

INDUSTRIAL SITE RECOVERY ACT

Remediation in Progress Waiver Application and Instructions N.J.A.C. 7:26B-5.4

This application is intended to simplify the procedures to apply for and obtain an approval for a waiver from further compliance with the Industrial Site Recovery Act (ISRA) in accordance with N.J.S.A. 13:1K-11.5 and N.J.A.C. 7:26B-5.4. Please read the directions completely before completing the application. Check the appropriate space for each question. Do NOT leave any question blank and do not alter the certifications. Your application will automatically be found to be deficient if any question has not been answered.

In summary, N.J.A.C. 7:26B-5.4 allows an applicant to apply for a waiver from compliance with ISRA if a prior owner or operator is conducting an on-going remediation and the applicant can certify that there have been no discharges at the site during the applicant's ownership or operations, and a remediation funding source has been established in an amount necessary to finance the estimated cost to implement the required remediation in accordance with N.J.S.A. 58:10B-3.

If the applicant meets all of the requirements of N.J.A.C. 7:26B-5.4, then the New Jersey Department of Environmental Protection (NJDEP) will issue a waiver from further ISRA compliance. The waiver is not a no further action approval but a waiver from ISRA compliance and will allow the pending transaction to proceed.

Submit (1) original signed copy of this application and the Remediation in Progress Waiver Application fee, along with the completed General Information Notice and any appropriate attachments (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 NJDEP 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 on this application.

The following paragraphs 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. A 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 left blank. If submitting this application in response to a deficiency letter or subsequent to the filing of the GIN, then please provide the ISRA case # to ensure expeditious processing of your application.
3. Provide the case number for the case, which is in the progress of remediation. The definition of remediation includes Preliminary Assessment, Site Investigation, Remedial Investigation or Remedial Action.

4. Check the appropriate statement that applies and provide any required documentation. An assumption has been made that the current property owner or business operator had purchased the property or business pursuant to an ISRA Remediation Agreement or after a Remedial Action Workplan approval and that the person making this application is not the same person conducting the on going remediation referenced in question #3 of this application.
5. Submit a copy of the notice and verification of receipt of that notice provided to the buyer which clearly identifies the site is subject to an on-going remediation.
6. The applicant should confirm with either the party subject to the on-going remediation or the NJDEP, Bureau of Fund Management, Compliance & Recovery at (609) 633-1480 that a Remediation Funding Source has been established in accordance with N.J.S.A. 58:10B-3.

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 NJDEP. Submitting incomplete or incorrect 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. 10/99

10/99

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

INDUSTRIAL SITE RECOVERY ACT

REMEDICATION IN PROGRESS WAIVER APPLICATION

The purpose of this Affidavit is to obtain the New Jersey Department of Environmental Protection's approval of a remediation in progress waiver pursuant to the Industrial Site Recovery Act, N.J.S.A. 13:1K-11.5 and N.J.A.C. 7:26B-5.4. The Department may require the applicant to submit additional 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 Number _____

If no, attach a completed GIN to this application.

3. The industrial establishment listed in item 1 above is currently subject to a remediation conducted pursuant to:

ISRA: Case Number _____

Other: Identify state or federal program overseeing remediation. List all relevant case identifiers.

4. I hereby state that a preliminary assessment report and a site investigation report, as applicable, have been completed at the industrial establishment listed above in accordance with the Technical Requirements for Site Remediation, N.J.A.C. 7:26E; and

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 item 1 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 related to my ownership or operations which exceed the current applicable criteria by more than an order of magnitude;
5. As applicable, the transferee of the industrial establishment has been notified that the industrial establishment is the subject of a remediation as referenced in item 3 above, as evidenced by the attached letter and receipt acknowledging the transferee's notification.
6. A remediation funding source for the cost of the implementation of a remedial action workplan at the industrial establishment identified in 1 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.)

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.