (201) 488-1300 or srekant@cullenllp.com, Neil Yoskin at (609) 279-0900 or nyoskin@cullenllp.com, Herbert Bennett at (609) 279-0900 or hbennett@cullenllp.com, Amie Kalac at (609) 279-0900 or akalac@cullenllp.com.

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