



**New Jersey Department of Environmental Protection
Site Remediation and Waste Management Program**

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

General Instructions

1. **Applicability.** Use this form to submit a Remedial Action Protectiveness/Biennial Certification Report for Soil to the New Jersey Department of Environmental Protection (NJDEP). The NJDEP will use the information presented in the form to update site information and determine the priority of the case and level of review, if necessary.

This form shall be used by all persons who have obtained a Soil Remedial Action Permit and for those sites which have previously established a Deed Notice or Declaration of Environmental Restriction (DER) under a No Further Action Letter.

Sites with a No Further Action Letter should submit a Soil Remedial Action Permit Application along with the Soil Remedial Action Protectiveness/Biennial Certification Form at the time the next biennial certification is due in accordance with N.J.A.C. 7:26C-7.6, 'Remedial action permit application schedule'. All Deed Notices/DERs should have a permit in place no later than May 7, 2014.

2. **Updates.** The NJDEP may update this form periodically. Please ensure you are using the latest version of this form. Download the latest version of this form from the NJDEP Website: <http://www.nj.gov/dep/srp/srra/forms>.
3. **Signatures.** This form must be signed by the Person Responsible for Monitoring the Protectiveness of the Remedial Action and the Licensed Site Remediation Professional (LSRP) or the NJDEP licensed Subsurface Evaluator responsible for completion of the form and attached Exhibits.

LSRP vs. Subsurface Evaluator

Please make sure you check the appropriate box at the top of the form to indicate if a Licensed Site Remediation Professional (LSRP) or a Subsurface Evaluator is certifying the form. Ensure that the corresponding signature page is included with the form.

The Subsurface Evaluator option is only for unregulated heating oil tanks (UHOT) where you are a NJDEP licensed Subsurface Evaluator and the remediation is for unregulated heating oil tank system(s) and no other areas of concern.

4. 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 A. Site Name and Location

- **Site Name:** Provide the name of the site (i.e., ABC Corporation);
- **List all AKAs:** Provide all other known names for the site;
- **Street Address:** Provide the street address for the site NOTE: This should be the physical location of the site – not the mailing address;
- **Municipality:** Provide the name of the municipality(ies) where the site is physically located and indicate if it is a township, borough, village, or city. NOTE: This should be the name of the incorporated municipality and not the local name;
- **County:** Provide the name of the county(ies) where the site is located;
- **Zip code:** Enter the five-digit code for the physical location of the site;
- **Program Interest (PI) Number(s):** The PI Number is assigned by the NJDEP and can be obtained via the web at <http://www.nj.gov/dep/srp/> (DEP DATA MINER REPORTS).
- **Case Tracking Number(s):** Provide all NJDEP generated site identification numbers (Hotline incident numbers, UST Notice of Intent to Close numbers, ISRA numbers, etc.);

- **Municipal Block and Lot Numbers:** Provide the municipal block and lot numbers for the entire site (not just the municipal block and lot numbers of the Deed Notice/DER).

Section B. Fees

Sites with a Soil Remedial Action Permit (RAP) – If you are submitting this form for a site with an effective RAP, there is no fee. The cost of review is covered by the Annual Permit Fee.

Sites without a Soil RAP – For cases where the NJDEP has issued a Restricted Use or Limited Restricted Use No Further Action Letter *and* the NJDEP has not yet issued a permit, include a check in the amount of \$375.00. Checks shall be made payable to “Treasurer State of New Jersey”. Please include your Program Interest (PI) Number on the check. Pursuant to N.J.A.C. 7:26C-7.6, this submission must also include an application to obtain a Soil RAP.

Section C. Fee Billing Contact Person

Complete this section for the fee billing contact person. The Annual Permit Fee Invoice will be mailed to this person.

Section D. Current Owner of the Site

Complete this section for the current owner of the site. If the property owner of the site has changed since the last submission to the NJDEP, check the box, provide the date the change became effective, and complete 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 NJDEP at <http://www.nj.gov/dep/srp/forms>. That application is needed because the new property owner must sign on as a co-permittee, and if applicable, provide financial assurance, before the former owner will be removed from the permit.

You are not required to complete this section if the current owner has not changed *and* is also the Person Responsible for Monitoring the Protectiveness of the Remedial Action; only check the box and go to the next section.

Section E. Current Operator of the Site

Complete this section for the current operator of the site. If the operator of the site has changed since the last submission to the NJDEP, check the box, provide the date the change became effective, and complete this section. 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 the next section.

Section F. Current Lessee of the Site

Complete this section for the current lessee of the site. If the lessee of the site has changed since the last submission to the NJDEP, check the box, provide the date the change became effective, and complete this section. 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 the next section.

Section G. Deed Notice /Declaration of Environmental Restriction (DER) Information

1. Provide the filing date for each Deed Notice/DER filed for the site.
2. For each Deed Notice/DER provide the Book and Page numbers in which the Deed Notice/DER was filed in the county recording office.
3. Indicate if the municipal block and lot numbers for the site have changed since you filed the Deed Notice/DER or the last submittal of the Soil Remedial Action Protectiveness/Biennial Certification Form, whichever is more recent. If “Yes,” attach a current tax map of the property, and list the former and new municipal block and lot numbers of the property. You do not need to re-file the Deed Notice/DER with the County. However, if the municipal block and lot numbers changed as a result of a subdivision, for example, this change should be reported through a modification to the Soil Remedial Action Permit.
4. Indicate if this form being submitted pursuant to a Soil Remedial Action Permit. If not, this submission must also include an application to obtain a Soil RAP.
5. Indicate if hard copies of this form have been provided 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.
6. Indicate if copies of this form and its attachments have been submitted to the NJDEP in both paper and electronically on a CD in Adobe PDF format.
7. Indicate if this Deed Notice/DER is for Historic Fill material and if the Historic Fill is impacting ground water.

8. If Historic Fill material is impacting the ground water, indicate if the CEA/WRA Fact Sheet Form has been submitted to the NJDEP. If “No”, attach a completed CEA/WRA Fact Sheet Form to this form.
9. Indicate 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 Soil Remedial Action Protectiveness/Biennial Certification Form, whichever is more recent.

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

10. Indicate if the Deed Notice/DER restricted area has been mapped and accurately depicts the Deed Notice boundary on NJ-GeoWeb. If not, then submit a GIS compatible map, produced in conformance with guidance at <http://www.nj.gov/dep/srp/gis>, of the Deed Notice/DER restricted area by email to srpgis_dn@dep.state.nj.us.

GIS Deliverables submittal requirements:

- ESRI ArcMap users are advised that “mdb” (geodatabase) files are no longer accepted via email for security reasons. Attach GIS polygon shape files instead. Shape files need to include the following file extensions: .shp; .shx; .dbf; and .prj.
- Computer-aided Design (CAD) software users must submit DWG files defined in “model space” NAD 83 State Plane Coordinate feet. The Deed Notice/DER boundary should be mapped as a DWG **Polygon** and the record(s) that depict the extent of the Deed Notice/DER boundary must be named “Deed_Notice_Boundary” in the Layer field. Do not name annotation, graphics or any other map element in this way.
- Send GIS deliverables **by email only** to srpgis_dn@dep.state.nj.us (do not include CAD or shape files on the CD submitted with the form).
- Please refer to <http://www.nj.gov/dep/srp/gis/> for the Minimum Accuracy Requirements for SRP GIS Submissions.
- In the body of the email that includes the GIS deliverables, include the Deed Notice information as described in the Administrative Requirements for GIS Deliverables found at <http://www.state.nj.us/dep/srp/gis/>.
- For specifics regarding the Deed Notice attribute information to be included with the GIS submittal please refer to the following: <http://www.state.nj.us/dep/srp/gis/>
- GIS questions/comments should be directed to srpgis@dep.state.nj.us.

Section H. Land Use, Changes, and Disturbances

1. – 3. Check all that apply indicating the land use(s) for the site.
4. Describe the current site operations and the status of any planned future land use(s) for the site.
5. Indicate if the property use for the site has changed to residential, school, and/or licensed child care facility since the Deed Notice/DER was filed or the last submittal of the Soil Remedial Action Protectiveness/Biennial Certification Form, whichever is most recent. If it has, indicate if you implemented a Presumptive Remedy, Alternate Remedy pre-approved by the NJDEP, or an unrestricted use remedy.
 If you implemented a Presumptive Remedy pursuant to the NJDEP’s Presumptive Remedies for Soil Contamination at Schools, Child Care Centers, and Residences (N.J.A.C. 7:26E-5.3) briefly describe the presumptive remedy.
 If you implemented an Alternate Remedy attach a copy of NJDEP’s pre-approval letter.
6. Indicate if there has been a zoning change or if a zoning change is pending and briefly describe the change if applicable.
7. Indicate if you have conducted periodic inspections pursuant to N.J.A.C. 7:26C-7.8(b)2 to determine if disturbances of the Remedial Action/engineering control(s) have taken place since the Deed Notice/DER was filed or the last submittal of the Soil Remedial Action Protectiveness/Biennial Certification Form, whichever is more recent. Attach all inspection reports/logs that have been completed since the last submittal of the Soil Remedial Action Protectiveness/Biennial Certification Form.
8. Indicate if disturbances of the Remedial Action/engineering control(s) have taken place since the Deed Notice/DER was filed or the last submittal of the Soil Remedial Action Protectiveness/Biennial Certification Form, whichever is more recent.

If “Yes”,

- a) Provide the date and duration of the disturbance, the date the NJDEP Hotline was contacted, and the Hotline Incident Number assigned as well as briefly describe the disturbance. Please note that reporting land use

disturbances includes those areas of concern that are covered by 'Notices in lieu of Deed Notice' (i.e., roadways).

- b) Indicate if the Remedial Action/engineering control(s) were restored to the conditions stated in the Deed Notice/DER. If "No", briefly describe the reasons why.
9. As it relates to the questions above, check the appropriate box(es) to indicate if the Remedial Action/engineering control(s) has been rendered **not** protective of public health, safety and of the environment because of:
- An evaluation all relevant Soil Remediation Standards and guidance related to soil that have been modified subsequent to the establishment of the Deed Notice/DER or the last submittal of the Soil Remedial Action Protectiveness/Biennial Certification Form, whichever is more recent;
 - A change in property use since the Deed Notice/DER was filed;
 - A zoning change or the pending zoning change;
 - Land disturbance(s) of the engineering control(s).

If any of the boxes are checked the Person Responsible for Monitoring the Protectiveness of the Remedial Action (the permittee/co-permittee) shall modify the Remedial Action, revise the Deed Notice/DER (i.e., submit a Deed Notice Termination Document for the existing Deed Notice/DER and a new Deed Notice for the NJDEP's approval/signature with supporting documentation (i.e., a Remedial Action Report)), and apply for a modification of the Soil Remedial Action Permit as necessary pursuant to N.J.A.C. 7:26C-7.8(d)2.

Section I. Vapor Intrusion

1. Indicate if volatile organic compounds are included in the Deed Notice/DER. If they are complete the rest of this section. If they are not, proceed to the next section.
2. Indicate if there were any changes in property use that increased the risk of vapor intrusion.
3. Indicate if you investigated the vapor intrusion pathway.

If you did investigate the vapor intrusion pathway:

- a) Attach a scaled site map indicating the location of all structures investigated for vapor intrusion.
 - b) Indicate if the investigation revealed that an Immediate Environmental Concern (IEC) condition exists. If "Yes," provide the date of IEC Contaminant Source Control Report.
 - c) Indicate if the investigation revealed that a Vapor Concern (VC) condition exists. If "Yes," provide the date of VC Mitigation Response Action Report.
 - d) Indicate if public notification was conducted to notify all applicable parties of the increased vapor intrusion risk.
4. Provide a written explanation of either how the vapor intrusion pathway was investigated or the reasons for not evaluating the vapor intrusion pathway.
 5. Indicate if any vapor intrusion engineering controls/mitigation systems have been installed as a result of this soil contamination. If "Yes," indicate the type of engineering control that was implemented.

Attach the Operation, Maintenance, and Monitoring (OMM) Plan for the vapor intrusion engineering control(s)/mitigation system(s) both in paper and electronically (in "MS Word" file format), if applicable. The OMM Plan should clearly identify the building(s) and/or structure(s) and vapor intrusion engineering control(s)/mitigation system(s) that are in place (e.g., active or passive), including the address and block and lot of each impacted property. Refer to the NJDEP's Vapor Intrusion Technical Guidance Document at <http://www.nj.gov/dep/srp/guidance/index.html#vi>.

Section J. Financial Assurance

1. Indicate if the Remedial Action/ Deed Notice/DER includes an engineering control. "**Engineering control**" means any physical mechanism to contain or stabilize contamination or ensure the effectiveness of a Remedial Action. An engineering control may include, without limitation, a cap, cover, building, dike, trench, leachate collections system, fence, physical access control, and ground water containment system including, without limitation, a slurry wall and a ground water pumping system.
2. Indicate if both the "Person Responsible for Conducting the Remediation" and the current property owner are exempt from establishing Financial Assurance (FA) pursuant to N.J.A.C. 7:26C-7.10(c). The Administrative Requirements for the Remediation of Contaminated Sites, specifically N.J.A.C. 7:26C-7.10(c), defines certain entities that are exempt from filing FA. Check all that qualifies the co-permittees to be exempted and skip the rest of this section and go to the next section.

If either entity is not exempt, *then establishment of the full amount of the FA is required* by the non-exempt permittee(s) - attach a completed Remediation Cost Review and RFS/FA Form.

3. Indicate whether the current owner of the site is either a homeowner association or a condominium association. If a homeowner association or a condominium association is identified in Section D of this form, attach a copy of the association's annual budget that includes funds for the operation, maintenance, and monitoring of the engineering control(s) at the site. If the association identified in Section D of this form is ever unable to meet this requirement, then the person responsible for conducting the remediation is required to establish the FA for the permit if they are not exempt pursuant to N.J.A.C. 7:26C-7.10(c).

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

The certification in this section shall be signed and dated by the person responsible for monitoring the protectiveness of the remedial action. The certification in this section shall **not** be signed by the Licensed Site Remediation Professional or law firm hired to assist the owner or operator with their compliance obligations. The certification required in this section 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; or
 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 NJDEP 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 NJDEP prior to or together with any reports, information, or applications to be signed by an authorized representative.
- Provide the full legal name of the person responsible for monitoring the protectiveness of the remedial action;
 - Provide the full name of the representative of the person responsible for monitoring the protectiveness of the remedial action, pursuant to N.J.A.C. 7:26C-1. Enter "Same" if the representative is the same person as the person responsible for monitoring the protectiveness of the remedial action;
 - Provide the title of the representative of the person responsible for monitoring the protectiveness of the remedial action;
 - Provide the telephone number, extension number, and fax number of the representative of the person responsible for monitoring the protectiveness of the remedial action;
 - Provide the mailing address, including the city/town, state, and zip code of the representative of the person responsible for monitoring the protectiveness of the remedial action;
 - Provide the email address of the representative of the person responsible for monitoring the protectiveness of the remedial action;
 - The representative for the person responsible for monitoring the protectiveness of the remedial action shall provide:
 - ❖ His/her signature where indicated;
 - ❖ His/her name and title (i.e., President, CEO); and
 - ❖ The date when the signing occurred.

Section L. Complete the appropriate signature page.

The Subsurface Evaluator option is only for cases associated with unregulated heating oil tanks (UHOT) where you are a NJDEP licensed Subsurface Evaluator and the remediation is for unregulated heating oil tank system(s) and no other areas of concern.

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 certification in this section shall be signed and dated by the Licensed Site Remediation Professional.

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), telephone number, and email address.