



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

### INSTRUCTIONS FOR THE REMEDIAL ACTION PERMIT TRANSFER/CHANGE OF PROPERTY OWNERSHIP APPLICATION

#### General Instructions

The New Jersey Department of Environmental Protection (NJDEP) considers the Licensed Site Remediation Professional (LSRP) that submits this Remedial Action Permit (RAP) Application to be the LSRP retained for this RAP after the Response Action Outcome (RAO) is issued. If the LSRP is dismissed or dismisses him/herself for the RAP any time after the issuance of the RAO, the LSRP shall submit the Licensed Site Remediation Professional Notification of Retention or Dismissal Form online and the permittee shall retain another LSRP within 45 days. A permittee that fails to retain a new LSRP within 45 days will be deemed out of compliance and subject to potential enforcement actions.

1. **Applicability.** Use this form to request a transfer of an effective RAP to a new property owner of the site no later than 60 calendar days after the sale or transfer of the property, pursuant to N.J.A.C. 7:26C-11.

#### Notes:

To make changes in the address of the Person Responsible for Conducting the Remediation or the Property Owner you must submit a RAP Modification Application available at <http://www.nj.gov/dep/srp/srra/forms> to modify the RAP.

The Person Responsible for Conducting the Remediation that is currently identified on a RAP can only be changed/modified if the responsible entity no longer exists and documentation is submitted; this situation would also require the submission a RAP Modification Application to modify the RAP.

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. **Signatures.** This form must be signed by the Person Responsible for Conducting the Remediation, the former property owner, the new/current property owner, and the LSRP responsible for completion of the form and attached documents.
4. Completed forms should be sent to:

Bureau of Case Assignment & Initial Notice (BCAIN)  
Site Remediation and Waste Management Program  
NJ Department of Environmental Protection  
401-05H  
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 Site) according to DataMiner, which can be obtained at: <https://www13.state.nj.us/DataMiner/Search/SearchByCategory?isExternal=y&getCategory=y&catName=Site+Remediation>;
- **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) (e.g., etaxmaps.com and [http://tax1.co.monmouth.nj.us/cgi-bin/prc6.cgi?district=1301&ms\\_user=monm](http://tax1.co.monmouth.nj.us/cgi-bin/prc6.cgi?district=1301&ms_user=monm)); if not consistent, then indicate why in Section I below;
- **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 Numbers:** Provide all NJDEP generated site identification numbers (Hotline incident numbers, UST Notice of Intent to Close numbers, ISRA numbers, etc.). Include the most recent RAP Number obtained;
- **Municipal Block(s) and Lot(s):** Provide the municipal block(s) and lot(s) numbers for the entire site (not just the municipal block(s) and lot(s) numbers of the permit); 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](http://tax1.co.monmouth.nj.us/cgi-bin/prc6.cgi?district=1301&ms_user=monm)); if not consistent, then indicate why in Section I below and provide additional documentation as necessary;
- **Federal Case:** Indicate if the site is a federal case. If “Yes,” indicate the case type; check all that apply. Please note that the following Federal Facility case types are ineligible to proceed without the NJDEP’s pre-approval: US Department of Energy sites, US Department of Defense sites, Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) sites (commonly known as NPL/Superfund sites), and Resource Conservation and Recovery Act (RCRA) Government Priority Remedial Action (GPRA) Sites listed at <http://www.epa.gov/epawaste/hazard/correctiveaction/pdfs/2020scc.pdf>. Additional information regarding the Site Remediation Reform Act (SRRA) implementation process for RCRA, CERCLA and Federal Facility Sites can be found at: [http://www.nj.gov/dep/srp/srra/training/matrix/quick\\_ref/rcra\\_cercla\\_fed\\_facility\\_sites.pdf](http://www.nj.gov/dep/srp/srra/training/matrix/quick_ref/rcra_cercla_fed_facility_sites.pdf).

If you have any questions, please contact the Bureau of Case Management at 609-633-1455.

## Section B. Remedial Action Permit Transfer/Change of Property Ownership Application Fees

**Note:** This Transfer/Change of Property Ownership Application will not be processed until all past RAP annual fees have been paid in full, and all previously required RAP Modification Applications have been applied for.

You must include the appropriate application fee that is indicated on the form and can also be found in the Fee Guidance Document (<https://www.nj.gov/dep/srp/guidance/fees/>). Note that the document must be postmarked by June 30 of each fiscal year to apply that year’s fee. Documents submitted on or after July 1 of each fiscal year will be required to apply that year’s fee. Checks shall be made payable to “Treasurer State of New Jersey.” Include your PI Number on your check.

## Section C. Fee Billing Contact Person

Complete this section for the fee billing contact person. The Annual Permit Fee Invoice will be mailed to this person.

## Section D. Former Property Owner

Complete this section for the Former Property Owner/Current Co-Permittee. A person’s name must be submitted as the contact person, not a title.

## Section E. New/Current Property Owner Co-Permittee

Complete this section for the New/Current Property Owner/Prospective Co-Permittee; 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](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. A person’s name must be submitted as the contact person, not a title. **All contact information provided in this section should be for the current owner, not the agent/person with power of attorney to sign this application on behalf of the current owner. “Care of” (C/O) is not acceptable unless it is for a special circumstance (e.g., condo association, person requiring special assistance); if this is the case, then explain why in Section K below and provide additional documentation as necessary.** If there is more than one person, complete Addendum B for the additional person(s). Provide the date the property sale or transfer occurred.

Check the box if this entity will have “Primary Responsibility for Permit Compliance” (i.e., performing cap inspections or ground water monitoring, submitting Soil Remedial Action Protectiveness/Biennial Certification Forms).

## Section F. Attached Documents

Attach the following documents with the RAP Transfer/Change of Property Ownership Application:

**Note:** All electronic copies should be provided in Adobe PDF file format on a compact disc (CD).

- Hard copy **and** electronic copy of the RAP Transfer/Change of Property Ownership Application using the current form on the NJDEP Website (<http://www.nj.gov/dep/srp/srra/forms/>).
- Electronic copy of the completed Remediation Cost Review and RFS/FA Form with a detailed cost estimate, if applicable, and only indicate one of the following: if the original Financial Assurance (FA) mechanism (hard copy), including any Amendments, is attached to the RAP Transfer/Change of Property Ownership Application; if the original FA mechanism was already submitted to the NJDEP, including the date it was submitted; or if an electronic copy of the Remediation Funding Source (RFS) mechanism and the amendment to conform to the Financial Assurance format is included if using an existing RFS mechanism as the FA.

- Electronic copy of the homeowner or condominium association's annual budget that includes funds for the operation, maintenance, and monitoring of the engineering control(s) at the site, if applicable.

### **Section G. Financial Assurance (to be completed for the new/current property owner)**

1. Indicate if the remedial action includes an engineering control. If the remedial action **does not** include an engineering control, then FA is not required for the RAP, skip the rest of this section and go to the next section.
2. Indicate if Financial Assurance is currently in place for the existing RAP.
3. Indicate if there are any changes in FA as a result of this transfer.
4. The Administrative Requirements for the Remediation of Contaminated Sites, specifically N.J.A.C. 7:26C-7.10(c) defines certain entities that are exempt from establishing FA. Check all that qualifies you to be exempted. If you are exempt skip the rest of this section and go to the next section.

In the event that more than one permittee is required to establish FA and one or more of the permittees is exempt from this requirement, the non-exempt permittee(s) shall establish the full amount of the FA required.

Refer to N.J.A.C. 7:26C-5 for the FA requirements <http://www.nj.gov/dep/srp/regs/aracs/index.html>.

5. Indicate whether the new/current owner of the site is either a homeowner association or a condominium association. If a homeowner association or a condominium association is identified in Section E of this RAP Application, an electronic copy of the association's annual budget that includes funds for the operation, monitoring, and maintenance of the engineering control(s) should be attached as indicated in Section F above.
6. Include a cost estimate for the operation, maintenance, and monitoring of the engineering control(s) at the site. The LSRP will determine the amount of funds needed to operate, maintain, and monitor the engineering control(s) at the site for as long as the control(s) are needed, up to thirty (30) years (minimum of \$30,000 for a 30-year time frame). Guidance for acceptable cost estimates can be found in the RAP Guidance documents at [http://www.nj.gov/dep/srp/guidance/index.html#top\\_permits](http://www.nj.gov/dep/srp/guidance/index.html#top_permits).
7. Enter the full dollar amount established as the FA. The amount posted can differ from the estimated cost if net present value calculations are used. As indicated in Section F above, an electronic copy of a completed Remediation Cost Review and RFS/FA form with a detailed cost estimate should be attached. This form can be found at <http://www.nj.gov/dep/srp/srra/forms>. Also, please provide one of the following as indicated in Section F above: attach the original Financial Assurance mechanism (hard copy), including any Amendments, to the RAP Transfer/Change of Property Ownership Application; the date the original Financial Assurance mechanism was submitted to the NJDEP; or an electronic copy of the existing RFS mechanism that is being used as the Financial Assurance and the amendment to conform to the Financial Assurance format.

**Note:** If there is a change in the FA the NJDEP will not authorize the release of an existing FA instrument until a new FA instrument is established and in place.

8. Identify the FA Mechanism used as one or any combination of the following: a Remediation Trust Fund, an Environmental Insurance Policy, a Line of Credit, Surety Bond, or a Letter of Credit. Be advised that although self-guarantee is acceptable as RFS, it is not acceptable as a FA mechanism.
9. Provide the name, address, and phone number of the contact person at the financial institution for the FA.

### **Section H. Other Information Provided**

List any other pertinent information to support the RAP Transfer/Change of Property Ownership Application, including any other Soil or Ground Water RAPs applied for or obtained.

### **Section I. Person Responsible for Conducting the Remediation Information and Certification**

The certification in this section shall be signed and dated by the person responsible for conducting the remediation. The certification in this section shall **not** be signed by the LSRP or law firm hired to assist the owner or operator with their compliance obligations. If there is more than one person, complete Addendum A for the additional person(s). 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.
- Provide the full legal name of the person responsible for conducting the remediation;
  - Provide the full name of the representative of the person responsible for conducting the remediation, pursuant to N.J.A.C. 7:26C-1. Enter "Same" if the representative is the same person as the person responsible for conducting the remediation;
  - Provide the title of the representative of the person responsible for conducting the remediation;
  - 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 representative of the person responsible for conducting the remediation;
  - Provide the email address of the representative of the person responsible for conducting the remediation;
  - The representative for the person responsible for conducting the remediation shall provide:
    - ❖ His/her signature where indicated;
    - ❖ His/her name and title (i.e., President, CEO); and
    - ❖ The date when the signing occurred.

#### **Section J. Former Owner of the Site Information and Certification**

The certification in this section shall be signed and dated by the person who formerly owned the property. The certification in this section shall **not** be signed by the LSRP or law firm hired to assist the former owner or operator with their compliance obligations. 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.
- Provide the full legal name of the person who owned the property;
  - Provide the full name of the representative of the person who owned the property, pursuant to N.J.A.C. 7:26C-1. Enter "Same" if the representative is the same person as the person who owned the property;
  - Provide the title of the representative of the person who owned the property;

- Provide the telephone number, extension number, and fax number of the representative of the person who owned the property;
- Provide the mailing address, including the city/town, state, and zip code of the representative of the person who owned the property;
- Provide the email address of the representative of the person who owned the property;
- The representative for the person who owned the property shall provide:
  - ❖ His/her signature where indicated;
  - ❖ His/her name and title (i.e., President, CEO); and
  - ❖ The date when the signing occurred.

**Note:** There may be circumstances where the former property owner signature cannot be obtained. In these situations, a copy of the completed permit application excluding the former property owner signature should be provided to the former property owner. To document that the former property owner was provided a copy of the permit application, a copy of the letter transmitting the permit application needs to be included with the application submitted to the NJDEP.

### **Section K. New/Current Owner of the Site Information and Certification**

The certification in this section shall be signed and dated by the person who owns the property. The certification in this section shall **not** be signed by the LSRP or law firm hired to assist the new/current owner or operator with their compliance obligations. 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.
- Provide the full legal name of the person who owns the property;
  - Provide the full name of the representative of the person who owns the property, pursuant to N.J.A.C. 7:26C-1. Enter "Same" if the representative is the same person as the person who owns the property;
  - Provide the title of the representative of the person who owns the property;
  - Provide the telephone number, extension number, and fax number of the representative of the person who owns the property;
  - Provide the mailing address, including the city/town, state, and zip code of the representative of the person who owns the property;
  - Provide the email address of the representative of the person who owns the property;
  - The representative for the person who owns the property shall provide:
    - ❖ His/her signature where indicated;
    - ❖ His/her name and title (i.e., President, CEO); and
    - ❖ The date when the signing occurred.

**Note:** There may be circumstances where the new/current property owner signature cannot be obtained. In these situations, a copy of the completed permit application excluding the new/current property owner signature should be provided to the new/current property owner. To document that the new/current property owner was provided a copy of the Instructions for the Remedial Action Permit Transfer/Change of Property Ownership Application

permit application, a copy of the letter transmitting the permit application needs to be included with the application submitted to the NJDEP.

**Section L. Licensed Site Remediation Professional Information and Statement**

- Provide the LSRP ID Number.
- Provide the name, phone number, email and mailing address (city/town, state, zip code) of the LSRP.
- The certification in this section shall be signed and dated by the LSRP.