



New Jersey Department of Environmental Protection
Site Remediation Program

**INSTRUCTIONS FOR COMPLETING THE DE MINIMIS QUANTITY EXEMPTION
AFFIDAVIT**

General Instructions

Answer all questions. Should you encounter any problems in completing this form, do not hesitate to call (609) 292-2943 between the hours of 8:00 a.m. and 4:30 p.m. and ask for a representative of the Initial Notice Section.

1. **Applicability.** The purpose of this affidavit is to allow the owner or operator of an industrial establishment to apply for a de minimis quantity exemption from the Department, pursuant to N.J.A.C. 7:26B-5.9, if the total quantity of hazardous substances and hazardous wastes generated, manufactured, refined, transported, treated, stored, handled or disposed of at the industrial establishment at any one time during the owner's or operator's period of ownership or operations: a) does not exceed 500 pounds or 55 gallons; b) if a hazardous substance or hazardous waste is mixed with nonhazardous substances, the total quantity in the mixture does not exceed 500 pounds or 55 gallons; or c) if, in the aggregate, hydraulic or lubricating oil, does not exceed 220 gallons.
2. **Form Updates.** This form may be updated periodically. Please use the current version of this form. Download the current version of this form from the Department's Website: <http://www.nj.gov/dep/srp/srra/forms>.
3. **Signature.** This form must be signed by the owner or operator of the industrial establishment. (*see definitions below*)

Important definitions from N.J.A.C. 7:26B-1.4

- **Industrial establishment:** means any place of business or real property at which such business is conducted, having the North American Industry Classification System (NAICS) codes listed in chapter Appendix C, incorporated herein by reference, dated and published in 2002 by the Executive Office of the President of the United States, Office of Management and Budget, ISBN 0-934213-87-9 NTIS PB2002-502024, subject to the specified exceptions and limitations and engaged in operations on or after December 31, 1983, which involve the generation, manufacture, refining, transportation, treatment, storage, handling, or disposal of hazardous substances and wastes on-site, above or below ground unless otherwise provided at N.J.A.C. 7:26B-2.1. For properties which are owner occupied or are leased to a single tenant, the industrial establishment includes all of the block(s) and lot(s) upon which the business is conducted and those contiguous block(s) and lot(s) controlled by the same owner or operator that are vacant land, or that are used in conjunction with such business. For leased properties with two or more leased spaces, the industrial establishment includes the leasehold and any areas of concern that provide, are associated with, or are utilized for, hazardous substances and wastes to or from the leasehold, regardless of their location.
 - **Operator:** means any person, including users, tenants, or occupants, having and exercising direct actual control of the operations of an industrial establishment. A holder of a mortgage or other security interest in the industrial establishment is not an operator of the industrial establishment unless or until it loses its exemption under N.J.S.A. 58:10-23.11g4 or obtains title to the industrial establishment by deed of foreclosure, by other deed, or by court order or other process.
 - **Owner:** means any person who owns the real property of an industrial establishment or who owns the industrial establishment. A holder of a mortgage or other security interest in the industrial establishment is not an owner of the industrial establishment unless or until it loses its exemption under N.J.S.A. 58:10-23.11g4 or obtains title to the industrial establishment by deed of foreclosure, by other deed, or by court order or other process.
4. **Filing.** This form is **not** required to be filed in duplicate. Please send completed forms and De Minimis Quantity Exemption Affidavit Fee of \$300.00, made payable to Treasurer, State of New Jersey, to:

Bureau of Case Assignment & Initial Notice
Site Remediation Program
NJ Department of Environmental Protection
401-05H
PO Box 420
Trenton, NJ 08625-0420

Section A. Industrial Establishment Name and Location Information

- Name of Business: Provide the name of the ISRA subject industrial establishment/business.
- Street Address: Address of the industrial establishment. Please do not use the mailing address.
- Municipality: The municipality where the industrial establishment is located. Please use the name of the township or the incorporated name of the town. Do not use local names.
- County: The county where the industrial establishment is located.
- Tax Block(s) and Lot(s): List all municipal block(s) and lot(s) associated with the industrial establishment.
- Note by placing an "X" in the space provided if the industrial establishment includes the entire site or a leasehold portion of the block and lots listed. If the industrial establishment leases the entire building, then check entire site.
- Enter date triggering compliance with N.J.A.C 7:26B-3.2(a). This would be the date the operations of the industrial establishment ceased at the address listed on this application or the date a sales agreement was signed to sell the business or property.
- 6 digit NAICS Code: The North American Industry Classification System (NAICS) code applicable for the industrial establishment. The NAICS codes are listed in Appendix C of the ISRA rules, N.J.A.C.7:26B.
- Provide a description of the operations conducted by the ISRA subject industrial establishment at the referenced address.

Current Property Owner

- Business Name: The business name of the current owner of the property.
- Contact Person: The name of the contact person for the owner of the property.
- Telephone Number: The phone number for the property owner contact.
- Street Address, Municipality, State, Zip Code: The mailing address for the current owner of the property.

Current Business Owner

- Business Name: The business name of the current business owner.
- Contact Person: The name of the contact person for the business owner.
- Telephone Number: The phone number for the business owner contact.
- Street Address, Municipality, State, Zip Code: The mailing address for the current business owner of the business.

Section B. Previous ISRA/ECRA Submissions

- Note as appropriate, whether there have been any previous or concurrent ISRA/ECRA submissions. Provide names, case numbers and status

Section C. Type of Transaction

- Indicate the transaction(s) which initiates the ISRA review. Check **all** that apply.

Section D. Quantities of Hazardous Substances or Hazardous Wastes

- Instructions for this section are noted on the form.

Section E. Acknowledgements

- Notification statements must be initialed by the signatory on the certification page.

Section F. Owner or Operator Certification and Address Information

- The certification required in this section above 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;
 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 Department 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 Department prior to or together with any reports, information, or applications to be signed by an authorized representative.
- Please provide the name and mailing address and contact information of the property owner or business owner assuming the primary responsibility for the filing of the affidavit.
- The certification shall be signed and dated by the responsible party who is assuming the primary responsibility for the filing of the affidavit.