



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

**INSTRUCTIONS FOR 7.5 PERCENT COST OF REMEDIATION SUMMARY
AND CERTIFICATION FORM**

General Instructions

1. **Applicability.** Use this form to apply for a Department determination that the applicant's remediation costs, as defined by N.J.A.C. 7:26C-1.3, have exceeded 7.5 percent of the total remediation costs for the site that is the subject of the application. The Brownfield and Contaminated Site Remediation Act at N.J.S.A. 58:10B-2.1d places a cap on what the Department may charge a person responsible for conducting the remediation in oversight costs and fees at 7.5 percent of the total remediation cost of a site.

A person may make a request pursuant to N.J.A.C. 7:26C-4.10 by submitting the information required by this form, to the Department within 90 calendar days after the later of:

- a. The effective date of N.J.A.C. 7:26C-4.10;
- b. The issuance of the final remediation document for all of the discharges at the site, for which that person is responsible, issued after the effective date of N.J.A.C. 7:26C-4.10; or
- c. The resolution of all oversight cost reviews pursuant to N.J.A.C. 7:26C-4.6.

2. **Updates.** The 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: <http://www.nj.gov/dep/srp/srra/forms>.

3. Completed forms should be sent to:

NJDEP/SRP
Office of Direct Billing and Cost Recovery
Mail Code 401-06L
PO Box 420
401 E. State St.
Trenton, NJ 08625-0413

Section A. Site Name and Location

- **Site Name** – provide the name of the site i.e. 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 be the mailing address;
- **Municipality** – Provide the name of the municipality where the site is located and indicate if it is a Township, a Borough, or a City. NOTE: This should be the name of the municipality and not the local name.
- **County:** Provide the name of the county where the site is located;
- **Zip code:** self explanatory;
- **Program Interest (PI) Number(s):** The PI Number is assigned by the Department and can be obtained via the web at <http://www.nj.gov/dep/srp/> (DEP DATA MINER REPORTS). If this is a new site with no previous SRP involvement, leave blank.
- **Case Tracking Number(s)** – provide all NJDEP generated site identification numbers (Hotline incident numbers, UST Notice of Intent to Close numbers, ISRA numbers, etc.) If this is a Soil Remedial Action Permit Modification, or Termination, include your permit number.
- **Municipal Block(s) and lot(s):** Provide all block and lot numbers for the site.

Section B. Person Responsible for Conducting the Remediation

The person identified in this section is the person who is remediating the site.

- Provide the full legal name of the person responsible for conducting the remediation i.e., ABC Corporation;
- 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 person responsible for conducting the remediation;
- Provide an email address if available;
- Provide State of Incorporation or Part if applicable
- Provide the Property Owner(s) type of Business Association and General Partner(s), as applicable;
- Provide date(s) of ownership of the site.

Section C. Cost Information

1. Provide a narrative summary of the remediation of the site. Provide a site history from start of the remediation until issuance of the final remediation document (No Further Action letter or Remedial Action Outcome). Provide a description of all Areas of Concern, remediation actions undertaken at all of the Areas of Concern and the dates the actions were taken.
2. State whether all reviews or Oversight Cost Disputes made pursuant to N.J.A.C. 7:26C-4.8 of any oversight cost invoice(s) have been either settled or resolved. The Department shall only approve a request pursuant to this section if the person responsible for conducting the remediation has resolved all oversight cost reviews pursuant to N.J.A.C. 7:26C-4.8. If there are outstanding or unresolved Oversight Cost Disputes, provide an explanation of why the applicant is submitting this application;
3. Provide a summary of the Payment History of NJDEP Oversight Costs by the person responsible for conducting the remediation. The Department shall only approve a request pursuant to this section if the person responsible for conducting the remediation has paid each cost invoice within 60 calendar days after the later of:
 - i. The effective date of N.J.A.C. 7:26C-4.10; or
 - ii. The receipt by the person responsible for conducting the remediation of each oversight cost invoice.
4. Provide a detailed description of all of the remediation costs as defined in N.J.A.C. 7:26C-1.3 prepared by a certified public accountant or an independent auditor. The definition of remediation costs from N.J.A.C. 7:26C-1.3 is:

“Remediation costs” means all costs associated with conducting the preliminary assessment, site investigation, remedial investigation, and remedial action, including the development and implementation of a remediation including all direct and indirect capital costs, engineering costs, and annual operation, maintenance and monitoring costs, and costs incurred by a certified public accountant or an independent auditor pursuant to N.J.A.C. 7:26C-4.10 . Such costs, when applicable, shall include, without limitation, costs for construction of all facilities and process equipment, labor, materials, construction equipment and services, land purchase, land preparation/development, relocation expenses, systems start up and testing, facility operation, maintenance and repair, continuous effectiveness monitoring, periodic site condition reviews, and administrative and capital costs. Certain legal costs may be considered remediation costs to the extent that they are directly supporting the remediation, but remediation costs shall not include those legal costs associated with: recovery of costs expended on remediation, compelling a party to take part in the remediation, and defense against a Department enforcement action.

Please make sure costs include:

- The costs of all correspondence and other communication with the Department concerning the remediation, including, without limitation, the costs of preparing all letters, email and other correspondence, whether by the person, or any other person acting of behalf of that person, such as a consultant, licensed site remediation professional, or attorney.
 - All remediation costs incurred by any other person, including any other person responsible for conducting the remediation and the Department.
 - The future costs of compliance with a remedial action permit, if applicable, prepared by a licensed site remediation professional. See Section E.
5. Provide a copy of the final remediation document (either a No Further Action Letter or Final Remediation Document) issued for the site, or provide the date and scope of the final remediation document issued for the site. The Department shall only approve a request pursuant to this section after a final remediation document has been issued for all areas of concern at the site;

Section E. Licensed Site Remediation Professional Information And Statement.

If an estimate of the future costs of compliance with a remedial action permit is required to be included as part of the application pursuant to N.J.A.C. 7:26C-4.10, the estimate must be provided by a Licensed Site Remediation Professional. The LSRP must include the following information on the form:

- The Licensed Site Remediation Professional ID Number.
- 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 D. Certification.

The form must be signed by the Responsible Party and the Certified Public Accountant or Independent Auditor.