



Brilliant Environmental Services, LLC (*Brilliant*) is a full-service environmental consulting firm, integrating today's technologies for tomorrow's solutions. Headquartered in Jackson, New Jersey with a satellite office in Haddonfield, New Jersey, *Brilliant* specializes in investigation, remediation, brownfields redevelopment, and underground storage tank services. *Brilliant* is the underground storage tank compliance expert.

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Owner Phil Brilliant Appointed to the Toms River Municipal Utilities Authority

On July 27, 2021, the Toms River Township Council nominated Owner of *Brilliant*, Phil Brilliant, to the Toms River Municipal Utilities Authority for a five (5) year term. Wishing Phil best of luck on this new appointment and challenge.

NJDEP Extension of Certain Remediation Timeframes

On June 4, 2021, Governor Phil Murphy approved P.L.2021, c.103 and issued Executive Order No. 244, which terminated the Public Health Emergency declared under EO 103 (2020) (see <https://nj.gov/infobank/eo/056murphy/pdf/EO-244.pdf>). Section 3 of P.L.2021, c.103 extended the effective period for any administrative order, directive, or waiver issued pursuant to EO 103 (2020) until January 11, 2022, unless the Governor seeks an additional 90 days extension by notification to the Legislature, who must pass concurrent resolutions to continue any such administrative order, directive, or waiver.

On February 1, 2021, the New Jersey Department of Environmental Protection (DEP) issued a Notice of Rule Waiver/Modification/Suspension (Notice) pursuant to Executive Order No. 103 (2020), extending certain remediation timeframes (see

<https://www.nj.gov/dep/covid19regulatorycompliance/docs/srp-remedial-timeframes-20210201.pdf>).

For remediations that were not subject to the statutory timeframes set forth in the Site Remediation Reform Act (SRRA) at N.J.S.A. 58:10C-27 and 27.1 to complete the remedial investigation by either May 7, 2014 or May 7, 2016 ("non-statutory timeframe remediations"), this Notice further extends certain timeframes for remediation activities, for a total of 455 days. The Notice also extends all subsequent timeframes.

Therefore, in accordance with P.L.2021, c.103:

For non-statutory timeframe remediations, for the remediation activities specified in the February 1, 2021 Notice, timeframes due on or before January 11, 2022 will continue to be extended for a total of 455 days (as well subsequent timeframes). Timeframes due after January 11, 2022 will not be extended pursuant to the February 1, 2021 Notice.

Examples:

- The due date for a remedial action report that is due January 11, 2022 will be extended 455 days, to April 11, 2023.
- The due date for a remedial action report that is due January 12, 2022 will be not be extended.

NOTE: Remediation activities that received a 455-day extension through the February 1, 2021 Notice and for which the new timeframe is on or before January 11, 2022 will not receive a second 455 day extension.

Remediations that were subject to the statutory timeframes set forth in the Site Remediation Reform Act (SRRA) at N.J.S.A. 58:10C-27 and 27.1 to complete the remedial investigation by either May 7, 2014 or May 7, 2016 will not be impacted by the January 11, 2022 expiration date since the remedial action report timeframes included in the February 1, 2021 Notice were extended by 1-year on February 1, 2021, including those remedial action timeframes established in Administrative Consent Orders. All such timeframes will be after January 11, 2022.

NOTE: To qualify for the extensions set forth in the February 1, 2021 Notice, the person responsible for conducting the remediation must have retained a licensed site remediation professional pursuant to the Administrative Requirements for the Remediation of Contaminated Sites (ARRCS) at N.J.A.C. 7:26C-2.3.

NOTE: The person responsible for conducting the remediation is not required to submit an extension request for timeframes subject to the February 1, 2021 Notice. Additionally, the DEP will not review or approve extension requests for timeframes subject to the February 1, 2021 Notice that were submitted prior to issuance of the Notice. However, if the person responsible for conducting the remediation determines that the remediation activity will not be completed within the extended timeframe, the person responsible for conducting the remediation can submit an extension request to the DEP pursuant to ARRCS at N.J.A.C. 7:26C-3.2 (regulatory timeframe extension) or N.J.A.C. 7:26C-3.5 (mandatory timeframe extension). Such extension requests should be

submitted to the DEP no sooner than six months prior to the due date as extended by the February 1, 2021 Notice, and no later than either 30 days (regulatory timeframe extension request) or 60 days (mandatory timeframe extension request) prior to the due date as extended by the February 1, 2021 Notice.

The DEP will be updating DataMiner to reflect the above noted extensions and will send a separate listserv advising the regulated community when completed.

Additional information regarding remediation timeframes impacted by Executive Order 103 (2020) can be found on the DEP website at https://www.nj.gov/dep/srp/executive_order/extension_information.html.

Questions regarding this listserv or remediation timeframes should be directed to the DEP Bureau of Case Assignment and Initial Notice at 609-292-2943.

Shawn LaTourette Sworn in as NJDEP Commissioner

On June 14, 2021, Shawn LaTourette had the "acting" role removed from his title and was sworn in as the new Commissioner of NJDEP. A lawyer and policymaker with more than 20 years of experience in environmental protection, Commissioner LaTourette began his career defending victims of toxic exposure, including organizing and advocating for the needs of vulnerable New Jersey communities whose drinking water was contaminated by petrochemicals. Throughout a career shaping environmental law and policy, he has served in executive roles and as a trusted adviser to governments, community and non-profit organizations, and leaders in industry and infrastructure, while also litigating high-stakes lawsuits involving environmental, energy and public health concerns.

Commissioner LaTourette first joined the New Jersey Department of Environmental Protection (DEP) as the chief legal and regulatory policy adviser to then-Commissioner Catherine R. McCabe in 2018. He was elevated to DEP Chief of Staff in 2019 and to Deputy Commissioner in 2020.



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