



New Jersey Department of Environmental Protection
Site Remediation Program

**INSTRUCTIONS FOR THE APPLICATION FOR AN ISRA CERTIFICATE OF LIMITED
CONVEYANCE**

General Instructions

An approval of an application for a Certificate of Limited Conveyance allows the applicant to sell or transfer up to one third the value of an industrial establishment without having to remediate the entire industrial establishment. After approval of the Certificate of Limited Conveyance, but before completing the transfer, the applicant must file a complete General Information Notice, for the portion to be conveyed, remediate the portion to be conveyed and obtain a Response Action Outcome for that portion. Please be advised, an approved Certificate of Limited Conveyance is valid for a period of three years after the issuance date.

The New Jersey Department of Environmental Protection (Department) will review the information submitted within this application and will issue a certificate of limited conveyance for the real property on which an industrial establishment is situated after the Department deems the following criteria to be satisfied:

1. Provide a description of the real property and an appraisal of the property to be transferred.
2. The sales price or fair market value of the real property to be conveyed, together with any other diminution in value to the remaining property as a result of this transfer, is not more than one-third of the total documented appraised value of the real property of the industrial establishment prior to the transfer;
3. The remaining real property continues to be an industrial establishment subject to the provisions of ISRA; and
4. Transfers or conveyances made pursuant to this section shall not exceed one-third of the value of the industrial establishment during the period of ownership of the applicant.

Note: The appraisal is only valid for one year prior to the submission of an application for a Certificate of Limited Conveyance.

Upon the Department's issuance of the certificate of limited conveyance, the owner or operator of an industrial establishment shall remediate the portion of the real property certified for transfer or conveyance prior to the transfer or conveyance. The remediation of the real property subject to the certificate of limited conveyance shall include any discharges from the remaining portion of the industrial establishment that have migrated or are migrating to the real property certified for conveyance.

If the Department disapproves the limited conveyance application, the owner or operator shall remediate the entire industrial establishment in accordance with ISRA should they wish to continue with the transfer of the property. If the owner or operator wants to withdraw from the ISRA process, they shall notify the Department, in writing, that the sale/transfer has been terminated.

The owner or operator of the industrial establishment shall remediate the remaining portion of the industrial establishment, or otherwise comply with the provisions of ISRA, upon the subsequent closing or transferring of ownership or operations of the industrial establishment.

An owner of an industrial establishment may, concurrent with or subsequent to a transfer or conveyance pursuant to N.J.A.C. 7:26B-5.7, transfer additional portions of the industrial establishment in excess of the permissible conveyance limitations listed above, provided the proposed transfer does not constitute a closing of operations or transfer of ownership or operations of an industrial establishment as defined at N.J.A.C. 7:26B-1.4. Please refer to N.J.A.C. 7:26B-5.7 for details on this procedure.

Section A. Industrial Establishment

Provide the name and address of the industrial establishment subject to this filing. This information should be identical to the information supplied on the ISRA General Information Notice previously submitted to the Department or the General Information Notice which accompanies this application. If a General Information Notice has previously been filed with the Department, please provide the case number. Also, please indicate whether any previous filings for a certificate of limited conveyance have been made and, if applicable, supply a copy of each certificate approved by the Department.

Section B. Description and Map of Industrial Establishment

Provide a description of the real property to be transferred. Also provide a scaled site map of the industrial establishment that identifies the real property on which the industrial establishment is situated, including any improvements, and the portion

of the real property subject to the proposed transfer, including any improvements, and any areas previously conveyed pursuant to this limited conveyance provision.

Section C. Appraisal Information

Provide the date of the appraisals of the industrial establishment. Provide the name of the individual or firm which completed the appraisals of the industrial establishment. Also provide a copy of an appraisal of the entire industrial establishment, an appraisal of the real property to be transferred and an appraisal of the remaining real property if the certificate of limited conveyance were issued. The appraisals required by this section shall not be made more than one year prior to the submission of the application for a certificate of limited conveyance and shall be conducted by a MAI or SRPA designated member of the Appraisal Institute or an Accredited Senior Appraiser, American Society of Appraisers.

Also provide the sales price or fair market value of the real property to be transferred.

Section D. Additional Attachments

Provide a copy of the sales agreement specifying the agreed upon sales price for the real property presently proposed for conveyance or, in the case of an acquisition by a condemning authority where no agreement has been reached, an affidavit from the owner specifying the compensation, including any damages sought by the owner, and the current appraised value.

List any additional information as attachments to support the certification.

Section E. Person Responsible for Conducting the Remediation Information and Certification

- The certification required in this section above shall be executed as follows:
 1. For a corporation or limited liability company, by a principal executive officer of at least the level of vice president;
 2. For a partnership or sole proprietorship, by a general partner or the proprietor, respectively; or
 3. For a municipality, state, federal or other public agency, by either a principal executive officer or ranking elected official; or
 4. By a duly authorized representative of the corporation, partnership, sole proprietorship, municipality, state or federal or other public agency, as applicable. A person is deemed to be a duly authorized representative if the person is authorized in writing by an individual described in 1, 2 or 3 above and the authorization meets the following criteria:
 - i. The authorization specifies either an individual or a position having responsibility for the overall operation of the industrial establishment 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);
 - ii. The written authorization is submitted to the Department along with the certification; and
 - iii. 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.
- Provide the name and mailing address of the property owner or business owner assuming the primary responsibility for the remediation of the referenced site subject to this filing. This is NOT the licensed site remediation professional or law firm hired to assist the owner or operator with their ISRA compliance obligations. The Department will address all correspondence to this individual and will provide a copy of the correspondence to the designated Authorized Agent listed in Section E. This information may be amended after filing this notice if a purchaser will assume responsibility for the remediation pursuant to a remediation certification.
- The certification shall be signed and dated by the responsible party who is submitting this notification.
- Indicate by placing an "X" in the space provided if the individual or firm owns the property, business or both.
- The person responsible for conducting the remediation should indicate by placing an "X" in the box if there have been no changes in this section since the last submittal.

The application shall be accompanied by a certified check, attorney check, money order or a personal check (if received sixty (60) days prior to issuance of the document) made payable to the Treasurer, State of New Jersey, for \$600. The fee is non-refundable and is used to cover NJDEP processing, review and administrative costs. Please be advised this \$600 fee is for processing of the application for a Certificate of Limited Conveyance only.

The completed application must be signed and submitted to the following address:

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

If you have any questions about the preparation of the application, please call the NJDEP, ISRA Applicability Section at (609) 292-2943.