



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

INSTRUCTIONS FOR THE REMEDIATION COST REVIEW AND RFS/FA FORM

General Instructions

1. **Applicability.** Use this form to demonstrate compliance with the requirements related to Remediation Funding Sources (RFS) and Financial Assurances (FA) pursuant to N.J.A.C. 7:26C-5 et seq.
2. **Updates.** The New Jersey Department of Environmental Protection (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: www.nj.gov/dep/srp/srra/forms.
3. **Signatures.** This form must be signed by the person responsible for conducting the remediation, the person establishing and maintaining a Remediation Funding Source/Financial Assurance, and the Licensed Site Remediation Professional (LSRP)

RFS vs. FA

Please make sure you check the appropriate box to indicate if the form is being completed for a remediation funding source reporting requirement or a financial assurance reporting requirement.

4. Completed forms should be sent to:

Bureau of Case Assignment & Initial Notice
Site Remediation and Waste Management 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, e.g., ABC Corporation Site;
- **List All AKAs:** List 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) and indicate if it is a township, a borough, village, or city. NOTE: This should be the name of the municipality and not the local name;
- **County:** Provide the name of the county(ies) where the site is located;
- **Zip Code:** Self-explanatory;
- **Program Interest (PI) Number(s) or RFS Number(s):** Provide the SRP PI or RFS PI Number(s) assigned to the site/case. 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). The RFS PI Number is assigned by the NJDEP upon receipt of an RFS for purposes of tracking RFS information only. The SRP PI should be used for Financial Assurance related filings;
- **Case Tracking Numbers:** Provide all NJDEP generated site identification numbers for this submission (Hotline incident numbers, UST Notice of Intent to Close numbers, ISRA numbers, etc.).

Section B. Person Responsible for Conducting the Remediation

Complete this section for all of the following person/persons that apply. If there is more than one person responsible for conducting the remediation attach additional sheets with the information contained in Section B, to name each person responsible for conducting remediation and identify if that person is responsible to establish and maintain a remediation funding source. The person responsible for conducting remediation includes:

1. Any person who has executed or is otherwise subject to an oversight document to remediate a contaminated site,
2. The owner or operator of an industrial establishment subject to N.J.S.A.13:1K-6 et seq. for the remediation of a discharge,

3. The owner or operator of an underground storage tank subject to N.J.S.A. 58:10A-21 et seq. for the remediation of a discharge,
4. Any other person who discharges a hazardous substance or is in any way responsible for a hazardous substance, pursuant to N.J.S.A. 58:10-23.11g, that was discharged at a contaminated site, and
5. Any other person who is remediating a site.

Check the box if you are also the person responsible for establishing and maintaining a remediation funding source. Complete Billing Contact information if not the same as the person responsible for conducting the remediation.

EXEMPTION CLAIM FOR RFS ONLY (not FA)

If the person responsible for conducting the remediation is claiming an exemption from the requirement to establish a remediation funding source pursuant to N.J.A.C. 7:26C-5.2(b), please check the box indicating the exemption being claimed. Supporting documentation must be provided for each claim.

The NJDEP's Remediation Funding Source Exemption Guidance provides the eligibility requirements and application process for each exemption. Please review the Remediation Funding Source Exemption Guidance and attach the appropriate supporting documentation. (Guidance available at www.nj.gov/dep/srp/rfs/)

If the exemption only applies to a portion of the site, complete sections C through H only for the portions of the site that are not exempt from establishing a remediation funding source.

Note: Exemptions for Financial Assurance are addressed on the Remedial Action Permit Forms and N.J.A.C. 7:26C-7.10(c)

Section C. Purpose of Submission

Check the box(es) that describes the purpose of submitting this form. Check all that apply and attach all appropriate documentation associated with that check box.

- **Initial Remediation Funding Source:** Check the box if you are establishing a remediation funding source for the first time for a site pursuant to N.J.A.C. 7:26C-5.2(a). Attach 1% surcharge payment payable to "Treasurer, State of New Jersey", as applicable pursuant to N.J.A.C. 7:26C-5.9. Complete Sections A, B, C, D, E, I, J, and K (as appropriate).
- **Initial Financial Assurance for a Remedial Action Permit:** Check the box if you are establishing financial assurance for the first time for a site pursuant to N.J.A.C. 7:26C-7. Complete Sections A, B, C, D, E, I, J, and K (as appropriate).
- **Initial Direct Oversight Remediation Trust Fund Agreement:** Check the box if you are establishing a Remediation Trust Fund Agreement for a site pursuant to N.J.A.C. 7:26C-14.2(b)5. Attach 1% surcharge payment payable to "Treasurer, State of New Jersey", as applicable pursuant to N.J.A.C. 7:26C-5.9. Complete Sections A, B, C, D, E, I, J, and K (as appropriate).
- **Initial Direct Oversight Cost Review: Check the box if you are submitting an initial remediation cost review pursuant to N.J.A.C. 7:26C-14.2(b)4**
- **Annual Remediation Cost Review:** Check the box if you are submitting the annual remediation cost review pursuant to N.J.A.C. 7:26C-5.10. Complete Sections A, B, C, D, E, F, I, J, and K (as appropriate). Attach RFS instrument verification and valuation for a complete annual RFS package.
- **Biennial Cost Estimate:** Check the box if you are submitting the biennial cost estimate pursuant to N.J.A.C. 7:26C-7.10(a)1 Financial Assurance Requirements for Remedial Action Permits that include engineering controls. Complete Sections A, B, C, D, E, F, I, J, and K (as appropriate).
- **Changes in Remediation Funding Source or Financial Assurance Amount:** Check the box to notify the NJDEP of a decrease or increase in the amount of remediation funding source or financial assurance established, pursuant to N.J.A.C. 7:26C-5.11. For example, if the LSRP determines that the cost estimate to complete remediation of the site is less than what is currently posted as RFS. Or if the person responsible for conducting the remediation wants to use the RFS as FA and the amount of what is currently posted as RFS needs to be adjusted up or down in order to equal the amount that's needed for FA. Complete Sections A, B, C, D, E, I, J, and K (as appropriate).
- **Change in Remediation Funding Source or Financial Assurance Mechanism:** Check the box to notify the NJDEP of a change in the type of mechanism being used to meet the remediation funding source or financial assurance requirements, pursuant to N.J.A.C. 7:26C-5.11(d). Complete Sections A, B, C, D, E, I, J, and K (as appropriate).

- **Remediation Funding Source Disbursement Notification pursuant to N.J.A.C. 7:26C-5.12(a):** Check the box to notify the NJDEP that a disbursement has been made from the remediation funding source and that the remediation funding source amount has changed, pursuant to N.J.A.C. 7:26C-5.12. Complete Sections A, B, C, D, G, I, J, and K (as appropriate).
- **Remediation Funding Source Disbursement Request pursuant to N.J.A.C. 7:26C-5.12(b)-Direct Oversight:** Check the box to notify the NJDEP that a disbursement is being requested pursuant to N.J.A.C. 7:26C-5.12(b). Complete Sections A, B, C, D, H, I, J, and K (as appropriate).
- **Remediation Funding Source/Financial Assurance Disbursement Request pursuant to N.J.A.C. 7:26C-5.13(d)-Department held RFS/FA:** Check the box to notify the NJDEP that a disbursement is being requested pursuant to N.J.A.C. 7:26C-5.13(d). Complete Sections A, B, C, H, I, J, and K (as appropriate).
- **Request release of the Remediation Funding Source or Financial Assurance:** Check the box if you are submitting this form to request that the NJDEP release the remediation funding source/financial assurance pursuant to N.J.A.C. 7:26C-5.11(e). Complete Sections A, B, C, D, I, J, and K (as appropriate).
- **Using a Remediation Funding Source as Financial Assurance:** Check the box and request release of the Remediation Funding Source if you are using the established RFS as the FA. For more information about using RFS as FA, refer to the Financial Assurance section of the Remedial Action Permit Applications Instructions (section H). The applications can be found at: www.nj.gov/dep/srp/srra/forms. When the NJDEP receives this form with this box checked, it will confirm no further areas of concern or media are to be addressed at this site and the permit is the final remediation activity prior to the issuance of the Response Action Outcome and The RFS record will be closed for this site. Complete sections A, B, C, D, E, I, J, and K (as appropriate).

Section D. Type of Remediation Funding Source or Financial Assurance Posted

Initial or existing remediation funding source or financial assurance:

- Check the appropriate box to indicate whether the mechanism(s) are for a Remediation Funding Source or Financial Assurance. Also, check the appropriate box(es) to indicate the type(s) of remediation funding source or financial assurance mechanisms established for the site. Note that Self Guarantee is not a mechanism available for use as a financial assurance for remedial action permits.

Replacement remediation funding source:

- If you are replacing the existing established remediation funding source or financial assurance mechanism with another mechanism, check the appropriate box(es) to indicate whether the replacement mechanism(s) are for a RFS or FA. Also, check the appropriate box(es) to indicate the type(s) of new remediation funding source or financial assurance mechanisms established for the site. Note that Self Guarantee is not a mechanism available for use as a financial assurance for remedial action permits.

Also note that the NJDEP does not allow Fully Funded Trusts, or Performance Bonds as mechanisms for use in meeting the remediation funding source or financial assurance requirements.

1. Provide the expiration date of the remediation funding source or financial assurance mechanism established;
2. Provide the amount of remediation funding source or financial assurance posted as of the date of this filing, prior to increases or decreases made pursuant to N.J.A.C. 7:26C-5.11, and disbursements made pursuant to N.J.A.C. 7:26C-5.12.
3. Indicate if you want to disburse, reduce or increase the amount of the Remediation Funding Source. If "Yes," indicate if you want to disburse, reduce or increase the RFS and the amount by which.

Section E. Remediation Cost Estimation

1. Check all the boxes that apply that describe the method(s) used to calculate the remediation cost review/estimate.
 - Racer® is a remedial response cost estimating software developed by the United States government and is commercially available;
 - Cost-Pro® is a remedial response cost estimating software developed specifically for the RCRA Program and is commercially available;
 - Surrogate Cost – these costs may be used when submitting a Remediation Certification and a preliminary assessment and/or site investigation has not been completed. The surrogate remediation amount may be applied as follows:
 - minimum acceptable surrogate amount when no contamination information is known: **\$100,000**

- minimum acceptable surrogate amount when known ground water contamination is present at the site:
\$250,000
 - The LSRP must certify to the use of the surrogate amount with the submission of the initial remediation cost review form. At the time of the first annual cost review, the surrogate amount must be replaced with a site specific detailed cost estimate amount. Applying the surrogate amount beyond the first annual cost review requires the NJDEP's approval.
 - LSRP/Consultant calculated the estimate independently or a combination of the methods in this Section including this method were used, identify the source of the information used for the cost factors and or unit prices. Do not include sources used to estimate quantities. Also, submit the documentation used to generate the calculation.
2. Remediation costs are defined at N.J.A.C. 7:26C-1.3. The amount calculated in a cost estimate for the remediation includes the cost to operate, maintain and inspect engineering controls and NJDEP's fees and oversight costs.
- Provide the estimated cost:
- a. To complete the remediation for a RFS that is being established pursuant to the Brownfields and Contaminated Sites Act at N.J.S.A. 58:10B-3.a.
- or**
- b. To operate, maintain and monitor an engineering control(s) for Financial Assurance required for a Remedial Action Permit.
3. Provide the full legal name of the party who prepared the cost estimate.

Section F. Cost Review for Remediation Funding Source and Financial Assurance

1. Remediation Funding Source – due annually

- a. Provide the date you submitted the most recent annual remediation cost review/estimate that was submitted to the NJDEP prior to the one being submitted with this form;
- b. Provide the total amount of monies spent to date in remediation costs and attach a summary of the monies spent;
- c. Provide the estimated cost to complete ALL remaining remediation and attach a summary of the remaining costs to complete the remediation; and
- d. Provide an explanation of any changes from the most recent cost review/estimate.

2. Financial Assurance – due biennially

- a. Provide the date you submitted the most recent annual remediation cost review/estimate that was submitted to the DEP prior to the one being submitted with this form;
- b. Provide the cost to operate, maintain and monitor the engineering control for the life of the engineering control;
- c. Provide an explanation of any changes from the most recent cost review/estimate.

Section G. LSRP Authorized Disbursements Notification and Request for NJDEP Reduction Approval

(Only applicable to Remediation Funding Source)

- 1. Provide the date the last notification and request for NJDEP reduction approval was submitted. Please note that pursuant to N.J.A.C. 7:26C-5.12(a), reduction requests may not be made more frequently than once every 3 months for costs incurred or to be incurred. If there have been no previous notification/reduction requests submitted the NJDEP, enter "NA".
- 2. If the RFS mechanism is a Remediation Trust Fund or a Line of Credit, and the mechanism contains the paragraph from the NJDEP's model document allowing the LSRP to authorize disbursement from the RFS:
 - a. Provide the date that the LSRP authorized the holder of the Remediation Trust Fund or Line of Credit to Disburse funds and append a copy of the letter to the holder authorizing the disbursement. This will serve as notification to the NJDEP pursuant to N.J.A.C. 7:26C-5(a). The letter to the holder must contain all of the requirements in N.J.A.C. 7:26C-5.12(a) 1-3.
 - b. Indicate the total amount of the authorized disbursement.
 - c. Provide the date the holder of the RFS mechanism disbursed the funds.
 - d. Provide the amount remaining in the RFS after the disbursement. Note that N.J.A.C. 7:26C-5.12(c) requires that the LSRP must provide the NJDEP with notice of the disbursement and the amount of the remaining RFS within 30 days of the disbursement.

3. If you are requesting NJDEP's written authorization to reduce an RFS mechanism that is not for remediation costs incurred or to be incurred:
 - a. Indicate the amount of funds you are requesting the NJDEP authorize the provider of the RFS mechanism to reduce.
 - b. Provide RFS account information (e.g., bank name, account number, etc.).

Section H. Request for NJDEP Authorized Disbursements

Only for sites subject to the NJDEP Direct Oversight pursuant to N.J.A.C. 7:26C-14 or monies pursuant to N.J.A.C. 7:26C-5.13:

1. Indicate the total amount requested to be disbursed.
2. Provide a list of the parties/individuals that will receive a disbursement, provide the parties'/individuals' mailing address, and provide specific amounts of disbursement for each party/individual.
3. Provide a detailed description of the remediation costs incurred or to be incurred and provide a description of remediation that has been completed or will be completed with the disbursement.
 - a. For remediation costs that have been incurred, include a Remediation Report documenting the completion of the remediation activities.
 - b. For remediation costs TO BE incurred, include a proposed scope of work of the remediation activities to be conducted. NOTE: Proof of completion of these activities should be submitted prior to or with the next disbursement request.
4. Attach a detailed summary of the remaining costs (not covered by this disbursement) to complete ALL remaining remediation.

Section I. 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.

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

The certification in this section shall be signed and dated by the person responsible for conducting the remediation. 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 conducting the remediation;
 - Provide the full name of the representative of the person responsible for conducting the remediation, pursuant to N.J.A.C. 7:26C-1. Enter "Same" if the representative is the same person as the person responsible for conducting the remediation;

- Provide the title of the representative of the person responsible for conducting the remediation;
- Provide the telephone number, extension number, and fax number of the representative of the person responsible for conducting the remediation;
- Provide the mailing address, including the city/town, state, and zip code of the representative of the person responsible for conducting the remediation;
- Provide the email address of the representative of the person responsible for conducting the remediation;
- The representative for the person responsible for conducting the remediation shall provide:
 - ❖ His/her signature where indicated;
 - ❖ His/her name and title (i.e., President, CEO); and
 - ❖ The date when the signing occurred.

Check the box if you are also the person responsible for establishing and maintaining a remediation funding source.

Section K. Person Responsible for Establishing and Maintaining a Remediation Funding Source/Financial Assurance

If the person responsible for conducting the remediation is not the person that has established the remediation funding source/financial assurance, complete section K. Please note that only the person responsible for conducting the remediation may establish a Self Guarantee.