

**BIENNIAL CERTIFICATION MONITORING REPORT FORM FOR A  
DEED NOTICE & ENGINEERING CONTROL**

**I. Background Site Information**

**A. Facility Name and Location:**

Business Name as it appears on the Deed Notice/DER: \_\_\_\_\_

Name of the current operator at the site (if different than above): \_\_\_\_\_

Property Street Address: \_\_\_\_\_

Municipality (-ies): \_\_\_\_\_ County (-ies): \_\_\_\_\_

Blocks: \_\_\_\_\_

Lots: \_\_\_\_\_

Year of Tax map from which this information is obtained: \_\_\_\_\_

**B. Person responsible for submitting the biennial certification monitoring report for a Deed Notice & Engineering Control:**

Person's Name: \_\_\_\_\_

Person's Title: \_\_\_\_\_

Business Name: \_\_\_\_\_

Relationship to the Site (check as appropriate): Owner \_\_\_\_\_ Operator \_\_\_\_\_

Lessee \_\_\_\_\_ Person Who Conducted the Cleanup \_\_\_\_\_

Other (describe) \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_

Telephone Number: (\_\_\_\_) \_\_\_\_ - \_\_\_\_

FAX Number: (\_\_\_\_) \_\_\_\_ - \_\_\_\_

E-mail Address: \_\_\_\_\_

**C. All Current Owner, Lessee(s) and Operator(s)**

Name of Person: \_\_\_\_\_

Business Name: \_\_\_\_\_

Relationship to the Site: Owner \_\_\_\_\_ Operator \_\_\_\_\_ Lessee \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_

Telephone Number: (\_\_\_\_) \_\_\_\_ - \_\_\_\_

FAX Number: (\_\_\_\_) \_\_\_\_ - \_\_\_\_

E-mail Address: \_\_\_\_\_

**D. Case Specific Information** (Complete all that apply)

- Program Interest Name \_\_\_\_\_
- Program Interest Number (Preferred ID) \_\_\_\_\_
- KCSL # \_\_\_\_\_
- Incident Report Number (10 or 12 Digit Case Number) \_\_\_\_\_
- Industrial Site Recovery Act Number \_\_\_\_\_
- UST Registration Number (7 digits) \_\_\_\_\_
- Date of each No Further Action/Covenant Not to Sue letter for the site \_\_\_\_\_
- Name and Bureau of assigned Case Manager at the time the Deed Notice/DER was issued. \_\_\_\_\_

**E. Existing Site Conditions** (Complete below or include in Attachment 1: Existing Site Conditions)

- Describe the physical characteristics of the Site.
- Describe the current site operations.
- Describe each engineering control that applies to the Restricted Areas.

**II. Protectiveness Evaluation**

**A. Deed Notice & Engineering Control Information** (Complete below or include in Attachment 2: Deed Notice/DER Amendment)

- Provide the following information for the recorded Deed Notice/DER:

Book Number: \_\_\_\_\_

Page Number: \_\_\_\_\_

Date the date the Deed Notice/DER was filed in the office of the county recording officer: \_\_\_\_\_

- Have any amendments and/or additional filings been recorded that may modify or supersede the Deed Notice/DER and Exhibits?

Yes \_\_\_\_ No \_\_\_\_

**(Internal Use \_\_\_\_)**

If you answered “Yes”, provide an explanation. Also provide the Book and Page Number of the amendment and/or additional filing and the date it was filed in the office of the county recording officer. Attach a copy of the amendment and/or additional filing in Attachment 2: Deed Notice/DER Amendment.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**B. Evaluation of Institutional and Engineering Controls**

*(The appropriate box on the left must be checked for each of the following items.)*

**1. Zoning or Land Use Changes (Complete below or include in Attachment 3: Zoning or Land-Use Changes)**

a. Land use at the time the Deed Notice/DER was filed (check all that apply):  
Non-Residential  Residential  Agricultural  Other

**(Internal Use )**

b. Current land use (check all that apply):  
Non-Residential  Residential  Agricultural  Other

If the current land use is different than the land use at the time the Deed Notice/DER was filed, explain how the remedial action, which included the Deed Notice/DER, remains protective of public health and safety. Include the Case Manager's name and Bureau that approved this change, if applicable.

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c. Has there been an actual or pending zoning or land-use change for the Restricted Area on which the Deed Notice/DER is filed?

Yes  No  (If No, proceed to #2, below) **(Internal Use )**

There is an actual or pending zoning or land-use change on the Restricted Area which is consistent with the use restrictions. That change will not undermine the protectiveness of the remedial action that includes a Deed Notice/DER in a manner such that could prevent the remedial action from meeting the applicable health risk standard, (N.J.S.A. 58:10B-12g(3)(b) and protection of public health, safety, and of the environment (N.J.S.A. 58:10B-12g).

The result of the evaluation was either (1) the control remains protective, (2) an actual change occurred, the control was no longer protective and a description of what was done to make the control protective, or (3) a pending change will occur which will result in the control no longer being protective and a description of what was/will be done to make the control protective.

The details of the actual or pending zoning or land-use changes and any potential impact are provided below:

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**2. Inspections (Complete below or include in Attachment 4: Inspections: Excavations and Disturbances)**

Have periodic inspections of the site identified any excavation or other disturbance activities that have taken place within the restricted areas?

Yes \_\_\_ No \_\_\_ (If No, proceed to "3") **(Internal Use \_\_\_)**

An excavation or other disturbance activity has taken place within the restricted areas and any disturbances of the soil at the site have not resulted in unacceptable exposure to the soil contamination. A full description of the disturbance and the method to restore all controls, compliance with all applicable health and safety laws and regulations and methods to ensure that exposure to contamination in excess of the applicable remediation standard did not occur are provided below. If the disturbance resulted in an unacceptable exposure to the soil contamination explain how this was remedied.

Date(s) of Disturbance: \_\_\_\_\_

Duration of Disturbance: Years \_\_\_ Months \_\_\_ Days \_\_\_

Date the NJDEP Hotline was called: \_\_\_\_\_

Hotline Number Incident Number received: \_\_\_\_\_

Description of the disturbance and methods to address the disturbance:

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Name of Contact Person Relative to the Disturbance:

\_\_\_\_\_ Title: \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Email Address: \_\_\_\_\_

Was all soil excavated and returned to the Restricted Area?

Yes \_\_\_ No \_\_\_ (If No, provide an explanation)

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Quantity of soil generated for disposal (if applicable): \_\_\_ tons  
Attach Transportation/disposal documentation.

State precautions taken during the above activities to prevent  
contaminant exposure:

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Provide an explanation of how the engineering control was  
replaced following the disturbance?

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**3. Changes to Laws and Regulations (Complete below or include in  
Attachment 5: Changes to Laws and Regulations)**

- a. Are there any subsequently promulgated or modified environmental  
laws or regulations (see Table 1), which apply to the site?

Yes \_\_\_ No \_\_\_ (If No, proceed to #4 below)

- b. If Yes, has the evaluation also determined that the each Deed  
Notice/DER and engineering control, as applicable, meets the  
requirements of the new laws and regulations?

Yes \_\_\_ No \_\_\_ (If Yes, proceed to #4 below)

- c. Each Deed Notice/DER and engineering control, as applicable that  
did not meet the requirements of the new laws and regulations has been  
addressed in the following manner to bring them into compliance:

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**4. Detailed Maintenance Logs (Complete below or include in Attachment 6: Detailed Inspection and Maintenance Logs)**

Attach a copy of the detailed maintenance log (in Attachment 6: Detailed Inspection and Maintenance Logs) of how the persons responsible for monitoring and ensuring the protectiveness of the remedial action have maintained and evaluated the engineering control in compliance with N.J.A.C. 7:26E-8.5(a) 4.

The detailed maintenance log must be:

- i. completed for the first time since the date the Deed notice/DER has been filed or last biennial certification monitoring report, whichever is more recent and
- ii. a copy of the detailed maintenance log attached to this certification in addition to the following information:

Date(s) of all Inspections: \_\_\_\_\_

Name(s) of Inspectors: \_\_\_\_\_

**III. Certifications**

**A. Certification, Copying and Reporting Requirement pursuant to 7:26E-8.5(c) 3.**

Provide electronic and hard copies of this Biennial Certification Monitoring Report to the following people:

1. The municipal and county clerks for each municipality and county in which any property included in the Deed Notice/DER is located;
2. The local, county and regional health department for each municipality and county in which any property included in the Deed Notice/DER is located;
3. Each owner of the property which is included in the Deed Notice/DER; and
4. Each current operator at the property which is included in the Deed Notice/DER.

Attach documentation in Attachment 7: Name and Address Copy List that each of the groups of people above received a copy of this Biennial Certification Monitoring Report.

**B. Person Responsible for the Biennial Certification Monitoring Report:** (The following certification shall be signed according to N.J.A.C. 7:26E-1.5, N.J.A.C. 7:26C-1.2 and the covenant not to sue (if issued) as follows:

1. For a Limited Liability Company a member of the Limited Liability Company; or
2. For a Corporation by a person authorized by a resolution of the board of directors to sign the document. A copy of the resolution, certified as a true copy by the secretary of the corporation, shall be submitted along with the certification; or
3. For a partnership or sole proprietorship, by a general partner or the proprietor, respectively; or
4. For a municipality, State, federal or other public agency by either a principal executive officer or ranking elected Official).

“I certify under penalty of law that I have personally examined and am familiar with the information submitted herein and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, to the best of my knowledge I believe that the submitted information is true, accurate, and complete. I am aware that there are significant civil penalties for knowingly submitting false, inaccurate, or incomplete information and that I am committing a crime of the fourth degree if I make a written false statement, which I do not believe to be true. I am also aware that if I knowingly direct or authorize the violation of any statute, I am personally liable for the penalties.”

I also understand that in order to maintain the benefits of the Covenant Not to Sue, the engineering and institutional controls (as applicable) must be evaluated and maintained to remain protective of public health and safety and of the environment.

Based upon all of the information that I have provided above, I hereby certify that the remedial action(s) for which this Deed Notice/DER was established remain protective of public health and safety and of the environment.

Name (print or Type): \_\_\_\_\_  
Title: \_\_\_\_\_  
Signature: \_\_\_\_\_  
Name of Limited Liability Company, Corporation or General or Limited Partnership: \_\_\_\_\_  
Date: \_\_\_\_\_

Sworn to & Subscribed Before me

On this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_

\_\_\_\_\_  
Notary

# Table 1

Evaluation of Laws and Regulations must include, but is not limited to the following list. These Statutes and Regulations can be found at the following web sites <http://www.njleg.state.nj.us/> or [http://www.state.nj.us/dep/legal/nj\\_env\\_law.htm](http://www.state.nj.us/dep/legal/nj_env_law.htm).

**Spill Compensation Control Act, N.J.S.A. 58:10-23.11 et seq.**  
**Brownfields and Contaminated Site Remediation Act, N.J.S.A. 58:10B-1 et seq.**  
**Solid Waste Management Act, N.J.S.A.13:1E-1 et seq.**  
**Water Pollution Control Act, N.J.S.A. 58:10A-1, et seq.**

**Technical Requirements for Site Remediation, N.J.A.C. 7:26E**  
**Procedures for Department Oversight of the Remediation of Contaminated Sites, N.J.A.C. 7:26C**  
**Underground Storage Tank Regulations, N.J.A.C. 7:14B**  
**Industrial Site Recovery Act Regulations, N.J.A.C. 7:26B**

## Example Table:

<u>RULE (see above)</u>	<u>Subsequent changes that apply to the Deed Notice/DER</u>	<u>Actions taken to conform the Deed Notice/DER with current statutes and regulations</u>
<p>Spill Compensation Control Act,</p> <p>Brownfields and Contaminated Site Remediation Act</p> <p>Solid Waste Management Act</p> <p>Water Pollution Control Act</p> <p>Technical Requirements for Site Remediation</p> <p>Procedures for Department Oversight of the Remediation of Contaminated Sites</p> <p>Underground Storage Tank Regulations</p> <p>Industrial Site Recovery Act Regulations</p>		

# **Attachments to the Deed Notice/DER Biennial Certification Monitoring Report**

- Attachment 1: Existing Site Conditions**
- Attachment 2: Deed Notice/DER Amendment**
- Attachment 3: Zoning or Land-Use Changes**
- Attachment 4: Inspections: Excavations and Disturbances**
- Attachment 5: Changes to Laws and Regulations  
(See Table 1)**
- Attachment 6: Detailed Inspection and Maintenance  
Logs**
- Attachment 7: Name and Address Copy List**

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