



New Jersey Department of Environmental Protection
Site Remediation Program

ISRA ALTERNATE COMPLIANCE OPTIONS FORM

Non-LSRP (Existing Cases) LSRP

Date Stamp
 (For Department use only)

This form shall be used for all new or existing ISRA cases seeking an approval of an application for an alternate compliance option available pursuant to subchapter 5 of the ISRA rules. Note: Separate forms exist for a De minimus Quantity Exemption, Remedial Action Workplan Deferral and Limited Conveyance.

INDUSTRIAL SITE RECOVERY ACT (ISRA)

PLEASE TYPE OR PRINT

Date _____

“Industrial establishment” means any place of business or real property at which such business is conducted, having the North American Industry Classification System (NAICS) codes dated and published in 2002 by the Executive Office of the President of the United States, Office of Management and Budget, ISBN 0-934213-87-9 NTIS PB2002- 502024, listed in Appendix C of N.J.A.C. 7:26B subject to the specified exceptions and limitations and engaged in operations on or after December 31, 1983, which involve the generation, manufacture, refining, transportation, treatment, storage, handling, or disposal of hazardous substances and wastes on-site, above or below ground unless otherwise provided at N.J.A.C. 7:26B-2.1. Except as provided below for lease properties, the industrial establishment includes all of the block(s) and lot(s) upon which the business is conducted and those contiguous block(s) and lot(s) controlled by the same owner or operator that are vacant land, or that are used in conjunction with such business. For lease properties, the industrial establishment includes the leasehold and any external tank, surface impoundments, septic systems, or any other structures, vessels, contrivances, or units that provide, or are utilized for, hazardous substances and wastes to or from the leasehold.

SECTION A. INDUSTRIAL ESTABLISHMENT

Enter the name of the Industrial Establishment (business which operates at the site) as defined in N.J.A.C. 7:26B-1.4, which is the subject of this application. This must be identical to the name of the Industrial Establishment provided on the General Information Notice.

ALL APPLICANTS MUST COMPLETE THIS SECTION.

1. Industrial Establishment

Name of Business: _____ Telephone Number: _____

Street Address: _____

City or Town: _____ State: _____ Zip Code: _____

Municipality: _____ County: _____

Tax Block Number(s): _____ Tax Lot Number(s): _____

Does the Industrial Establishment include: the Entire Site, or
 a Leasehold Portion of the Block and Lots above.

2. Current Property Owner(s)

Business Name: _____

Contact Person: _____ Telephone Number: _____

Street Address: _____

Municipality: _____ State: _____ Zip Code: _____

3. Current Business Owner (complete this section even if the same as A.1. above)

Business Name: _____

Contact Person: _____ Telephone Number: _____

Street Address: _____

Municipality: _____ State: _____ Zip Code: _____

4. Purchaser, Mortgagee or Other Party

Business Name: _____

Contact Person: _____ Telephone Number: _____

Street Address: _____

Municipality: _____ State: _____ Zip Code: _____

PROVIDE: A scaled site map showing the entire property and all current structures located on the blocks and lots listed in Section A above and highlight the portion of the site this application pertains to if the applicant is a leasehold portion of a multi-tenant site.

SECTION B. ISRA ALTERNATE COMPLIANCE FEES

If Fee

Included	Application Fee Type	Fee
<input type="checkbox"/>	Expedited Review Application (ISRA Alternate Compliance Options)	\$225
<input type="checkbox"/>	Limited Site Review Application (ISRA Alternate Compliance Options)	\$525
<input type="checkbox"/>	Regulated Underground Storage Tank Waiver Application (ISRA Alternate Compliance Options)	\$600
<input type="checkbox"/>	Remediation in Progress Waiver Application (ISRA Alternate Compliance Options)	\$225

SECTION C. EXPEDITED REVIEW / LIMITED SITE REVIEW – FOR EXISTING CASES ONLY

Check here if seeking an Expedited Review or Limited Site Review

COMPLETE THIS SECTION AND SIGN THE CERTIFICATION AT THE END OF THE FORM

1. I hereby state that: (check the appropriate statement)

- A remedial action workplan has previously been implemented and a no further action letter or equivalent approval has been issued by the Department for the designated tax block(s) and tax lots(s) listed in Section A above as evidenced by the attached no further action letter or equivalent approval; or
- A negative declaration has been previously approved by the Department for the designated tax block(s) and tax lot(s) listed in Section A above as evidenced by the attached negative declaration approval, no further action letter or equivalent approval; or
- The Department or the United States Environmental Protection Agency has previously approved an equivalent remediation of the designated tax block(s) and tax lot(s) listed in Section A above pursuant to the Resource Conservation and Recovery Act 42 U.S.C. §6901, et seq., the Comprehensive Environmental Response, Compensation and Liability Act 42 U.S.C. §9601 et seq., or any other applicable state or federal law as evidenced by the attached no further action letter or equivalent approval;

2. I hereby state that since the issuance of a no further action letter, negative declaration approval, or equivalent remediation approval listed in B1 above, a preliminary assessment report and site investigation report, as applicable, have been completed at the industrial establishment in accordance with the Technical Requirements for Site Remediation, N.J.A.C. 7:26E as evidenced by the attached copy of the completed preliminary assessment/site investigation report; and

Based on the preliminary assessment report and site investigation report as applicable, (check the appropriate statement):

Expedited Review conditions

- There has been no discharge of a hazardous substance or hazardous waste at the industrial establishment, subsequent to the issuance of the no further action letter, or equivalent approval;
- or
- A discharge of a hazardous substance or hazardous waste at the industrial establishment has occurred subsequent to the issuance of the no further action letter, or the equivalent approval. The remediation of the discharge was performed in accordance with N.J.A.C. 7:26E and approved by the Department as evidenced by the attached no further action letter or equivalent approval.

Limited Site Review conditions

- Subsequent to the issuance of the no further action letter, or equivalent approval listed in B1 above; a discharge of a hazardous substance or hazardous waste has occurred at the Industrial Establishment at the location identified on the attached site map which has not been remediated in accordance with procedures established by the Department; (Include a schedule of implementation to complete the remediation of the area of environmental concern.)

or

- Subsequent to the issuance of the no further action letter, or equivalent approval listed in B1 above; a discharge of a hazardous substance or hazardous waste has occurred and has been remediated at the Industrial Establishment at the location identified on the attached site map; the remediation of which has not been approved by the Department.

Attach a copy of the Remedial Action Report prepared in accordance with N.J.A.C. 7:26E-3.13 and 6.6 documenting the remediation efforts undertaken to remediate the discharge identified above. If the results of the Remedial Action Report confirm that all post remediation sample results are below the most restrictive cleanup criteria in effect at the time that this application is made, then the applicant should also include a completed ISRA Negative Declaration Affidavit with the Remedial Action Report to expedite processing of the application.

3. I hereby state that: (check the appropriate statement)

- There are no underground storage tank systems covered by the provisions of N.J.S.A. 58:10A-21 et seq. and N.J.A.C. 7:14B located at the industrial establishment listed above; or
- I am in compliance with the provisions of N.J.S.A. 58:10A-21 et seq. and N.J.A.C. 7:14B for any underground storage tank system covered by the provisions of N.J.S.A. 58:10A-21 et seq. and N.J.A.C. 7:14B located at the industrial establishment listed above.

SECTION D. REMEDIATION IN PROGRESS WAIVER

- Check here if seeking a Remediation In Progress Waiver**

COMPLETE THIS SECTION AND SIGN THE CERTIFICATION AT THE END OF THE FORM

1. The former owner or operator of the industrial establishment listed in Section A above is currently subject to a remediation conducted pursuant to ISRA or some other state or federal program overseeing the remediation by a party other than the applicant seeking this waiver. List the active case name and case identifying number:

2. I hereby state that a preliminary assessment report and a site investigation report, as applicable, have been completed for the current industrial establishment listed in Section A above in accordance with the Technical Requirements for Site Remediation, N.J.A.C. 7:26E as evidenced by the attached copy of the completed preliminary assessment/site investigation report; and
3. Based on the preliminary assessment report and site investigation report as applicable, (check the appropriate statement)
 - There has been no discharge of a hazardous substance or hazardous waste at the industrial establishment during my ownership or operation of the industrial establishment identified in Section A above; or
 - A discharge of a hazardous substance or hazardous waste at the industrial establishment has occurred during my ownership or operation. The remediation of the discharge was performed in accordance with N.J.A.C. 7:26E and was approved by the Department as evidenced by the attached no further action letter, or equivalent approval. And as a result of the remediation of the discharges which occurred during my ownership or operation, no levels of contamination remain at the industrial establishment related to my ownership or operations which exceed the current applicable criteria by more than an order of magnitude;
4. As applicable, the transferee of the industrial establishment has been notified that the industrial establishment is the subject of a remediation as referenced in Section C1 above, as evidenced by the attached letter and receipt acknowledging the transferee's notification.
5. A remediation funding source for the cost of the implementation of a remedial action workplan at the industrial establishment identified Section C1 above has been established as required pursuant to N.J.S.A. 58:10B-3. (The owner or operator may certify that the financial assurance is consistent with the current cost estimate developed in accordance with N.J.A.C. 7:26E, for the remediation or the implementation of the remedial action workplan at the industrial establishment.)
6. As applicable, a Remediation Agreement or a Remediation Certification which has allowed the current transaction to be completed prior to full ISRA compliance has been issued. I understand I am not required to establish a duplicate remediation funding source as long as the lead case for the site establishes and maintains an adequate funding source. I understand that if at any time the lead case falls out of compliance with the remediation schedule or is unable to maintain the required remediation funding source, that I am obligated to establish a remediation funding source to cover the difference between the posted amount and the cost to remediate the site and I have an obligation to complete the remediation of the site.

SECTION E. REGULATED UNDERGROUND STORAGE TANK WAIVER

Check here if seeking a Regulated Underground Storage Tank Waiver

COMPLETE THIS SECTION AND SIGN THE CERTIFICATION AT THE END OF THE FORM

1. I hereby state that a preliminary assessment report and site investigation report, as applicable, have been completed at the industrial establishment listed in Section A above in accordance with the Technical Requirements for Site Remediation, N.J.A.C. 7:26E as evidenced by the attached copy of the completed preliminary assessment/site investigation report.
 2. Based on the preliminary assessment report and site investigation report as applicable, (check the appropriate statement)
 - The only area of environmental concern at the industrial establishment referenced in Section A above is a regulated underground storage tank or tanks as defined pursuant to N.J.S.A.58:10A-21 et seq., the New Jersey Underground Storage of Hazardous Substances Act, and the referenced Industrial Establishment is in compliance with the provisions of N.J.S.A. 58:10A-21 et seq. and N.J.A.C. 7:14B for any underground storage tank system covered by the provisions of N.J.S.A 58:10A-21 et seq. and N.J.A.C 7:14B located at the industrial establishment listed above;
 - or
 - The only discharge of a hazardous substance or hazardous waste at the industrial establishment, or that has migrated off-site above the applicable cleanup criteria are from a leak or discharge from a regulated underground storage tank or tanks and; the referenced Industrial Establishment is in compliance with the provisions of N.J.S.A. 58:10A-21 et seq. and N.J.A.C. 7:14B for the remediation of the discharge from any underground storage tank system covered by the provisions of N.J.S.A 58:10A-21 et seq. and N.J.A.C 7:14B located at the industrial establishment listed above.
- Note:** The owner or operator of an Industrial Establishment where there has been a discharge is considered in compliance with the provisions of N.J.S.A. 58:10A-21 et seq. as it relates to the discharge, if the owner or operator is in compliance with the remediation schedules established in N.J.A.C. 7:26C and N.J.A.C. 7:14B. For the purposes of this section, obtaining a permit to remove a leaking regulated underground storage tank will not qualify the applicant for an ISRA waiver.
3. As evidenced by the attached copy of a current certificate of Financial Responsibility, the Industrial Establishment has an appropriate amount of financial responsibility assurance based on the number of regulated underground tanks and the type of hazardous materials stored in the regulated underground storage tanks.
 4. A Remediation Certification which has allowed the current transaction to be completed prior to full ISRA compliance has been issued by a License Site Remediation Professional.

SECTION F: PARTY RESPONSIBLE FOR CONDUCTING THE REMEDIATION INFORMATION AND CERTIFICATION

ALL APPLICANTS MUST SIGN THE CERTIFICATION

CERTIFICATION:

The following certification shall be completed pursuant to the requirements of N.J.A.C. 7:26C-1.5.

An individual who is familiar with the Industrial Establishment through on-site observation must sign the certification. The individual must be in a position of authority that can attest to the accuracy of the response to each question. When the situations arise, the certification shall be executed as follows:

- A. For a corporation or limited liability company, by a principal executive officer of at least the level of Vice President;
- B. For a partnership or sole proprietorship, by a general partner or the proprietor, respectively;
- C. For a municipality, state, federal or other public agency, by either a principal executive officer or ranking elected official; or
- D. A duly authorized representative of the person described in A through C above may sign the required certification required. A person is deemed to be a duly authorized representative only if:
 - 1. The authorization is made in writing by a person described in A through C above;
 - 2. The authorization specifies either an individual or a position having a responsibility for the overall operation of the site or activity, such as the position of plant manager, or a superintendent or person of equivalent responsibility (a duly authorized representative may thus be either a named individual or any individual occupying a named position);
 - 3. The written authorization is submitted to the Department along with the certification; and
 - 4. If an authorization is no longer accurate because a different individual or position has responsibility for the overall operation of the industrial establishment or activity, a new authorization satisfying the requirements of this section shall be submitted to the Department prior to or together with any reports, information, or applications to be signed by an authorized representative.

I certify under penalty of law that I have personally examined and am familiar with the information submitted herein including 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.

Typed/Printed Name: _____ Title: _____

Signature: _____ Date: _____

SECTION G. NON-LSRP SITE REMEDIATION PROFESSIONAL STATEMENT

First Name: _____ Last Name: _____
Phone Number: _____ Ext: _____ Fax: _____
Mailing Address: _____
City/Town: _____ State: _____ Zip Code: _____
Email Address: _____
I believe that the information contained herein, and including all attached documents, is true, accurate and complete.
Signature: _____ Date: _____
Name/Title: _____ **No Changes Since Last Submittal**
Company Name: _____

Completed forms should be sent to:

Bureau of Case Assignment & Initial Notice
Site Remediation Program
NJ Department of Environmental Protection
401-05H
PO Box 420
Trenton, NJ 08625-0420

SECTION G. LICENSED SITE REMEDIATION PROFESSIONAL INFORMATION AND STATEMENT

LSRP ID Number: _____

First Name: _____ Last Name: _____

Phone Number: _____ Ext: _____ Fax: _____

Mailing Address: _____

City/Town: _____ State: _____ Zip Code: _____

Email Address: _____

This statement shall be signed by the LSRP who is submitting this notification in accordance with SRRA Section 16 d. and Section 30 b.2.

I certify that I am a Licensed Site Remediation Professional authorized pursuant to N.J.S.A. 58:10C to conduct business in New Jersey. As the Licensed Site Remediation Professional of record for this remediation, I:

[SELECT ONE OR BOTH OF THE FOLLOWING AS APPLICABLE]:

- directly oversaw and supervised all of the referenced remediation, and/or*
- personally reviewed and accepted all of the referenced remediation presented herein.*

I believe that the information contained herein, and including all attached documents, is true, accurate and complete.

It is my independent professional judgment and opinion that the remediation conducted at this site, as reflected in this submission to the Department, conforms to, and is consistent with, the remediation requirements in N.J.S.A. 58:10C-14.

My conduct and decisions in this matter were made upon the exercise of reasonable care and diligence, and by applying the knowledge and skill ordinarily exercised by licensed site remediation professionals practicing in good standing, in accordance with N.J.S.A. 58:10C-16, in the State of New Jersey at the time I performed these professional services.

I am aware pursuant to N.J.S.A. 58:10C-17 that for purposely, knowingly or recklessly submitting false statement, representation or certification in any document or information submitted to the board or Department, etc., that there are significant civil, administrative and criminal penalties, including license revocation or suspension, fines and being punished by imprisonment for conviction of a crime of the third degree.

LSRP Signature: _____ Date: _____

LSRP Name/Title: _____ **No Changes Since Last Submittal**

Company Name: _____

Completed forms should be sent to:

Bureau of Case Assignment & Initial Notice
Site Remediation Program
NJ Department of Environmental Protection
401-05H
PO Box 420
Trenton, NJ 08625-0420