



**New Jersey Department of Environmental Protection
Contaminated Site Remediation & Redevelopment Program**

**INSTRUCTIONS FOR PRE-PURCHASE ADMINISTRATIVE CONSENT
ORDER CERTIFICATION FORM**

1. **Applicability.** Use this form to certify that the following conditions are true for a Pre-Purchase Administrative Consent Order (ACO):
 - The potential buyer must not be a discharger of a hazardous substance at the site, a person in any way responsible for a hazardous substance at the site, or a person otherwise liable for cleanup and removal costs at the contaminated site;
 - The potential buyer must not currently own nor has ever owned the site, nor has the potential buyer ever previously been the operator of the site; and
 - The potential buyer must not be a predecessor, successor, subsidiary, partner, shareholder, assign, trustee in bankruptcy, responsible corporate official, or receiver appointed pursuant to a proceeding in law or equity, to any discharger, including any other prior owner of, or any prior tenant at, the site.

Note: A separate Addendum A must be completed for each related entity (i.e., Parent Company, Holding Company, Assignor of Rights Entity, Urban Renewal Entity, etc.). Please see the NJDEP's Pre-Purchase ACO Guidance document (available at: <https://www.nj.gov/dep/srp/guidance/>) for further information on pre-purchase Administrative Consent Orders.
2. **Updates.** The New Jersey Department of Environmental Protection (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. **Signatures.** This form must be signed by the potential buyer and any related entities.
4. The potential buyer should send the Pre-Purchase ACO Certification Form to the address noted below and via email at prepurchase.aco@dep.nj.gov.

Bureau of Enforcement & Investigation
Contaminated Site Remediation & Redevelopment Program
NJ Department of Environmental Protection
401-06U
PO Box 420
Trenton, NJ 08625-0420

Section A. Site Name and Location

- **Site Name:** Provide the name of the site (i.e., ABC Corporation);
- **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 the mailing address – and should be consistent with what is in the tax database(s);
- **Municipality:** Provide the name of the municipality(ies) in which the site is physically located and indicate if it is a township, borough, village, or city. NOTE: This should be the name of the incorporated municipality and not the local name;
- **County:** Provide the name of the county(ies) where the site is located;
- **Zip code:** Enter the five-digit code for the physical location of the site;
- **Program Interest (PI) Number(s):** Provide the PI Number assigned by the NJDEP according to DataMiner (see web link above);
- **Case Tracking Number(s):** Provide all NJDEP generated site identification numbers (Hotline incident numbers, UST Notice of Intent to Close numbers, ISRA numbers, etc.). Include the most recent Soil Remedial Action Permit (RAP) Number obtained;
- **Municipal Block(s) and Lot(s):** Provide the municipal block(s) and lot(s) numbers for the site/property (not just the municipal block(s) and lot(s) numbers of the Deed Notice); this should be consistent with what is in the tax

database(s) (e.g., etaxmaps.com and http://tax1.co.monmouth.nj.us/cgi-bin/prc6.cgi?district=1301&ms_user=monm); if not consistent, then indicate why in Section H below and provide additional documentation as necessary;

Section B. Prospective Purchaser

Complete this section for the Prospective Purchaser. Signatories for Section B. on the Pre-Purchase ACO Certification form must match signatories on the Pre-Purchase ACO.

Section C. Related Entity

Complete this section to identify a related entity (i.e., Parent Company, Holding Company, Assignor of Rights Entity, Urban Renewal Entity, etc.). If there is more than one related entity, complete a separate Addendum A for each additional related entity. If there are no related entities, check the box at the end of the section.

Section D. Prospective Purchaser Certification

The certification in this section shall be signed and dated by the prospective purchaser. The certification in this section shall **not** be signed by the LSRP or law firm hired to assist the prospective purchaser. The certification required in this section 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; or
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 NJDEP 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 NJDEP prior to or together with any reports, information, or applications to be signed by an authorized representative.

The representative for the prospective purchaser shall provide:

- His/her signature where indicated;
- His/her name and title (i.e., President, CEO); and
- The date when the signing occurred.

Section E. Related Entity Certification

The certification in this section shall be signed and dated by the related entity. The certification in this section shall **not** be signed by the LSRP or law firm hired to assist the prospective purchaser. The certification required in this section shall be executed as follows:

5. For a corporation or limited liability company, by a principal executive officer of at least the level of vice president; or
6. For a partnership or sole proprietorship, by a general partner or the proprietor, respectively; or
7. For a municipality, state, Federal or other public agency, by either a principal executive officer or ranking elected official; or
8. 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:
 - iv. 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);

- v. The written authorization is submitted to the NJDEP along with the certification; and
- vi. 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 NJDEP prior to or together with any reports, information, or applications to be signed by an authorized representative.

The representative for the related entity shall provide:

- His/her signature where indicated;
- His/her name and title (i.e., President, CEO); and
- The date when the signing occurred.

NOTE: If there is more than one related entity, complete a separate Addendum A for each additional related entity.

For more information on Pre-Purchase ACOs, please contact BEI at (609) 633-1480 and ask to speak with the Duty Officer.