



## New Jersey Department of Environmental Protection Site Remediation Program

### INSTRUCTIONS FOR THE REMEDIAL ACTION PROTECTIVENESS / BIENNIAL CERTIFICATION FORM – SOIL

#### General Instructions

- 1. Applicability.** Use this form for the completion of the *Remedial Action Protectiveness / Biennial Certification Form for Soil*. The New Jersey Department of Environmental Protection (NJDEP or Department) will use the information presented in the form to determine the priority of the case and level of review, if necessary. This form shall be used by all persons subject to N.J.A.C. 7:26E-8.7, including those not required to obtain a remedial action permit at this time.
- 2. Regulatory requirements.** Completion and submission of this form along with all applicable attachments and supplemental information constitutes the biennial certification and report and fulfills the regulatory requirements of N.J.A.C. 7:26E-8.7 and N.J.A.C. 7:26C-7.5(a). The biennial certification and report shall be submitted to the address specified in N.J.A.C. 7:26C-1.6.
- 3. Form Updates.** This form may be updated periodically. Please use the current version of this form. Download the current version of this form from the Department's Website: <http://www.nj.gov/dep/srp/srra/forms>. It is not required to submit this form in duplicate.
- 4.** Please make sure you check the appropriate box with regards to the signatory requirements as it pertains to the current status of the case; i.e., non-LSRP (existing cases) – cases that have been with the NJDEP prior to November 3, 2009 and are NOT regulated underground storage tanks (USTS); LSRP – cases that have come into the NJDEP on or after November 3, 2009 or have an approved Request To Proceed Without NJDEP Pre-Approvals Form; or Subsurface Evaluator – for existing regulated UST cases and cases with unregulated heating oil tanks (UHOT) where you are a NJDEP licensed Subsurface Evaluator. Insure that the corresponding signature page is included with the form.  
  
Be advised that the Non-LSRP option will only be available until May 7, 2012. Also, the Subsurface Evaluator option will only be available on forms specific to the UHOT Program after May 7, 2012.
- 5. Signature.** This form must be signed by the person responsible for monitoring the protectiveness of the remedial action pursuant to N.J.A.C. 7:26E-8.7.

#### Specific Instructions

##### Section A. Site Name and Location

- Site Name – provide the name of the site i.e., ABC Corporation Site, as provided in the DER/Deed Notice;
- List all other known names for the site;
- Provide the street address for the site;
- Provide the name of the municipality and indicate if it is a township, a borough, or a city. Please use the incorporated name. Do not use local names;
- Provide the name of the county and the zip code;
- Provide all NJDEP generated site identification numbers (e.g., the number obtained from the Department's Hotline – 1-877-927-6337);
- Provide the dates of each final remediation document issued for the site;
- Provide the filing dates for each Deed Notice/DER filed for the site;
- Provide the Book # and Page # in which the Deed Notice/DER was filed in the county recording office;
- If the block and lot numbers for the site changed since you filed the Deed Notice/DER or your last submittal of the biennial certification and report, check "Yes" and provide all current block and lot numbers. If they did not change, check "No" and go to 1.

If the Deed Notice/DER was filed prior to November 4, 2009, you do not have to apply for and acquire a remedial action permit, unless otherwise required by N.J.A.C. 7:26C-7.3(a). Therefore, state:

1. If you are submitting this form pursuant to a remedial action permit; and
2. If the person responsible for monitoring the protectiveness of the remedial action is required to obtain a remedial action permit.

3. Provide hard copies of this form to the municipal and county clerks for each municipality and county in which the site is located; the local, county and regional health department for each municipality and county in which the site is located; each current owner of the site; each current operator of the site; the Pinelands Commission as applicable; and the Highlands Commission as applicable.
4. Provide to NJDEP copies of this form and its attachments in paper and PDF. Any maps shall be provided in GIS compatible format produced in conformance with guidance at <http://www.nj.gov/dep/srp/gis> and sent by email only to [srpgis\\_dn@dep.state.nj.us](mailto:srpgis_dn@dep.state.nj.us).

### **Section B. Fees**

Check the appropriate box indicating "Non Permit" if this Biennial Certification is in compliance with the Technical Requirements for Site Remediation where a Remedial Action Permit has not been issued. Check the box for the Remedial Action Permit if the submittal of this Biennial Certification is in compliance with an effective Remedial Action Permit for Soil. Non Permit related Biennial Certifications must include a check in the amount of \$375.00. Checks shall be made payable to "Treasurer State of New Jersey". Include your Program Interest ID and Case Number on you check.

Note: Biennial Certification submittals are covered by the Annual Permit Fee, permittees are mailed invoices annually on the anniversary date when the permit became effective. Since the invoices are mailed to the permittee, please provide any updates to the fee billing contact with the biennial certification submittal

### **Section C. Current Owner of the Site**

Check the box in the upper right side of this section if the property owner has changed in the last two years (i.e., since the CEA was established or the last submittal of the biennial certification). Check the box at the bottom if the current owner of the real property at the site is also the person responsible for monitoring the protectiveness of the remedial action (i.e., must complete Section J); then leave the rest of the section blank since this information is also required in Section J. If the owner is not completing Section J complete the rest of the information in this section.

If the property owner has changed, as described above, and a remedial action permit has been issued for this site pursuant to N.J.A.C. 7:26C-7, and the owner listed in the permit is not the same as the owner indicated in this form, submit a Remedial Action Permit Transfer/Change of Ownership Application, available from the Department at <http://www.nj.gov/dep/srp/forms>; that application form is needed because the new property owner must sign on as the permittee or a co-permittee, before the former owner will be removed from the permit.

### **Section D. Current Operator of the Site**

Complete this section for the current operator of the site. You are not required to complete this section if the current operator is also the person responsible for monitoring the protectiveness of the remedial action; only check the box and go to Section E.

### **Section E. Current Lessee of the Site**

Complete this section for the current lessee of the site. You are not required to complete this section if the current lessee of the site is also the person responsible for monitoring the protectiveness of the remedial action; only check the box and go to Section F.

### **Section F. IEC Conditions**

If you discover immediate environmental concern conditions pursuant to the NJDEP Immediate Environmental Concern Guidance, available at <http://www.nj.gov/dep/srp/guidance/>, since you filed the Deed Notice/DER or the last submittal of the biennial certification and report, state so and provide the date of IEC Contaminant Source Control. This date is when the source of contamination for the IEC Condition has been delineated and remediated (pre-November 4, 2009), or when the IEC Contaminant Source Control Report is filed with the NJDEP.

### **Section G. Statutory and Regulatory Changes**

1. State if you have evaluated all relevant soil remediation standards and guidance related to soil that have been modified subsequent to the filing of the Deed Notice/DER or the last submittal of the biennial certification and report.
2. State if after the evaluation in 1., the remedial action is still protective of human health, safety, and of the environment. If the remediation is no longer protective of human health, safety, and of the environment, complete Section J.

The soil remediation standards may be accessed at <http://www.nj.gov/dep/srp/regs/rs/>. NJDEP guidance documents may be accessed at <http://www.nj.gov/dep/srp/guidance>.

Please note that pursuant to N.J.S.A. 58:10B-13e, the NJDEP may compel the person responsible for the discharge of the hazardous substances to use the new soil remediation standards.

## Section H. Property Use

Check all that apply indicating the property use(s) for the site. Answer the questions to determine if the use(s) has changed or if a zoning change has taken place such that the remedial action implemented at the site that includes the Deed Notice/DER has been rendered not protective which would require additional remediation and the modification of the Deed Notice/DER. If additional remediation and modification of the Deed Notice/DER are required, complete Section J.

If the site use has changed/will change to residential, school, and or licensed child care, state if you have implemented or will implement a presumptive remedy at the site pursuant to the NJDEP "Presumptive Remedy Guidance" dated 11/4/09. If you have implemented or will implement a presumptive remedy at the site, complete Section J.

## Section I. Land Disturbances

Conduct periodic inspections of the site pursuant to N.J.A.C. 7:26E-8.5(a)2 to ensure the remedial action has not been disturbed. Complete a log of the inspections of the site and a log of the maintenance of the remedial action. The logs must be completed before the date of the most recent biennial certification and report submittal. The logs shall include the dates of inspections and the names of the inspectors. The NJDEP may require that you submit the logs.

State if you have you conducted periodic inspections pursuant to N.J.A.C. 7:26E-8.5(a)2 to determine if disturbances of the engineering control and/or the remedial action have taken place since the Deed Notice/DER was filed or the last submittal of the biennial certification and report.

Answer the questions to determine if land disturbances have taken place such that the remedial action implemented at the site that includes the Deed Notice/DER has been rendered not protective which would require additional remediation and the modification of the Deed Notice/DER. If additional remediation and modification of the Deed Notice/DER are required, complete Section I.

## Section J. Additional Remediation

Please note that you shall comply with N.J.A.C. 7:26C-2.4 and that pursuant to Section 6Aii(E) of the filed Deed Notice, the Remedial Action Report shall be submitted to the Department within sixty (60) calendar days after disturbance of the remedial action.

1. If additional remedial action was required (Sections F, G, H, and I) that leads to a restricted use remedial action:
  - Provide the date the Remedial Action Report was submitted to the Department;
  - Provide the date the Remedial Action Report will be submitted to the Department, Section H, # 6 only;
  - Revise the Deed Notice/DER and file with the county recording office of the county the site is located in; attach the newly filed Deed Notice/DER to this form; attach the revised Deed Notice/DER map (in paper and PDF). Submit the Deed Notice/DER map in GIS compatible format produced in conformance with guidance at <http://www.nj.gov/dep/srp/gis> and send by email only to [srpgis\\_dn@dep.state.nj.us](mailto:srpgis_dn@dep.state.nj.us); and
  - If you have a remedial action permit, submit a Modification of Permit Form available at <http://www.nj.gov/dep/srp/forms> with this form;
2. If you will implement an unrestricted use presumptive remedy:
  - Provide the date the Remedial Action Report will be submitted to the Department;
  - Attach a newly filed Termination of Deed Notice to this form;
  - If you have a remedial action permit, submit a Termination of Permit Form available at <http://www.nj.gov/dep/srp/forms> with this form;

## Section K. Person Responsible for Monitoring the Protectiveness of the Remedial Action

This form must be signed by the person responsible for monitoring the protectiveness of the remedial action pursuant to N.J.A.C. 7:26C-1.5.

## Section L. Based on the current case status i.e., non-LSRP (Existing Cases), LSRP and Subsurface Evaluator, please complete the appropriate signature requirements below:

### Non-LSRP Site Remediation Professional Statement

- Provide the name, phone number, email and mailing address (city/town, state, zip code) of the Site Remediation Professional (Consultant).
- The statement shall be signed and dated by the Site Remediation Professional.

- The Non-LSRP Site Remediation Professional should indicate by placing an “X” in the box if there have been no changes since the last submittal.

#### **Licensed Site Remediation Professional Information and Statement**

- LSRP ID Number: Provide the Licensed Site Remediation Professional ID Number.
- Provide the name, phone number, email and mailing address (city/town, state, zip code) of the Licensed Site Remediation Professional.
- The Licensed Site Remediation Professional should indicate the level of oversight he/she provided by placing an “X” in appropriate box(es).
- The certification in this section shall be signed and dated by the Licensed Site Remediation Professional.
- The Licensed Site Remediation Professional should indicate by placing an “X” in the box if there have been no changes since the last submittal.

#### **Subsurface Evaluator UST Report Certification Form**

- The certification in this section shall be signed and dated by the Subsurface Evaluator. Include the evaluator’s name, UST certification number, the firm’s name, the firm’s UST certification number, address (city/town, state, zip code) and telephone number.
- The Subsurface Evaluator should indicate by placing an “X” in the box if there have been no changes since the last submittal.