

INDUSTRIAL SITE RECOVERY ACT

Area of Concern Waiver Application and Instructions N.J.A.C. 7:26B-5.2

This application is intended to simplify the procedures to apply for and obtain an approval for an Area of Environmental Concern Waiver pursuant to the Industrial Site Recovery Act (ISRA), N.J.S.A. 13:1K-11.4 and N.J.A.C. 7:26B-5.2. Please read the directions completely before completing the application. Check the appropriate space for each question. Do NOT leave any question unanswered. Your application will automatically be found deficient if any question has not been answered.

In summary, N.J.A.C. 7:26B-5.2 allows an applicant to reinvestigate an area of environmental concern without Department oversight and provide a certification that there have been no discharges at the referenced areas of environmental concern subsequent to the issuance of the most recent no-further-action approval. Approval of the area of environmental concern waiver will relieve the owner or operator of the requirement to perform a remediation pursuant to section 4 of the Industrial Site Recovery Act for any area of environmental concern at the industrial establishment for which a remediation has previously been conducted and approved by the Department or Federal Environmental Protection Agency.

Submit (1) original signed copy of this application and the Area of Concern Waiver Application fee, along with the completed General Information Notice (see attached fee submittal form). **Note: Applications received without the required review fee will not be assigned to a case manager and review will not commence until the review fee is received.**

The Department will accept mimeograph copies or computer-generated copies of this application provided the copies are legible, all questions on this form are included and no changes are made to the wording contained herein.

The paragraphs below correspond to the question numbers on the application.

1. The information provided herein must be identical to the information provided on the General Information Notice (GIN). See question 1.A on the GIN to ensure the correct information is provided.
2. The case number will be assigned upon receipt of a complete GIN and Initial Notice fee. If submitting this application with the completed GIN, then this question may be completed as pending, unknown or simply left blank. If submitting this application in response to a deficiency letter or subsequent to the filing of the GIN, please provide the ISRA Case number to ensure expeditious processing of your application.
3. Please list the Areas of Environmental Concern for which the application applies.
4. N.J.A.C. 7:26B-5.2(c)5i requires the applicant to complete remediation activities, defined as the completion of a preliminary assessment, and if necessary a site investigation, in accordance with Department regulations, (i.e. the Technical Requirements for Site Remediation, N.J.A.C. 7:26E) in order to confirm there have been no discharges at the referenced areas of environmental concern since the issuance of the most recent no-further-action or equivalent approval.

N.J.S.A. 58:10B-13e authorizes the Department to require additional remediation of the referenced areas of environmental concern if the remediation standards in effect at the time of the most recent no-further-action approval have gone down by more than an order of magnitude. Therefore, to ensure protection of human health and the environment, the Department will require the applicant to complete an evaluation

of the final cleanup levels previously achieved at the referenced areas of environmental concern to ensure additional remediation or the incorporation of institutional controls pursuant to N.J.S.A. 58:10B-13a is not necessary.

The Certification must be signed and notarized.

Should you encounter any difficulties in completing this form, we recommend you discuss the matter with a representative of the Department. Submitting incorrect or incomplete information may cause processing delays and possible postponement of your transaction.

Please call (609) 633-0708 between the hours of 8:00 a.m. and 4:30 p.m. to request assistance in completing this application. 10/97

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU CASE ASSIGNMENT & INITIAL NOTICE -ISRA INITIAL NOTICE
P.O. BOX 435
401 EAST STATE STREET
TRENTON, NJ 08625-0435

INDUSTRIAL SITE RECOVERY ACT

AREA OF CONCERN WAIVER APPLICATION

The purpose of this Affidavit is to obtain the New Jersey Department of Environmental Protection's approval of an Area of Environmental Concern Waiver pursuant to the Industrial Site Recovery Act, N.J.A.C. 7:26B-5.2. The Department may require the applicant to submit additional information and documentation to support the applicant's certifications contained in this application.

PLEASE TYPE OR PRINT

Date _____

1. Industrial Establishment

Name _____

Street Address _____

Municipality _____ County _____

Tax Block(s) _____ Tax Lot (s) _____

2. Has a General Information Notice (GIN) been filed for this transaction?

If yes, ISRA Case No. _____

If no, attach a completed GIN to this application.

3. As evidenced by the attached no further action approval or equivalent approval, I hereby state that the New Jersey Department of Environmental Protection or the United States Environmental Protection Agency has approved an equivalent remediation of the below listed areas of concern pursuant to ISRA, the Underground Storage of Hazardous Substances Act, N.J.S.A. 58:10A-21 et seq., the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11a et seq., 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 or any other applicable state or federal law.

Please identify the areas of environmental concern for which the previous statement applies. (Example: Drum Storage Pad; Area A on site map)

Area of Concern	Location	Reference Keyed to Site Map	Area of Concern	Location	Reference Keyed to Site Map
1.	_____	_____	2.	_____	_____

	Area of Concern	Location	Reference Keyed to Site Map		Area of Concern	Location	Reference Keyed to Site Map
3.	_____	_____	_____	4.	_____	_____	_____
5.	_____	_____	_____	6.	_____	_____	_____
7.	_____	_____	_____	8.	_____	_____	_____
9.	_____	_____	_____	10.	_____	_____	_____

4. I hereby state that since the issuance of a no further action letter or equivalent remediation approval listed in 3 above, a preliminary assessment report and site investigation report, as applicable, have been completed at the areas of environmental concern listed in 3 above in accordance with The Technical Requirements for Site Remediation, N.J.A.C. 7:26E. I also state that the order of magnitude analysis required pursuant to N.J.A.C. 7:26E-3.2(a)5 has been completed to determine whether any contaminants remain, at the areas of environmental concern listed in 3 above, which exceed the current cleanup criteria by more than an order of magnitude.

Based on the preliminary assessment report and site investigation report, and the order of magnitude analysis as applicable, there has been no discharge of a hazardous substance or hazardous waste at the areas of environmental concern listed in 3 above, subsequent to the issuance of the no further action letter, or equivalent approval and no levels of contamination remain at the areas of environmental concern listed in 3 above which exceed the current applicable cleanup criteria by more than an order of magnitude;

CERTIFICATION:

The following certification shall be signed pursuant to the requirements of N.J.A.C. 7:26B-1.6(e).

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this application 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 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 N.J.S.A. 13:1K-6 et seq., I am personally liable for the penalties set forth at N.J.S.A. 13:1K-13.

Typed/Printed Name _____ Title _____

Signature _____ Date _____

Sworn to and Subscribed Before Me

on this _____ day of _____ 19____

Notary

8/2007

**Division of Responsible Party Site Remediation
Industrial Site Recovery Act**

INITIAL NOTICE FEE SUBMITTAL FORM

Case # (if known) _____

Case Name (Active Case) _____

Check drawn from the account of _____ Check/M.O. # _____

Amount Enclosed _____

Please circle the appropriate payment location(s)

- | | | |
|----|---|----------|
| 1. | General Information Notice | \$150.00 |
| 2. | Preliminary Assessment Report | \$375.00 |
| 3. | Site Investigation Report | \$750.00 |
| 4. | Negative Declaration Review | \$150.00 |
| 5. | Expedited Review Application (SEE NOTE) | \$225.00 |

Note: This fee is not intended to “expedite” the review of a Preliminary Assessment or Site Investigation Report. All reports are reviewed in the order received by the department.

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|-----|---|------------|
| 6. | Remediation in Progress Waiver Application | \$225.00 |
| 7. | Regulated Underground Storage Tank Waiver Application | \$600.00 |
| 8. | Area of Concern Waiver Application | \$150.00 |
| 9. | Limited Site Review Application | \$525.00 |
| 10. | Applicability Determination Application | \$300.00 |
| 11. | De minimis Quantity Exemption Application | \$300.00 |
| 12. | Limited Conveyance Application | \$600.00 |
| 13. | Remediation Agreement Application | \$1,500.00 |
| | Remediation Agreement Amendment Application | \$750.00 |
| 14. | Confidentiality Claim | \$375.00 |
| 15. | Remedial Action Workplan Deferral Application | \$975.00 |

Note: All applicable fees are due with the submission of each document. Each document requires a separate review fee. Review fees are for a single review. The submission of a revised document in response to deficient submission will require a separate review fee. Fees are not transferable or refundable once a requested review has been completed or written a determination has been made by the Department.