



New Jersey
Department of Environmental Protection



Site Remediation Program

Fee Guidance Document

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I. GENERAL INTRODUCTION

The purpose of this guidance is to assist persons in determining what fees apply to them when they are doing business with the Department's Site Remediation Program and also, when those fees are due.

All of the administrative requirements for conducting a remediation, including remediation fees, are consolidated in the Administrative Requirements for the Remediation of Contaminated Sites (ARRCS) rules at Subchapter 4 (N.J.A.C. 7:26C-4). This does not mean, however, that all fees that are due and payable are consolidated in that Subchapter. For example, fees to be paid by a person conducting a linear construction project are set forth in ARRCS at N.J.A.C. 7:26C-16.3. Similarly, if you are an underground storage tank owner or operator, you are also subject to UST owner/operator fees, all of which remain in the Underground Storage Tank rules, N.J.A.C. 7:14B. It is therefore incumbent on every person to check all applicable rules and regulations to determine whether fees in addition to those discussed in this guidance are due and payable.

To aid in that regard, this guidance is arranged in eight sections. The first section describes the four types of fees that are codified in ARRCS Subchapter 4, including the Annual Remediation Fee, Individual Document Review Fees, Remedial Action Permit Fees, and Oversight Cost Billing.

The remaining sections of this guidance discuss fees and circumstances that are specific to UST owners/operators, persons that trigger Industrial Site Recovery Act (ISRA), persons who are remediating a discharge from an unregulated heating oil tank (UHOT), fees applicable to those persons engaged in linear construction projects, and finally which fees are applicable to municipalities. Child care center fees are currently under review and will be added to guidance document in the future.

Keep in mind the following as you read this guidance:

- ARRCS Subchapter 4 provides that the Department may annually reevaluate the annual remediation fee and the remedial action permit fee pursuant to formulas set forth in the ARRCS rules at N.J.A.C. 7:26C-4.2 and 5, respectively. Accordingly, these fees are subject to change. The Department will publish any revised fees in the Annual Site Remediation Reform Act Program Fee Calculation Report pursuant to N.J.A.C. 7:26C-4.2(c), in Subchapter 4 of the ARRCS rules, and in updated versions of this guidance.
- Examples provided throughout this guidance are for illustrative purposes only. This guidance does not take into consideration every combination or scenario. If your specific scenario is not discussed within this guidance and additional questions remain after reading this guidance, please contact the Department representative identified in Appendix B whose stated expertise most closely fits with your circumstances.
- It is important to note that the requirements for establishment of a Remedial Funding Source (RFS) and Financial Assurance (FA) are separate and distinct from the annual remediation and other fees included in Subchapter 4 of the ARRCS rules and discussed in

this guidance. Persons who are obligated to maintain RFS or FA must continue that obligation under the LSRP program. See Subchapter 5 in the ARRCs rule for RFS and FS requirements and www.nj.gov/dep/srp/rfs/ for additional related information.

II. ARRCs SUBCHAPTER 4 FEES AND OVERSIGHT COSTS

A. INTRODUCTION

This guidance applies to the following five categories of persons, each of whom is a “person responsible for conducting the remediation,” (see ARRCs at N.J.A.C. 7:26C-2.2 for a list of triggers and 2.3 for what that person is required to do once 2.2 is triggered):

- Any person who executes or is otherwise subject to a memorandum of agreement, memorandum of understanding, administrative consent order, remediation agreement, or administrative order to remediate a contaminated site;
- 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;
- 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;
- 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, or
- Any other person who is remediating a site.

Subchapter 4 of ARRCs contains the following four types of fees, each of which will be discussed in this section:

- Annual Remediation Fees (N.J.A.C. 7:26C-4.3)
- Individual Document Review Fees (N.J.A.C. 7:26C-4.4)
- Remedial Action Permit Fees (N.J.A.C. 7:26C-4.6)
- Oversight Costs (N.J.A.C. 7:26C-4.7, 8 and 10)

B. DEFINITIONS

“Annual remediation fee” is the fee that the person responsible for conducting the remediation is required to pay to the Department on an annual basis when the person is required to conduct remediation.

“Child care center fees” are the fees that an owner or operator of a child care center are required to pay pursuant to ARRCs, N.J.A.C. 7:26C-4.4 (currently under review).

“Contamination” or “contaminant” means any discharged hazardous substance as defined in N.J.S.A. 58:10-23.11b, hazardous waste as defined in N.J.S.A. 13:1E-38, or pollutant as defined in N.J.S.A. 58:10A-3.

“Contaminated media additive” is that part of the annual remediation fee that reflects a dollar value for each contaminated medium (ground water, surface water, or sediment) contaminated by a discharge at a site or area of concern. See, N.J.A.C. 7:26C-4.2(b)5 and 6.

“Contaminated area of concern” (CAOC) means, for the purpose of assessing the annual remediation fee, an area of concern, pursuant to the Technical Requirements for Site Remediation N.J.A.C. 7:26E-1.8, where contamination has been confirmed to have impacted soil above the applicable remediation standard. **NOTE: Each contaminated area of concern is to be identified individually, as a separate and distinct area, for the purposes of calculating the applicable fee, and no areas of concern may be combined unless specified categorically.**

C. ANNUAL REMEDIATION FEE

Each year until an LSRP has issued a Remedial Action Outcome (RAO) for **all** CAOCs and **all** contaminated media at the site, the person responsible for conducting the remediation must pay the annual remediation fee as the Department directs in its annual remediation fee invoice (see N.J.A.C. 7:26C-4.3(a)5).

In accordance with N.J.A.C. 7:26C-4.3(g) when a portion or a condition of the remediation becomes subject to direct oversight pursuant to N.J.S.A. 58:10C-27, (e.g. enforcement actions, failure to meet timeframes, specific contaminant types, Remedial Priority System ranking) the person responsible for conducting the remediation shall pay the annual remediation fee every year **and** the Department’s oversight costs pursuant to N.J.A.C. 7:26C-4.7. Circumstances under which direct oversight of a portion or condition of the remediation might be required are outlined under Section II.F of this guidance.

In accordance with N.J.A.C. 7:26C-4.3(h), when the entire remediation becomes subject to direct oversight, the person responsible for conducting the remediation shall continue to pay the annual remediation fee until it submits its next remedial phase document to the Department. From that point on, the person responsible for conducting the remediation shall only pay the Department’s oversight costs as long as the entire remediation is in direct oversight.

1. Exceptions to paying the annual remediation fee

The following persons responsible for conducting the remediation do not have to pay the annual remediation fee in the following circumstances, as per N.J.A.C. 7:26C-4.3(i):

- Upon receipt of notice from the Department that it has assigned a full time case manager to the entire site; or

- If that person is the owner or operator of an unregulated heating oil tank system (see Section V of this guidance).

Additionally, a **governmental entity** that is not liable under the Spill Act at N.J.S.A. 58:10-23.11g.d(4) is required to pay the annual fee, however, certain conditions and exceptions apply.

Finally, a **public entity, or a non-profit organization that meets the definition set forth at 26 U.S.C. §501(c)3**, that is remediating a brownfield development area, is also required to pay the annual remediation fee, however, the rules allow favorable treatment in calculating the fee.

Refer to Section VIII of this guidance for additional reference regarding governmental/public entities and non-profit organizations.

2. Determining the Annual Remediation Fee using Contaminated Area of Concern Categories and Contaminated Media Additives

The annual remediation fee is structured to provide a monetary incentive for the person responsible for conducting the remediation to quickly remediate the site. This incentive arises from the fact that the annual remediation fee is based on the number of contaminated areas of concern and on the types of contaminated media (ground water, sediment, and ground water contaminated above a Surface Water Quality Standard that is migrating into surface water). As remediation progresses, such that areas of concern and/or contaminated media are remediated, the total annual remediation fee will necessarily decrease for the site.

To put it in the form of an equation:

$$\text{The annual remediation fee} = \text{The contaminated area of concern Category fee} + \text{The contaminated media additive fee}$$

Where:

The **contaminated area of concern Category fee** is based upon the number of areas of concern at the particular site; and

The **contaminated media additive fee** is based on the number of contaminated media at the site

To calculate the **contaminated area of concern fee**, the person responsible for conducting the remediation should:

- Determine how many contaminated areas of concern exist on site;
- Determine which contaminated area of concern fee category (discussed below) applies;
- Multiply the base fee set forth at N.J.A.C. 7:26C-4.3 by the multiplier for that category.

To calculate the **contaminated media fee**, the person responsible for conducting the remediation should:

- Determine how many media are contaminated at the site; and
- Multiply that number by the contaminated media base fee set forth at N.J.A.C. 7:26C-4.3(a)2;

The annual fee equation presented above can be further refined as follows:

$$\text{Annual Fee} = (\text{CAOC Base fee} \times \text{Category multiplier}) + (\text{CM Base fee} \times \text{Number of contaminated media})$$

Where: **CAOC** = Contaminated Areas of Concern
CM = Contaminated Media

The next two sections of this guidance discuss the Contaminated Area of Concern Categories and the Contaminated Media Additive.

3. Contaminated Area of Concern Categories

The contaminated area of concern fee consists of four fee categories which are described in the ARRCs rules at N.J.A.C. 7:26C-4.2(b)4. Each category is listed and described below.

Category 1: 0 to 1 CAOCs; (\$705); Four types of CAOCs fall into Category 1;

- Zero or one area of concern, none of which consists of contamination from a regulated underground storage tank (regulated underground storage tanks fall in Category 2 and higher);
- Where historic fill is the only contaminated area of concern (See Appendix A for further discussion and example of historic fill);
- The number of CAOCs has not been determined based on the information known at the time the fee is calculated; or
- Where a single regulated heating oil tank system is the only area of concern at the site.

For example, consider a CAOC that resulted from a contamination hot spot impacting soils, only. Here, there is one CAOC, and therefore the applicable category is Category 1.

Taking the above example one step further, let's say the hot spot also resulted in a plume of contaminated ground water. There is still only one CAOC, and the applicable category is Category 1. Additionally, since ground water is impacted, the contaminated media fee (discussed below) also applies.

Taking the above example one more step, let's say that the soil hot spot is remediated but the contaminated ground water plume remains to be remediated. There are now zero contaminated areas of concern, and the applicable category is Category 1. As noted previously, since ground water is impacted, the contaminated media fee (discussed below) also applies.

The fee for Category 1 sites is the **base fee**. Effective July 1, 2015, the base fee is \$705 (see N.J.A.C. 7:26C-4.3(a)2).

Note: Category 1 Fees may also apply when all CAOCs and impacted media are remediated prior to the initial annual fee becoming due and the annual remediation fee is being remitted, as required prior to the issuance of the RAO.

Category 2: 2 to 10 CAOCs; (\$1,410); Two types of CAOCs fall into Category 2;

- Those sites with two to 10 CAOCs; or
- Those sites on which are located any number of regulated underground storage tank systems, except a single regulated heating oil tank system, provided there are no other soil CAOCs at the site.

Note: As an example, if the site contains 15 regulated underground storage tank system areas and these were the only areas of concern at the site, the person would be subject to Category 2 fees. However, if this same site also had one other type of contaminated area of concern, the Department would consider the number of areas of concern at this site as 16, and the person would be subject to Category 3 fees.

The fee for Category 2 sites is two times the base fee. Effective July 1, 2015, the Category 2 fee is \$1,410 (see N.J.A.C. 7:26C-4.3(a)2).

Category 3: 11 to 20 CAOCs; (\$7,755); Three types of CAOCs fall into Category 3;

- Those sites with 11 to 20 soil CAOCs;
- Those sites with 11 through 20 soil CAOCs, at least one of which is a contaminated regulated underground storage tank area of concern; or
- There is at least one sanitary landfill area of concern, whether by itself or with any other contaminated area of concern.

The fee for Category 3 sites is 11 times the base fee. Effective July 1, 2015, the Category 3 fee is \$7,755 (see N.J.A.C. 7:26C-4.3(a)2).

Category 4: >20 CAOCs; (\$15,510); Two types of CAOCs fall into Category 4;

- Those sites with more than 20 soil CAOCs; or
- Those sites with more than 20 soil contaminated areas of concern, at least one of which is a contaminated regulated underground storage tank area of concern.

The fee for Category 4 sites is 22 times the base fee. Effective July 1, 2015, the Category 4 fee is \$15,510 (see N.J.A.C. 7:26C-4.3(a)2).

4. Contaminated Media Additives

Contaminated media additives apply when contaminants have impacted ground water, surface water and/or sediments, as per N.J.A.C. 7:26C- 4.2(b)6. Media fees must always be accompanied by one of the CAOC Category Fees noted above (i.e., 0 to 1 CAOC minimum).

The **Ground Water Contaminated Media Additive** applies when ground water contamination above the applicable remediation standard is present at a site (N.J.A.C. 7:26D, REMEDIATION STANDARDS). The person responsible for conducting the remediation is required to pay the contaminated ground water additive only once for each site, regardless of the size of the plume or the number of plumes (distinct or comingled) at the site. This contaminated media ground water additive applies until a ground water remedial action permit has been issued (if applicable), an LSRP has issued a RAO for all of the contaminated ground water attributable to the site, or the ground water no longer exceeds the Ground Water Remediation Standards. A Ground Water Contaminated Media Additive applies to sites conducting background ground water investigations, until such time that contamination is proven to be unrelated to the site. See Appendix A for further discussion and an example on historic fill as it relates to the ground water media additive.

The **Sediment Contaminated Media Additive** applies when sediments are contaminated above the applicable screening value specified in the Department’s “Guidance for Sediment Quality Evaluation” (http://www.nj.gov/dep/srp/guidance/#eco_eval) and the contaminant is attributable to the site. This Sediment Contaminated Media Additive, applies until an LSRP has issues a RAO for all of the contaminated sediment attributable to the site.

The **Ground Water Migrating into Surface Water Contaminated Media Additive** applies when there is an ongoing, unpermitted discharge from ground water at the site to surface water at levels that exceed the applicable Surface Water Quality Standards, N.J.A.C. 7:9B. The Ground Water Migrating into Surface Water Contaminated Media Additive applies until an LSRP has determined that the discharge to surface water no longer exceeds the Surface Water Quality Standards.

Effective July 1, 2014, the fee for each contaminated media is \$1,750 (see N.J.A.C. 7:26C-4.3(a)2). This fee is not changing for fiscal year 2016, and will remain at \$1,750.

5. Annual Remediation Fee Table

The following table summarizes the annual remediation fee categories and the contaminated media additives discussed above.

| Annual Remediation Fees Effective July 1, 2015 | | |
|---|------------|---|
| Citation | Fee | Citation Summary |
| N.J.A.C. 7:26C- 4.3(a)2i | \$705 | Category 1: 0-1 CAOC |
| N.J.A.C. 7:26C- 4.3(a)2ii | \$1,410 | Category 2: 2-10 CAOC |
| N.J.A.C. 7:26C- 4.3(a)2iii | \$7,755 | Category 3: 11-20 CAOC |
| N.J.A.C. 7:26C- 4.3(a)2iv | \$15,510 | Category 4: >20 CAOC |
| N.J.A.C. 7:26C- 4.3(a)2 | \$1,750 | Media – Ground Water |
| N.J.A.C. 7:26C- 4.3(a)2 | \$1,750 | Media – Sediment |
| N.J.A.C. 7:26C- 4.3(a)2 | \$1,750 | Media – Ground Water Migrating into Surface Water |

6. Submitting the Annual Remediation Fee with the Reporting Form

After identifying the number of CAOCs and the applicable contaminated media additives, and calculating the amount of the annual fee, the person responsible for conducting the remediation should then submit the “Annual Remediation Fee Reporting Form”, on-line via the State of New Jersey Portal, along with the applicable fee (see N.J.A.C. 7:26C- 4.3(a)3). The fee form may be accessed via the portal at www.nj.gov/dep/online.

7. Annual Remediation Fee Due Dates

- Due dates for fees where contamination was discovered and remediation began **after** May 7, 2012

For persons who began conducting remediation after May 7, 2012, the first annual remediation fee is due upon the earliest of the following:

- 1) The submittal of the preliminary assessment report;
- 2) The submittal of a site investigation report;
- 3) The submittal of the first remedial phase document; or
- 4) Forty-five days after the date the person responsible for conducting the remediation is required to notify the Department of the name and contact information for the LSRP hired to conduct the remediation, along with the scope of the remediation, after the occurrence of one of the triggering events listed under N.J.A.C. 7:26C-2.3(a)2i through iv (see N.J.A.C. 7:26C-4.3(a)3).

- Due dates for fees where remediation began **before** May 7, 2012

For persons who began conducting remediation before May 7, 2012 **but did not opt into the LSRP program before May 7, 2012**, the first annual remediation fee was due on June 20, 2012. Billing of the second and subsequent annual remediation fees was staggered throughout the year based on the county in which the sites were located. Invoices for all known contaminated sites in this category are now issued on an annual basis according to the staggered billing schedule developed by the Department.

For persons who began conducting remediation before May 7, 2012 **and opted into the LSRP program prior to that date**, the first annual remediation fee was due not later than 270 after the opt-in date. Invoices for this category of cases are issued annually thereafter.

Pursuant to N.J.A.C. 7:26C-4.3(a)6, if a person responsible for conducting the remediation does not submit the initial annual remediation fee pursuant to N.J.A.C. 7:26C-4.3(a)3, and does not provide information to the Department identifying the number of CAOCs and contaminated media at the site to enable the Department to calculate the appropriate annual remediation fee, that person shall pay a “Default Fee” equal to the applicable Category 2 annual remediation fee, until the information required by N.J.A.C. 7:26C-4.2(b) 3 and (b)5 is provided.

The annual remediation fee submittal due date establishes the anniversary date for that remediation for submittal of subsequent annual remediation fees.

8. Increases and Reductions in amount of annual remediation fee

If the person responsible for conducting the remediation determines that **additional** contaminated soil areas of concern exist or that **additional** environmental media are contaminated, that person is required to let the Department know that the CAOC portion or the contaminated media portion of the annual fee calculation, may need to be adjusted upwards. The person is required to notify the Department at least 90 days prior to the annual remediation fee anniversary date, as per N.J.A.C. 7:26C-4.3(e), by submitting an Annual Remediation Fee Reporting Form, on-line via the State of NJ Portal. The Department will reflect the fee increase in the subsequent annual remediation fee invoice.

Conversely, if the person responsible for conducting the remediation receives a RAO for one or more CAOCs or contaminated media, such that the net result is **fewer** contaminated areas of concern or contaminated media, that person may request that the Department lower the annual fee. To do so, the person is required to notify the Department by submitting the Annual Remediation Fee Reporting Form, on-line, at least 90 days prior to the annual remediation fee anniversary date. The Department will review the request, and if acceptable, the reduced fee will be reflected in the subsequent annual remediation fee invoice.

All fees must be paid to the Department before the RAO is issued. The initial annual fee shall be paid before RAO issuance, even in those cases involving the completion of the entire remediation before any of the events listed above.

NOTE: If an LSRP issues a RAO for all CAOCs and all contaminated media, the person responsible for conducting the remediation is no longer required to pay an annual remediation fee. However, if applicable, a Remedial Action Permit must be issued by the Department before the LSRP issues the RAO. Once the Remedial Action Permit is in place and the RAO has been issued, Remedial Action Permit fees detailed in Section II.E below, as established in ARRCS, N.J.A.C. 7:26C-4.6, will apply.

D. INDIVIDUAL DOCUMENT REVIEW FEES

Individual document review fees that apply to persons remediating unregulated heating oil tanks and that apply to child care center certifications are discussed in Sections V and VI of this guidance.

The following individual document review fees are only due if the person is NOT subject to the annual remediation fees for CAOC and/or media additives discussed above: submittal of a biennial certification and submittal of a confidentiality claim. These certifications/claims, discussed in detail below, should be submitted to the Department on the appropriate form or questionnaire available at: www.nj.gov/dep/srp/srra/forms and should be accompanied by the applicable individual document review fee, as per N.J.A.C. 7:26C-4.4(a)3 and 5.

Any person responsible for conducting the remediation who is submitting a proposal for a discharge to ground water is required to submit a fee with the proposal, as per N.J.A.C. 7:26C-4.4(c), regardless of whether the person is also required to pay the annual fee.

1. Biennial Certification Fees (without a Remedial Action Permit)

When a person responsible for conducting the remediation has implemented a remedial action that includes institutional and/or engineering controls and the Department has not yet issued a remedial action permit for the operation, maintenance and monitoring of the remedial action, the person is required to submit a biennial certification fee with each biennial certification, as per N.J.A.C. 7:26C-4.4(a)3. The biennial certification fee is \$375.

2. Confidentiality Claims

The person responsible for conducting the remediation who wishes to assert a confidentiality claim in accordance with N.J.A.C. 7:26C-15.1(a)2, concerning information submitted to the Department pursuant to the requirements of N.J.A.C. 7:14B, N.J.A.C. 7:26B, N.J.A.C. 7:26C, N.J.A.C. 7:26D and/or N.J.A.C. 7:26E, is required to submit a review fee when submitting documentation to support such a claim to the Department for review. The confidentiality claim fee is \$500.

3. Discharge to Ground Water Proposal Fee

A person responsible for conducting the remediation that requires a Discharge to Ground Water approval from the Department is required to submit a fee with the proposal (see N.J.A.C. 7:26C-4.4(c)). The discharge to ground water proposal fee is \$350.

| Individual Document Review Fees | | |
|--|------------|---|
| Citation | Fee | Citation Summary |
| N.J.A.C. 7:26C-4.4(a)3 | \$375 | Biennial certification fee (without a Remedial Action permit) |
| N.J.A.C. 7:26C-4.4(a)5 | \$500 | Confidentiality claim |
| N.J.A.C. 7:26C-4.4(c) | \$350 | Discharge to ground water proposal fee |

E. REMEDIAL ACTION PERMIT FEES

Remedial action permit (RAP) fees are codified in the ARRCs rules at N.J.A.C. 26C-4.6, and summarized below. RAP fees are applicable to soil and ground water remediation components of a site clean-up such as a Deed Notice, Declaration of Environmental Restriction, Classification Exception Area or an on-going, active, ground water remediation system, all of which require long-term operation and maintenance (For existing cases with these types of controls in place currently, the permit fees will not apply until converted to a remedial action permit).

Detailed guidance documents listed below should be consulted for more information:

Soil:

http://www.nj.gov/dep/srp/guidance/#rap_soils

Ground Water:

http://www.nj.gov/dep/srp/guidance/#rap_gw

| Remedial Action Permit Application, Modification, Transfer, and Termination Fees (applicable if envelope is postmarked on or before June 30, 2015) | | |
|---|------------|--|
| Citation | Fee | Citation Summary |
| N.J.A.C. 7:26C-4.6(a) | \$750 | Soil Remedial Action - Permit Application |
| N.J.A.C. 7:26C-4.4(a) | \$500 | Soil Remedial Action - Permit Modification |
| N.J.A.C. 7:26C-4.6(a) | \$330 | Soil Remedial Action - Permit Transfer |
| N.J.A.C. 7:26C-4.6(a) | \$750 | Soil Remedial Action - Permit Termination |
| N.J.A.C. 7:26C- 4.6(a) | \$1,000 | GW Remedial Action – Natural Attenuation Permit Application |
| N.J.A.C. 7:26C- 4.6(a) | \$750 | GW Remedial Action - Natural Attenuation Permit Modification |
| N.J.A.C. 7:26C- 4.6(a) | \$330 | GW Remedial Action - Natural Attenuation Permit Transfer |
| N.J.A.C. 7:26C- 4.6(a) | \$770 | GW Remedial Action - Natural Attenuation Permit Termination |
| N.J.A.C. 7:26C-4.6(a) | \$1,250 | GW Remedial Action – Active System Permit Application |
| N.J.A.C. 7:26C-4.6(a) | \$1,000 | GW Remedial Action – Active System Permit Modification |
| N.J.A.C. 7:26C-4.6(a) | \$375 | GW Remedial Action – Active System Permit Transfer |
| N.J.A.C. 7:26C-4.6(a) | \$1,100 | GW Remedial Action – Active System Permit Termination |

| Remedial Action Permit Annual Fees for invoices dated on or before June 30, 2015 | | |
|---|------------|---|
| Citation | Fee | Citation Summary |
| N.J.A.C. 7:26C-4.6(b) | \$165 | Soil Annual – with a deed notice without engineering controls |
| N.J.A.C. 7:26C-4.6(b) | \$165 | GW Annual – natural attenuation remedial action |
| N.J.A.C. 7:26C-4.6(b) | \$165 | Soil Annual – with a deed notice and engineering controls |
| N.J.A.C. 7:26C-4.6(b) | \$165 | GW Annual – any other ground water remedial action |

| Remedial Action Permit Application, Modification, Transfer and Termination Fees effective July 1, 2015 (if envelope is postmarked on or after July 1, 2015) | | |
|--|------------|--|
| Citation | Fee | Citation Summary |
| N.J.A.C. 7:26C-4.6(a) | \$940 | Soil Remedial Action - Permit Application |
| N.J.A.C. 7:26C-4.4(a) | \$625 | Soil Remedial Action - Permit Modification |
| N.J.A.C. 7:26C-4.6(a) | \$415 | Soil Remedial Action - Permit Transfer |
| N.J.A.C. 7:26C-4.6(a) | \$940 | Soil Remedial Action - Permit Termination |
| N.J.A.C. 7:26C- 4.6(a) | \$1,250 | GW Remedial Action – Natural Attenuation Permit Application |
| N.J.A.C. 7:26C- 4.6(a) | \$940 | GW Remedial Action - Natural Attenuation Permit Modification |
| N.J.A.C. 7:26C- 4.6(a) | \$415 | GW Remedial Action - Natural Attenuation Permit Transfer |
| N.J.A.C. 7:26C- 4.6(a) | \$965 | GW Remedial Action - Natural Attenuation Permit Termination |
| N.J.A.C. 7:26C-4.6(a) | \$1,565 | GW Remedial Action – Active System Permit Application |
| N.J.A.C. 7:26C-4.6(a) | \$1,250 | GW Remedial Action – Active System Permit Modification |
| N.J.A.C. 7:26C-4.6(a) | \$470 | GW Remedial Action – Active System Permit Transfer |
| N.J.A.C. 7:26C-4.6(a) | \$1,375 | GW Remedial Action – Active System Permit Termination |

| Remedial Action Permit Annual Fees for invoices dated on or after July 1, 2015 | | |
|---|------------|---|
| Citation | Fee | Citation Summary |
| N.J.A.C. 7:26C-4.6(b) | \$205 | Soil Annual – with a deed notice without engineering controls |
| N.J.A.C. 7:26C-4.6(b) | \$205 | GW Annual – natural attenuation remedial action |
| N.J.A.C. 7:26C-4.6(b) | \$205 | Soil Annual – with a deed notice and engineering controls |
| N.J.A.C. 7:26C-4.6(b) | \$205 | GW Annual – any other ground water remedial action |

F. OVERSIGHT COSTS (Hour for Hour Billing)

The Department will maintain the practice of assigning dedicated staff to oversee remediation on existing cases and billing the person responsible for conduction remediation for related oversight costs. In addition, the Department has identified circumstances where it will assign dedicated staff to oversee remediation efforts. When the Department determines that the assignment of dedicated staff is necessary, in addition to the annual remediation fee or other required fees noted herein, the person responsible for conducting remediation is also required to pay the Department’s oversight costs, as reflected in periodic invoices pursuant to N.J.A.C. 7:26C-4.3(g) and 4.7(a).

Circumstances that trigger the assignment of dedicated staff thereby requiring payment of Department oversight costs include:

- Immediate Environmental Concern (IEC) cases
- Direct oversight cases pursuant to SRRA, N.J.S.A. 58:10C-28
- Emergency response cases

Circumstances that may trigger the assignment of dedicated staff include:

- Brownfield Development Area (BDA) cases (guidance under development)
- State and Federal Facilities
- State or Federally funded projects
- Federally regulated sites through CERCLA or RCRA

Should your specific circumstance not be adequately addressed in this guidance document, Appendix B below includes a list of contacts in specific categories of interest. Select the most appropriate category for your circumstances and contact the designated Department representative for assistance.

III. REGULATED UNDERGROUND STORAGE TANK NON-REMEDATION FEES

Non-remediation fees contained in the Underground Storage Tank rules at N.J.A.C. 7:14B-3, are summarized below. These fees are for the registration, modification, installation and closure of an underground storage tank system and associated apparatus. These non-remediation fees apply irrespective of when remediation was initiated.

| UST Non-Remediation Fees | | |
|---------------------------------|------------|--|
| Citation | Fee | Citation Summary |
| N.J.A.C. 7:14B-3.1 | \$150 | The owner or operator of an underground storage tank system shall submit a Registration Fee for each facility upon registration of the facility with the Department. |
| N.J.A.C. 7:14B-3.2(b) | \$150 | The owner or operator shall pay the Facility Certification fee per facility for the three year facility certification cycle and after receiving an invoice from the Department within the time frame set forth in the invoice. |
| N.J.A.C. 7:14B-3.3 | \$35 | The Fee for duplicate Registration Certificates per document |
| N.J.A.C. 7:14B-3.5(c) | \$450 | Permit for the installation or substantial modification of an underground storage tank system. |
| N.J.A.C. 7:14B-3.10(a)1 | \$50 | Nonrefundable examination application fee (see N.J.A.C. 7:14B-3.10(d) below). |
| N.J.A.C. 7:14B-3.10(a)2 | \$375 | Individual UST Certification (see N.J.A.C. 7:14B-3.10(f) below) |

| UST Non-Remediation Fees | | |
|---------------------------------|------------|--|
| Citation | Fee | Citation Summary |
| N.J.A.C. 7:14B-3.10(a)3 | \$50 | UST Business Firm Certification (see N.J.A.C. 7:14B-3.10(e) below). |
| N.J.A.C. 7:14B-3.10(a)4 | \$375 | Renewal of Individual UST Certification. |
| N.J.A.C. 7:14B-3.10(a)5 | \$50 | Renewal of UST Business Firm Certification. |
| N.J.A.C. 7:14B-3.10(a)6 | \$30 | Amendment to Individual UST Certification card and certificate (see N.J.A.C. 7:14B-3.10(g) below). |
| N.J.A.C. 7:14B-3.10(a)7 | \$30 | Replacement of UST Certification card or certificate (see N.J.A.C. 7:14B-3.10(h) below). |
| N.J.A.C. 7:14B-3.10(a)8 | \$15 | Duplicate UST certificate, as required by N.J.A.C. 7:14B-13.1(c). |
| N.J.A.C. 7:14B-3.10(d) | \$50 | Individuals failing examinations shall pay an additional nonrefundable fee for each subsequent application for each classification. |
| N.J.A.C. 7:14B-3.10(e) | \$50 | Business firms applying for UST certification shall pay a single filing fee per application, regardless of the number of classifications for which application is being made. Business firms applying for additional classifications after the original UST certification is issued shall pay an additional application fee. |
| N.J.A.C. 7:14B-3.10(f) | \$375 | Individual applicants satisfying the UST certification requirements shall pay for the certification or the renewal of the certification. Individuals adding additional classifications after the original certification card is issued do not need to pay an additional certification fee. |
| N.J.A.C. 7:14B-3.10(g) | \$30 | Issuance of a new UST certification card or certificate required as a result of amendment to a certification shall result in a fee to the individual. |
| N.J.A.C. 7:14B-3.10(h) | \$30 | Issuance of a replacement UST certification card or certificate required as a result of loss shall result in a fee to the individual or business firm. |

IV. INDUSTRIAL SITE RECOVERY ACT REMEDIATION FEES

There are two alternative compliance options available through the Industrial Site Recovery Act Rules which have an associated fee identified in the rule, N.J.A.C. 7:26B-5. The person responsible for conducting the remediation seeking a certificate of limited conveyance, as per N.J.A.C. 7:26B-5.7(c)9 or a de minimis quantity exemption, as per N.J.A.C. 7:26B-5.9(e), shall comply with the requested compliance options and submit all required documentation with the applicable fee upon submission of the required form.

| ISRA Alternative Compliance Options Fees | | |
|---|------------|--|
| Citation | Fee | Citation Summary |
| N.J.A.C. 7:26B-5.7(c)9 | \$600 | Limited conveyance application fee. |
| N.J.A.C. 7:26B-5.9(e)2 | \$300 | De minimis quantity exemption application fee. |

V. UNREGULATED HEATING OIL TANK PROGRAM FEES

The person responsible for conducting the remediation of a site on which the only area of concern is an unregulated heating oil tank (UHOT) is not required to pay the annual fees discussed in Section II above. However, UHOT owners are subject to the individual document review fees set forth in the following table. Each fee should accompany the applicable document when submitted to the Department, and also accompanied by the applicable fee form, located on the Department’s website at: www.nj.gov/dep/srp/srra/forms/ Further guidance on the UHOT program can be located at: www.nj.gov/dep/srp/unregulatedtanks/

| Unregulated Heating Oil Tank Fees | | |
|--|------------|---|
| Citation | Fee | Citation Summary |
| N.J.A.C. 7:26C- 4.4(a)1 | \$400 | Remedial action report for tanks not regulated by N.J.A.C. 7:14B |
| N.J.A.C. 7:26C-4.4(d) | \$400 | On-Site Coordinator Discharge Authorization |
| N.J.A.C. 7:26C-4.4(a)2 | \$100 | Re-issuance of NFA letter for unregulated heating oil tank system |

VI. CHILD CARE CENTERS

This section of the guidance is under review and will be added to the guidance in the near future.

VII. LINEAR CONSTRUCTION

Pursuant to N.J.A.C. 7:26C-16.2, within 45 days of initiating a linear construction project on property that is known or suspected to be contaminated, the person conducting the project must hire an LSRP to manage the project, notify the Department of the project, and provide the name of the LSRP who has been retained, using forms available at www.nj.gov/dep/srp/srra/forms/ The notification of project implementation that is submitted to the Department must be accompanied by a fee, as specified in the table below. Within 60 days after the linear construction project is completed or upon the Department’s request, whichever occurs sooner, a final report describing the management of contamination encountered during the project must be submitted along with the applicable fee. The fee is based on the number of contaminated properties, or parts of properties, included in the linear construction project.

| Linear Construction Project Fees | | |
|---|------------|--|
| Citation | Fee | Citation Summary |
| N.J.A.C. 7:26C-16.3(a)1 | \$450 | Notification of linear construction project |
| N.J.A.C. 7:26C-16.3(a)2i | \$1,000 | Project extends through 1-5 contaminated properties or parts of contaminated properties |
| N.J.A.C. 7:26C-16.3(a)2ii | \$3,000 | Project extends through 6-10 contaminated properties or parts of contaminated properties |
| N.J.A.C. 7:26C-16.3(a)2iii | \$5,000 | Project extends through 11 or more contaminated properties or parts of contaminated properties |

VIII. FEE REQUIREMENTS FOR GOVERNMENT ENTITIES and NON-PROFITS

A. Government Entities

The Spill Compensation and Control Act (Spill Act) at N.J.S.A. 58:10-23.11(g) exempts government entities from “joint and several” liability, where the government entity involuntarily acquires title to a site by virtue of its function as a sovereign entity, or where the government entity acquires the property by any means for the purpose of promoting redevelopment of that property. The government entity is not liable for any discharge that occurred prior to its ownership of a site that it acquires as a result of bankruptcy, tax delinquency, abandonment, escheat, eminent domain, or condemnation.

As a practical matter, many government entities, usually municipalities, may own a number of such sites but may also lack the revenue to remediate any or all of these properties. As monies become available, they may undertake a part of the remediation, then stop when funding runs low, and resume at a later date when additional funding becomes available. Although these municipalities are obligated to hire an LSRP to conduct any remediation and to remediate in compliance with all applicable rules, these municipalities do not have to conduct the remediation within the mandatory timeframes in the ARRCs rule (although they are encouraged to do so), and are exempt from paying the initial annual remediation fee and subsequent annual remediation fees for years during which they are not remediating, as per N.J.A.C. 7:26C-1.4(f). However, pursuant to N.J.A.C. 7:26C-4.3(a)7, the municipality is required to pay the annual remediation fees discussed in Part II.C of this guidance, but only during any 12 month period during which the governmental entity performs remediation. The fee is due within 45 days of commencing remediation and is subject to the following conditions:

- The municipality must complete and submit the “Exemption from Spill Act Liability Certification” form (www.nj.gov/dep/srp/srra/forms/) which will allow the DEP to set the case up properly in NJEMS. Once the case has been given Spill Act Exempt status it is up to the municipality to submit the Annual Remediation Fee form via the NJ Online Portal. The portal can then be used to notify the DEP whether any work was done during the 12 month period discussed above, so that the appropriate fees are billed correctly.

- The date on which the governmental entity pays the first annual remediation fee becomes that entity's anniversary date on which each subsequent annual remediation fee shall be due;
- If the governmental entity determines to stop remediation for any reason, it is required to notify the Department 90 days prior to its anniversary date, and is thereafter not required to pay subsequent annual remediation fees until such time as the governmental entity determines to resume remediation; and
- When the governmental entity determines to resume remediation, it is required to notify the Department; the date of this notification then becomes the governmental entity's new anniversary date.

However, there is no liability protection to the municipality if it caused or contributed to the discharge of a hazardous substance or if the municipality acquired ownership of the property by condemnation or eminent domain, and that property is being remediated in a timely manner by another party. In cases where the municipality is a responsible party, the municipality must hire an LSRP to oversee the investigation and cleanup of the site, adhere to all mandatory deadlines in the ARRC rule, and pay initial and subsequent annual remediation fees discussed in this guidance, as applicable.

B. Non-Profits

A public entity or a non-profit organization that meets the definition set forth at 26 U.S.C. §501(c)3, that is remediating a brownfield development area, is also required to pay the annual remediation fee. However, these entities may calculate the fee by considering the entire brownfield development area as a single site (rather than having to count and pay for every contaminated area of concern at the site, as discussed above); and may determine the number of contaminated media (also discussed above) site-wide, rather than counting contaminated media for each site within the brownfield development area.

APPENDIX A - Ground Water/Historic Fill

Ground Water/Historic Fill: The following steps outlines what is required to establish a Classification Exception Area (CEA) and Remedial Action Permit (RAP) when ground water contamination at a site is only the result of historic fill (i.e., no operational discharges).

I. Remediation Fees/CEA

1. An annual remediation fee of \$705 (0 to 1 contaminated area of concern (CAOC) is required and will continue every year until a Response Action Outcome is issued by a Licensed Site Remediation Professional (LSRP). No Ground Water Media Additive fee is necessary.
2. CEA/WRA fact sheet is submitted to the Department. The Department establishes the CEA and is responsible for the CEA.
3. No fee for the establishment of the CEA/WRA.
4. No Biennial Certification is required nor is a biennial certification fee assessed for the CEA.
5. No Ground Water Remedial Action Permit is required

II. Remedial Action Soil Permit is required

1. Permit Application fee of \$940 to establish soil permit – with a deed notice and engineering controls. (This is in addition to the \$705 annual remediation fee discussed in I.1 above until RAO is issued. RAO cannot be issued until Permit is in place).
2. Deed Notice for engineering control (filed with the county clerk).
3. Financial Assurance established (if permittees do not meet the exemption).
4. Annual permit fees (\$205 annual fee). This fee will be assessed for the duration that the permit is in place, even after a RAO is issued.
5. Submission of Remedial Action Protectiveness Certification (Biennial Certification). No fee is associated with the biennial certification since the annual Permit fees cover the Department's costs.

Example: site with ground water contamination from historic fill and no operational discharges and following conditions:

- In year 2, a Remedial Action Soil Permit is applied for.
- In year 3 a Response Action Outcome is issued by an LSRP.

The fees due are shown in the following table:

| | Activity | Fee(s) Due | Total Fees Due for Year |
|---------------|---|--|-------------------------|
| Year 1 | Remediating Site. Annual remediation fee applies | Annual Remediation Fee Category 1: \$705 | \$705 |
| Year 2 | Remediating Site. Annual remediation fee and Remedial Action Soil Permit application fees applies | Annual Remediation Fee Category 1: \$705 Remedial Action Soil Permit Application Fee: \$940 | \$1,645 |
| Year 3 | Remediating Site. Annual remediation fee. Remedial Action Soil Permit annual fees apply. Issue Response Action Outcome. | Annual Remediation Fee Category 1: \$705 Remedial Action Soil Permit Annual Fee: \$205 | \$910 |
| Year 4 and on | Remedial Action Soil Permit annual fee applies | Remedial Action Soil Permit Annual Fee: \$205 | \$205 |

APPENDIX B - DEP Contacts

| CATEGORY | REPRESENTATIVE | PHONE NUMBER |
|--|--------------------------------|---------------------|
| Regulated UST Fees Kirstin.Pointin- Hahn@dep.nj.gov | Kirstin Pointin-Hahn, Chief | (609) 292-2943 |
| ISRA Fees Kirstin.Pointin- Hahn@dep.nj.gov | Kirstin Pointin-Hahn, Chief | (609) 292-2943 |
| Unregulated Heating Oil Tank Fees Mark.Gruzlovic@dep.nj.gov | Mark Gruzlovic, Supervisor | (609) 777-0275 |
| Child Care Center Fees Michael.Justiniano@dep.nj.gov | Michael Justiniano, Supervisor | (609) 633-1426 |
| Remedial Action Permit Fees Wayne.Howitz@dep.nj.gov | Wayne Howitz, Asst. Director | (609) 984-1351 |
| Individual Review Fees Kirstin.Pointin-Hahn@dep.nj.gov | Kirstin Pointin-Hahn, Chief | (609) 292-2943 |
| Oversight Cost Billing Gary.Czock@dep.nj.gov | Gary Czock, Section Chief | (609) 633-0701 |
| Annual Remediation Fees Gary.Czock@dep.nj.gov | Gary Czock, Section Chief | (609) 633-0701 |
| Brownfield Development Timothy.Bartle@dep.nj.gov | Tim Bartle, Chief | (609) 292-1251 |
| Compliance Assistance Rob.Lux@dep.nj.gov | Rob Lux, Section Chief | (609) 292-1998 |