

## **Soil Remedial Action Permits**

A Soil Remedial Action Permit is required whenever a remedial action includes leaving soil contamination in place at concentrations in excess of the unrestricted use Soil Remediation Standards N.J.A.C. 7:26D. A permit must be issued by the Department prior to the LSRP issuing the Response Action Outcome (RAO).

Action	When	Forms	Fees	Other sources of info	Rule citations
Implement the remedial action including the installation of engineering controls as applicable	After submittal of the RAW, and before submitting the Soil Remedial Action Permit Application and RAR	NA	Submit Annual Fees to Treasury upon receipt of Invoice	<a href="#">Technical Guidance on the Capping of Sites Undergoing Remediation</a>	7:26C-7.2 7:26C-Appendix B  7:26E-5.1 to 5.7
Establish the institutional controls by filing the Deed Notice with the applicable county government	After implementing the remedial action and before submitting the soil Remedial Action Permit Application	NA	NA	<a href="#">Remedial Action Permit for Soils Guidance</a>	7:26C-7.2  7:26C-Appendix B
<b>Initial Remedial Action Permit Application</b>					
Submit the Remedial Action Permit Initial Application - Soil including: <ul style="list-style-type: none"> <li>• Permit application fee</li> <li>• A paper and electronic copy of the Deed Notice that has been filed with the county government that shows proof of filing.</li> <li>• A copy of the RAR that includes the area(s) addressed by the Deed Notice</li> </ul>	30 days after the Deed Notice is recorded with the county government	<a href="#">Remedial Action Permit Initial Application - Soil Remediation Cost Review and RFS/FA Form</a> (if applicable)  <a href="#">Remedial Action Report Form</a>  <a href="#">Case Inventory Documents Worksheet</a>  <a href="#">Receptor Evaluation Form</a>	\$1,430	<a href="#">Remedial Action Permit for Soils Guidance</a>  <a href="#">Fee/Oversight Cost Guidance</a>  <a href="#">GIS Guidance</a>	7:26C-4.6 7:26C-7.5(b) 7:26C-7.6(b) 7:26E-5.7

Action	When	Forms	Fees	Other sources of info	Rule citations
<ul style="list-style-type: none"> <li>• A copy of each No Further Action (NFA) letter the Department issued for the site or AOC (if applicable)</li> <li>• A Remediation Cost Review and RFS/FA form with original Financial Assurance Instrument (if applicable)</li> <li>• A GIS compatible map of the Deed Notice boundary</li> </ul>					
<b>DEP issues the Soil Remedial Action Permit</b>					
Determine the ongoing protectiveness of the remedial action and conduct monitoring and maintenance of the Deed Notice Restricted Area	Periodically, as outlined in the Deed Notice and/or as recommended by the LSRP	NA	NA	<a href="#">Remedial Action Permit for Soils Guidance</a>	7:26C-7.8(b)2
Submit a Soil Remedial Action Protectiveness / Biennial Certification Form	Biennially, by the date established in the Remedial Action Permit Schedule	<a href="#">Remedial Action Protectiveness / Biennial Certification Form - Soil</a>  <a href="#">Remediation Cost Review and RFS/FA Form</a> (if applicable)	Ensure the annual Soil Remedial Action Permit fees are paid to date	<a href="#">Remedial Action Permit for Soils Guidance</a>  <a href="#">Fee/Oversight Cost Guidance</a>	7:26C-4.6  7:26C-7.8(b)

Action	When	Forms	Fees	Other sources of info	Rule citations
<b>Remedial Action Permit Transfer/Change of Ownership</b>					
The remediating party must request that the Department transfer the Remedial Action Permit after a sale or transfer of the property.	60 days after the sale or transfer	<a href="#">Remedial Action Permit Transfer/Change of Ownership Application</a>	\$550	<a href="#">Remedial Action Permit for Soils Guidance</a>  <a href="#">Fee/Oversight Cost Guidance</a>	7:26C-4.6
<b>Permit Modification</b>					
<p>A permit modification is required when</p> <ul style="list-style-type: none"> <li>The remedial action is determined to be not adequately protective of public health safety and of the environment</li> <li>There is a proposal to change the engineering or institutional control</li> <li>The RA is modified</li> <li>The permittee changes its address</li> <li>There is a change in the person designated as having “Primary Responsibility for Permit Compliance” among the current co-permittees</li> </ul>	Within 30 days after the occurrence	<a href="#">Remedial Action Permit Modification Application -Soil</a>  <a href="#">Remediation Cost Review and RFS/FA Form</a> (if applicable)  <a href="#">Model Termination of Deed Notice and Model Deed Notice</a>  <a href="#">Remedial Action Report Form</a>  <a href="#">Case Inventory Documents Worksheet</a>  <a href="#">Receptor Evaluation Form</a>	\$1,320	<a href="#">Remedial Action Permit for Soils Guidance</a>  <a href="#">Fee/Oversight Cost Guidance</a>	<p>7:26C-4.6</p> <p>7:26C-7.12</p> <p>7:26C- Appendix B</p> <p>7:26C-Appendix</p>

<p>Submit the following for the modification of a Soil Remedial Action Permit:</p> <ul style="list-style-type: none"> <li>• Remedial Action Permit Modification Application - Soil form</li> <li>• A description of remedial actions taken within a RAR (if applicable)</li> <li>• A copy of a filed termination of the original Deed Notice and a copy of the filed new Deed Notice (if applicable)</li> <li>• Permit application fee</li> </ul>					
<p><b>Minor alterations, improvements and disturbances</b></p> <p>Call the DEP Hotline</p> <p>A formal permit modification is <u>not</u> needed for a minor disruption of an engineering control if the site is returned to its original condition within 60 days.</p> <p>Submit a description of the disruption and site restoration.</p>	<p>With the submission of the next required biennial certification.</p>	<p><a href="#">Remedial Action Protectiveness / Biennial Certification Form - Soil</a></p>	<p>Ensure the annual Soil Remedial Action Permit fees are paid to date</p>	<p><a href="#">Remedial Action Permit for Soils Guidance</a></p> <p><a href="#">Fee/Oversight Cost Guidance</a></p>	<p>7:26C-4.6</p> <p>7:26C- Appendix B</p>

Action	When	Forms	Fees	Other sources of info	Rule citations
<b>Termination of Remedial Action Permit</b>					
<p>The Permittee may request that the Department terminate a remedial action permit when:</p> <ul style="list-style-type: none"> <li>Residential Soil Remediation Standards have been achieved</li> </ul>	<p>After termination of the original Deed Notice that has been recorded with the county government</p>	<p><a href="#">Remedial Action Permit Termination Application - Soil</a></p> <p><a href="#">Remediation Cost Review and RFS/FA Form</a> (for release of FA if applicable)</p> <p><a href="#">Model Termination of Deed Notice</a></p> <p><a href="#">Remedial Action Report Form</a></p> <p><a href="#">Case Inventory Documents Worksheet</a></p> <p><a href="#">Receptor Evaluation Form</a></p>	<p>\$1,100</p>	<p><a href="#">Remedial Action Permit for Soils Guidance</a></p>	<p>7:26C-4.6</p> <p>7:26C-7.13</p> <p>7:26C-Appendix C</p>
<b>Post NFA Cases</b>					
<p>When a restricted use or limited restricted use final remediation document (NFA) was issued, ongoing monitoring and maintenance of the institutional and engineering controls remained required as long as the controls are in place. Under the Administrative Requirements for the Remediation of</p>	<p>Two years after the last biennial certification was due to the Department, but in any case, no later than May 7, 2014</p>	<p><a href="#">Remedial Action Protectiveness / Biennial Certification Form - Soil</a></p> <p><a href="#">Remedial Action Permit Application for Soil</a></p> <p><a href="#">Remediation Cost Review and RFS/FA Form</a> (if applicable)</p>	<p>See <a href="#">Post-No Further Action Compliance Notice (June 5, 2023)</a></p>	<p><a href="#">Remedial Action Permit for Soils Guidance</a></p> <p><a href="#">Fee/Oversight Cost Guidance</a></p>	<p>7:26C-4.6</p> <p>7:26C-7.4</p> <p>7:26C-7.5</p> <p>7:26C-7.6</p>

<p>Contaminated Sites (N.J.A.C. 7:26C), a remedial action permit is required to continue the ongoing monitoring and maintenance of the institutional and engineering controls. If a remedial action permit has not been obtained, retain a Licensed Site Remediation Professional to submit a Soil Remedial Action Protectiveness / Biennial Certification Form and Submit the Remedial Action Permit Initial Application - Soil including:</p> <ul style="list-style-type: none"> <li>• Permit application fee</li> <li>• Historic Annual Remediation Fees</li> <li>• A paper and electronic copy of the Deed Notice that has been filed with the county government that shows proof of filing.</li> <li>• A copy of the RAR that includes the area(s) addressed by the Deed Notice</li> <li>• A copy of each No Further Action (NFA) letter the Department issued for the site or AOC</li> <li>• A Remediation Cost Review and RFS/FA Form with original Financial Assurance Instrument (if applicable)</li> </ul>					
--	--	--	--	--	--

## **Footnotes**

1. Conduct additional remediation unless prior Department approval is required by rule.
2. Submit a Remedial Action Workplan prior to conducting any modification of the Deed Notice/Remedial Action at the site.

### **All Soil Remedial Action Permit Applications shall be sent to:**

NJDEP  
Case Assignment/Initial Notice  
Contaminated Site Remediation & Redevelopment  
NJ Department of Environmental Protection  
401-05H  
PO Box 420  
Trenton, NJ 08625-0420

### **Soil Permit Information:**

Questions regarding Soil Remedial Action Permit Applications, Remedial Action Protectiveness/Biennial Certification forms, and Annual Fee requirements can be addressed to the Bureau of Remedial Action Permitting at (609)-984-2556.