



New Jersey Department of Environmental Protection
 Site Remediation and Waste Management Program
ISRA ALTERNATE COMPLIANCE OPTIONS FORM

Date Stamp
 (For Department use only)

This form shall be used for all new or existing ISRA cases seeking an approval of an application for an alternate compliance option available pursuant to subchapter 5 of the ISRA rules. Note: Separate forms exist for a De Minimis Quantity Exemption, and Limited Conveyance.

INDUSTRIAL SITE RECOVERY ACT (ISRA)

"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.

SECTION A. INDUSTRIAL ESTABLISHMENT

Enter the name of the Industrial Establishment (business which operates at the site) as defined in N.J.A.C. 7:26B-1.4, which is the subject of this application. This must be identical to the name of the Industrial Establishment provided on the General Information Notice.

ALL APPLICANTS MUST COMPLETE 1-3 BELOW, EVEN IF THE INFORMATION IS IDENTICAL.

1. Industrial Establishment

Business Name: _____ Telephone Number: _____

Street Address: _____

Municipality: _____ (Township, Borough or City)

County: _____ Zip Code: _____

ISRA Case No.: _____ Program Interest (PI) Number(s): _____

Municipal Block(s) and Lot(s):

Block # _____ Lot # _____ Block # _____ Lot # _____

Block # _____ Lot # _____ Block # _____ Lot # _____

Block # _____ Lot # _____ Block # _____ Lot # _____

Block # _____ Lot # _____ Block # _____ Lot # _____

Does the Industrial Establishment include: the Entire Site, or
 a Leasehold Portion of the Block and Lots above.

2. Current Property Owner

Business Name: _____

Contact Person: _____ Telephone Number: _____

Street Address: _____

Municipality: _____ State: _____ Zip Code: _____

3. Current Business Owner

Business Name: _____

Contact Person: _____ Telephone Number: _____

Street Address: _____

Municipality: _____ State: _____ Zip Code: _____

4. Purchaser of Business or Property

Business Name: _____

Contact Person: _____ Telephone Number: _____

Street Address: _____

Municipality: _____ State: _____ Zip Code: _____

5. PROVIDE: A scaled site map showing the entire property and all current structures located on the blocks and lots listed in Section A above and highlight the portion of the site this application pertains to if the applicant is a leasehold portion of a multi-tenant site.

SECTION B. REMEDIATION IN PROGRESS WAIVER

Check here if seeking a Remediation In Progress Waiver

Please read the following statements to determine if the Remediation in Progress Waiver applies to your industrial establishment. Signing the certification in Sections D and E confirms that these statements are true and accurate.

1. **The Previous Case:** The property occupied by the industrial establishment for which the waiver is sought, is being remediated by a prior owner or operator pursuant to ISRA or other state or federal program pursuant to N.J.A.C. 7:26B-5.4(3). In the spaces below, please provide the name and case number of the active case.

Case Name: _____

Case #: _____ ISRA #: _____

2. **The Current Case:** I hereby state that a preliminary assessment report and a site investigation report, as applicable, have been completed and submitted via the NJDEP Online Portal for the current industrial establishment listed in Section A above, in accordance with the Technical Requirements for Site Remediation, N.J.A.C. 7:26E. Based on the preliminary assessment report and site investigation report as applicable, please check the appropriate statement:
- There has been no discharge of a hazardous substance or hazardous waste at the industrial establishment during my ownership or operation of the industrial establishment identified in Section A above; or
- A discharge of a hazardous substance or hazardous waste at the industrial establishment has occurred during my ownership or operation. The remediation of the discharge was performed in accordance with N.J.A.C. 7:26E and was approved by the NJDEP or LSRP as evidenced by the attached no Further Action Letter, or Area of Concern Response Action Outcome. As a result of the remediation of the discharges which occurred during my ownership or operation, no levels of contamination remain at the industrial establishment related to my ownership or operations which exceed the current applicable criteria by more than an order of magnitude;
3. As applicable, the transferee of the industrial establishment has been notified that the industrial establishment is the subject of a remediation as referenced in Section B1 above, for the previous case, as evidenced by the attached certified letter and return receipt acknowledging the transferee's notification.
4. I confirm that a remediation funding source for the cost of the remediation estimated prior to a remedial action workplan certification, or for the implementation of a remedial action workplan at the industrial establishment identified in Section B1 above, for the previous case, has been established as required pursuant to N.J.S.A. 58:10B-3. (The owner or operator may certify that the financial assurance established before 1993 is consistent with the current cost estimate developed in accordance with N.J.A.C. 7:26E, for the remediation or the implementation of the remedial action workplan at the industrial establishment.)
5. Pursuant to N.J.A.C. 7:26B-1.8(b), approval of an application for a Remediation in Progress Waiver authorizes the transfer of the ownership or operations or the cessation of operations for the current case as it relates to ISRA compliance. Approval of the waiver may not relieve the owner or operator or any other person responsible for conducting the remediation of the industrial establishment of the obligation to remediate the industrial establishment. If the previous case falls out of compliance with the remediation schedule, the Department may rescind the waiver and require the applicant to complete the remediation pursuant to N.J.A.C. 7:26b-3.3(a).

6. In the event a Remediation Certification has been executed and a remediation funding source has been established pursuant to N.J.A.C. 7:26B-3.3(c) allowing the current case transaction to be completed prior to full ISRA compliance, I understand a duplicate remediation funding source need not be maintained once this application for a waiver has been approved by the Department.

SECTION C. REGULATED UNDERGROUND STORAGE TANK WAIVER

Check here if seeking a Regulated Underground Storage Tank Waiver

Please read the following statements to determine if the Regulated Underground Storage Tank Waiver applies to your industrial establishment. Signing the certification in Sections D and E confirms that these statements are true and accurate.

1. I hereby state that a preliminary assessment report and site investigation report, as applicable, have been completed and submitted via the NJDEP Online Portal for the industrial establishment listed in Section A above in accordance with the Technical Requirements for Site Remediation, N.J.A.C. 7:26E. Based on the preliminary assessment report and site investigation report as applicable, please check the appropriate statement:

- The only area of environmental concern at the industrial establishment referenced in Section A above is a regulated underground storage tank or tanks as defined pursuant to N.J.S.A.58:10A-21 et seq., the New Jersey Underground Storage of Hazardous Substances Act, and the referenced Industrial Establishment is in compliance with the provisions of N.J.S.A. 58:10A-21 et seq. and N.J.A.C. 7:14B for any underground storage tank system covered by the provisions of N.J.S.A 58:10A-21 et seq. and N.J.A.C 7:14B located at the industrial establishment listed above; or
- The only discharge of a hazardous substance or hazardous waste at the industrial establishment, or that has migrated off-site above the applicable cleanup criteria are from a leak or discharge from a regulated underground storage tank or tanks and; the referenced Industrial Establishment is in compliance with the provisions of N.J.S.A. 58:10A-21 et seq. and N.J.A.C. 7:14B for the remediation of the discharge from any underground storage tank system covered by the provisions of N.J.S.A 58:10A-21 et seq. and N.J.A.C 7:14B located at the industrial establishment listed above.

Note: The owner or operator of an Industrial Establishment where there has been a discharge is considered in compliance with the provisions of N.J.S.A. 58:10A-21 et seq. as it relates to the discharge, if the owner or operator is in compliance with the remediation schedules established in N.J.A.C. 7:26C and N.J.A.C. 7:14B. For the purposes of this section, obtaining a permit to remove a leaking regulated underground storage tank will not qualify the applicant for an ISRA waiver.

2. The Industrial Establishment has an appropriate amount of financial responsibility assurance based on the number of regulated underground tanks and the type of hazardous materials stored in the regulated underground storage tanks, as evidenced by the attached copy of a current certificate of Financial Responsibility.
3. A Remediation Certification which has allowed the current transaction to be completed prior to full ISRA compliance has been issued by a License Site Remediation Professional. Yes No

SECTION D. LICENSED SITE REMEDIATION PROFESSIONAL INFORMATION AND STATEMENT

LSRP ID Number: _____
First Name: _____ Last Name: _____
Phone Numbers: _____ Ext.: _____ Fax: _____
Mailing Address: _____
Municipality: _____ State: _____ Zip Code: _____
Email Address: _____

This statement shall be signed by the LSRP who is submitting this notification in accordance with N.J.S.A. 58:10C-14, and N.J.S.A. 58:10B-1.3b(1) and (2).

(1) I certify, as a Licensed Site Remediation Professional authorized pursuant to N.J.S.A. 58:10C-1 et seq. to conduct business in New Jersey, that for the remediation described in this submission, and all attachments included in this submission, I personally: Managed, supervised, or performed the remediation conducted at this site that is described in this submission, and all attachments included in this submission; and/or periodically reviewed and evaluated the work performed by other persons that forms the basis for the information in this submission; and/or completed the work of another site remediation professional, licensed or not, after having: (1) reviewed all available documentation on which I relied; (2) conducted a site visit and observed the then-current conditions and verified the status of as much of the work as was reasonably observable; and (3) concluded, in the exercise of my independent professional judgment, that there was sufficient information upon which to complete any additional phase of remediation and prepare workplans and reports related thereto.

(2) I certify:

- That I have read this submission and all attachments to this submission;*
- That in performing the professional services as the licensed site remediation professional for the entire site or each area of concern, I adhered to the professional conduct standards and requirements governing licensed site remediation professionals provided in N.J.S.A. 58:10C-16;*
- That the remediation conducted at the entire site or each area of concern, that is described in this submission and all attachments to this submission, was conducted pursuant to and in compliance with the remediation requirements in N.J.S.A. 58:10C-14.c;*
- That the remediation described in this submission, and all attachments to this submission, was conducted pursuant to and in compliance with the regulations of the Site Remediation Professional Licensing Board at N.J.A.C. 7:26; and*
- That the information contained in this submission and all attachments to this submission is true, accurate, and complete.*

(3) I certify, when this submission includes a response action outcome, that the entire site or each area of concern has been remediated in compliance with all applicable statutes, rules, and regulations and is protective of public health and safety and the environment.

(4) I certify that no other person is authorized or able to use any password, encryption method, or electronic signature that the Board or the Department have provided to me.

(5) I certify that I understand and acknowledge that:

- If I knowingly make a false statement, representation, or certification in any document or information I submit to the Department I may be subject to civil and administrative enforcement pursuant to N.J.S.A. 58:10C-17.a.1(a)through (f) by the Board, including but not limited to license suspension, revocation, or denial of renewal; and*
- If I purposely, knowingly, or recklessly make a false statement, representation, or certification in any application, form, record, document or other information submitted to the Department or required to be maintained pursuant to the Site Remediation Reform Act, I shall be guilty, upon conviction, of a crime of the third degree and shall, notwithstanding the provisions of subsection b. of N.J.S.2C:43-3, be subject to a fine of not less than \$5,000 nor more than \$75,000 per day of violation, or by imprisonment, or both.*

(6) I certify that I have read this certification prior to signing, certifying, and making this submission.

LSRP Signature: _____ Date: _____
LSRP Name: _____
Company Name: _____

SECTION E: PERSON RESPONSIBLE FOR CONDUCTING THE REMEDIATION INFORMATION AND CERTIFICATION

Full Legal Name of the Person Responsible for Conducting the Remediation:

Representative First Name: _____ Representative Last Name: _____

Title: _____

Phone Number: _____ Ext.: _____ Fax: _____

Mailing Address: _____

Municipality: _____ State: _____ Zip Code: _____

Email Address: _____

This certification shall be signed by the person responsible for conducting the remediation who is submitting this notification in accordance with Administrative Requirements for the Remediation of Contaminated Sites rule at N.J.A.C. 7:26C-1.5(a).

I certify under penalty of law that I have personally examined and am familiar with the information submitted herein including all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, to the best of my knowledge, I believe that the submitted information is true, accurate and complete. I am aware that there are significant civil penalties for knowingly submitting false, inaccurate or incomplete information and that I am committing a crime of the fourth degree if I make a written false statement which I do not believe to be true. I am also aware that if I knowingly direct or authorize the violation of any statute, I am personally liable for the penalties.

Signature: _____ Date: _____

Name/Title: _____

Completed forms should be sent to:

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