



## New Jersey Department of Environmental Protection Site Remediation Program

### INSTRUCTIONS FOR THE SOIL REMEDIAL ACTION PROTECTIVENESS / BIENNIAL CERTIFICATION FORM

#### General Instructions

1. **Applicability.** Use this form to submit a Remedial Action Protectiveness/Biennial Certification Report for Soil to the New Jersey Department of Environmental Protection (NJDEP). This form shall be used by all persons who have obtained a Soil Remedial Action Permit (RAP).

Businesses and individuals who have received a NJDEP-issued Limited Restricted or Restricted Use No Further Action (NFA) letter prior to May 7, 2012 are obligated to apply for and receive the required Soil RAP, pursuant to 58:10C-19b. Links to DataMiner compliance reports and steps on how to come into compliance, along with the associated fees, are outlined here [https://www.nj.gov/dep/srp/enforcement/post\\_nfa\\_compliance\\_notice.pdf](https://www.nj.gov/dep/srp/enforcement/post_nfa_compliance_notice.pdf). Failure to do so may subject you to enforcement action including penalties.

It is recommended that a cover letter be submitted with the form that summarizes/discusses any significant findings or changes (i.e., site inspection results, cap disruptions, cap repairs, etc.) related to the soil remedial action protectiveness evaluation for the site, if applicable.

Please note that any reference to “since the last submittal of the Soil Remedial Action Protectiveness/Biennial Certification Form” also means since the Soil RAP was issued in the situation where a Soil Remedial Action Protectiveness/Biennial Certification Form has not been submitted yet.

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 with primary responsibility for permit compliance/person responsible for monitoring the protectiveness of the remedial action and the Licensed Site Remediation Professional (LSRP) responsible for completion of the form and attached documents.
4. Completed forms should be emailed to [srp\\_submissions@dep.nj.gov](mailto:srp_submissions@dep.nj.gov)\*

\*All Soil Remedial Action Protectiveness/Biennial Certification forms associated with a Post-NFA Case must continue to be submitted on a CD by mail with the accompanying fee to the following address:

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. Site Name and Location

- **Site Name:** Provide the name of the site (i.e., ABC Corporation) 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:** Provide 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 K 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, town, 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).
- **Soil RAP Number:** Provide the Soil RAP Number for the site.

## Section B. Fees

**Sites with a Soil RAP** – If you are submitting this form for a site with an effective Soil RAP, then there is no fee as the cost of review is covered by the Soil RAP annual fee. Indicate if all outstanding Soil RAP annual fees been paid.

**Post-No Further Action (NFA) Cases (Sites without a Soil RAP)** – For cases where the NJDEP has issued a Restricted Use or Limited Restricted Use NFA Letter *and* a Soil RAP has not yet been obtained, include a check in the amount as indicated on the form and in the link below. A Soil RAP Application is required to be submitted with this form. Please see the Compliance Notice: Post-NFA cases requiring remedial action permits, which includes the fee breakdown: [https://www.nj.gov/dep/srp/enforcement/post\\_nfa\\_compliance\\_notice.pdf](https://www.nj.gov/dep/srp/enforcement/post_nfa_compliance_notice.pdf).

**Note:** The State Fiscal Year runs from July 1 to June 30. A document must be postmarked by June 30 of each calendar year to apply that fiscal year's fee. Documents submitted on or after July 1 of each calendar year will be required to apply the subsequent fiscal year's fee. Checks shall be made payable to "Treasurer State of New Jersey". Please include your Program Interest (PI) Number on the check.

## Section C. Fee Billing Contact Person

Complete this section for the fee billing contact person. The Annual Soil RAP Fee Invoice will be mailed to this person. Indicate if this person has changed since last submittal of the Soil Remedial Action Protectiveness/Biennial Certification Form and provide the date of RAP Contact Information Change Form Submission.

## Section D. Person(s) Responsible for Conducting the Remediation

1. Indicate if the mailing address has changed for the Person(s) Responsible for Conducting the Remediation (PRCR) that is currently listed on the Soil RAP for the site. If "**Yes**", provide the date of the Soil RAP Modification Application submission.
2. Indicate if the contact person/information for the PRCR(s) has changed since the last submittal of the Soil Remedial Action Protectiveness/Biennial Certification Form. If "**Yes**", provide the date of the RAP Contact Information Change Form submission.

## Section E. Current Owner(s) of the Site

1. Indicate if the property owner(s) has changed from what is currently listed on the Soil RAP for the site. If "**Yes**", provide the date of the RAP Transfer/Change of Property Ownership Application submission.

**Note:** Property owner information 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 K below and provide additional documentation as necessary.

2. Indicate if the mailing address has changed for the property owner(s) that is currently listed on the Soil RAP for the site. If "**Yes**", provide the date of the Soil RAP Modification Application submission.
3. Indicate if the contact person/information for the property owner(s) has changed since the last submittal of the Soil Remedial Action Protectiveness/Biennial Certification Form. If "**Yes**", provide the date of the RAP Contact Information Change Form submission.

## Section F. Attached Documents

Attach electronic copies of the following documents in an email to [srp\\_submissions@dep.nj.gov](mailto:srp_submissions@dep.nj.gov):

*\*See instructions above for how to handle submissions associated with a Post-NFA Case.*

- The Soil Remedial Action Protectiveness/Biennial Certification Form using the current form on the NJDEP Website (<http://www.nj.gov/dep/srp/sra/forms/>) (Required).
- All inspection reports/logs that have been completed since the last submittal of the Soil Remedial Action Protectiveness/Biennial Certification Form (Required).
- A contaminant concentration table that compares Soil Remediation Standard (SRS) changes and order of magnitude analysis associated with the Soil RAP (Required).

- The Contaminants of Emerging Concern (CECs) evaluation completed associated with the Soil RAP (Required).
- A current Tax Map of the property if the block and lot has changed since the Deed Notice was filed, if applicable.
- The completed Remediation Cost Review and RFS/FA Form with a detailed cost estimate, if applicable.
- The homeowner or condominium association's annual budget that includes funds for the operation, maintenance, and monitoring of the engineering control(s) associated with the Soil RAP, if applicable.
- The annual statements confirming the value of the Financial Assurance Instrument, if applicable.

### **Section G. Deed Notice/Declaration of Environmental Restriction (DER)/NOTICE IN-LIEU OF DEED NOTICE Information**

1. Provide the filing date of the current Deed Notice/DER or the issuance of the Notice In-Lieu of DN for the site.
2. For the current Deed Notice/DER provide the Book and Page numbers in which the Deed Notice/DER was filed at the county recording office. If the county does not supply book and page numbers, then provide the instrument/file number.
3. Indicate if the municipal block and lot numbers for the site have changed since you filed the Deed Notice/DER for the site. If **"Yes"**, attach a current tax map of the property, and list the former and new municipal block and lot numbers of the property. You do not need to re-file the Deed Notice/DER with the County nor submit a Soil RAP Modification Application unless it is a subdivision of the site. If the municipal block and lot numbers changed as a result of a subdivision, then refer to the Soil RAP Guidance document.

**Note:** Block and Lot information 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 K below and provide additional documentation as necessary.

4. Indicate if copies of this form have been provided to the municipal and county clerks for each municipality and county in which the site is located; the local, county and regional health department for each municipality and county in which the site is located; each current owner of the site; the Pinelands Commission as applicable; and the Highlands Commission as applicable.

### **Section H. Site Use, Changes, and Disturbances**

1. Check all box(es) that apply indicating the current site use(s) for the site.
2. Indicate if the site use(s) changed since the most recent Deed Notice/DER was filed or the issuance of the Notice In-Lieu of DN that would require the submission of a Soil RAP Modification Application. If **"Yes"**, indicate what the change was and the date of the submission of a Soil RAP Modification Application.

**Pursuant to N.J.A.C. 7:26E- 5.3, a Presumptive or Alternative Remedy is required for Schools, Child Care Centers, and Residences.**

3. Indicate if you have conducted periodic inspections pursuant to Attachment A of the Soil RAP to determine if disturbances of the remedial action/engineering control(s) have taken place since the last submittal of the Soil Remedial Action Protectiveness/Biennial Certification Form.

**Attach** all inspection reports/logs that have been completed since the last submittal of the Soil Remedial Action Protectiveness/Biennial Certification Form.

4. Indicate if disturbances of the remedial action/engineering control(s) have taken place since the last submittal of the Soil Remedial Action Protectiveness/Biennial Certification Form. If **"Yes"**,
  - a) Provide the date and duration of the disturbance, and briefly describe the disturbance. Note that reporting land use disturbances includes those areas of concern that are covered by 'Notices In-Lieu of Deed Notice' (i.e., roadways).
  - b) Indicate if the remedial action/engineering control(s) were restored to the conditions stated in the Deed Notice/DER/Notice In-Lieu of DN. If **"No"**, briefly describe the reasons why and indicate what measures are being taken to ensure the protectiveness of public health and safety and of the environment. Indicate the approximate date of the expected repair to the engineering control(s) disturbance at the site. Note that the engineering control(s) disturbance should be repaired within 60 days of the disturbance and that a Soil RAP Modification Application is required for any permanent change to the engineering control(s) for the site.
5. Since the Soil RAP was issued, indicate if the comparison conducted pursuant to N.J.A.C. 7:26C-7.8(b)3 required the submission a Soil RAP Modification Application.

If **Yes**, provide the date of the Soil RAP Modification Application submission.

6. Indicate if the comparison conducted above revealed a change in the SRS.

If **Yes**, indicate if the SRS changed by an order of magnitude. If the SRS changed by an order of magnitude, then indicate if the change required a modification of the institutional or engineering control. If the change required a modification of the institutional or engineering control, then provide the date of the Soil RAP Modification Application submission.

**Attach** a contaminant concentration table that compares the SRS changes and order of magnitude analysis.

The SRSs may be accessed at <http://www.nj.gov/dep/srp/regs/rs/>. NJDEP guidance documents, including the Order of Magnitude Guidance, may be accessed at <http://www.nj.gov/dep/srp/guidance>.

Note that pursuant to N.J.S.A. 58:10B-13e, the NJDEP may compel the person responsible for the discharge of the hazardous substances to use the new SRS.

**Contaminants of Emerging Concern (CECs):** The permittee(s) is required to evaluate whether there is the potential that the compounds listed below may have been manufactured, used, handled, stored, disposed or discharged at the Area of Concern(s) (AOC(s)) associated with the Soil RAP. Evaluation does not mean analysis. Evaluation means using your professional judgement to determine if the compounds are potential contaminants of concern at the site being evaluated. The evaluation of these compounds should be the same as any other compound. Additional information on CECs can be found at <https://www.nj.gov/dep/srp/emerging-contaminants/>. Answer **No** to the below questions if the results of the CEC evaluation remain unchanged since the last the submittal of the Soil Remedial Action Protectiveness/Biennial Certification Form.

7. Indicate if 1,4-dioxane is a potential contaminant of concern at the AOC(s) associated with the Soil RAP and if it requires further remedial investigation.
8. Indicate if perchlorate is a potential contaminant of concern at the AOC(s) associated with the Soil RAP and if it requires further remedial investigation.
9. Indicate if per- and polyfluoroalkyl substances (PFAS), including but not limited to perfluorononanoic acid (PFNA), perfluorooctanoic acid (PFOA), and perfluorooctane sulfonic acid (PFOS) are potential contaminants of concern at the AOC(s) associated with the Soil RAP and if it requires further remedial investigation.
10. Indicate if 1,2,3-trichloropropane (1,2,3-TCP) is a potential contaminant of concern at the AOC(s) associated with the Soil RAP and if it requires further remedial investigation.

**Attach** the results of the required emerging CECs evaluation. The results of the CEC evaluation from the last the submittal of the Soil Remedial Action Protectiveness/Biennial Certification Form can be submitted if nothing has changed since then.

If **Yes** to any of the questions 7 to 10 above, then provide a discussion how this issue is being addressed.

## Section I. Vapor Intrusion

1. Indicate if compounds of potential vapor intrusion concern are included in the Deed Notice/DER/Notice In-Lieu of Deed Notice. If compounds of potential vapor intrusion concern are included in the Deed Notice/DER/Notice In-Lieu of Deed Notice, then complete this section; otherwise proceed to the next section.
2. Based on the most recent soil data available, indicate if any contaminants of concern currently require a vapor intrusion investigation pursuant to N.J.A.C. 7:26E-1.15. If **Yes**, attach a table with the vapor intrusion sampling results, a scaled site map indicating the location of all structures investigated for vapor intrusion, and provide a discussion of those results below or provide a written explanation with the reasons for not evaluating the vapor intrusion pathway. Refer to the NJDEP's Vapor Intrusion Technical Guidance Document at <http://www.nj.gov/dep/srp/guidance/vaporintrusion>.
3. Indicate if there any changes in property use for the site or surrounding properties that required a vapor intrusion investigation from this soil contamination. If **Yes**, attach a table with the vapor intrusion sampling results, a scaled site map indicating the location of all structures investigated for vapor intrusion, and provide a discussion of those results or provide a written explanation with the reasons for not evaluating the vapor intrusion pathway.
4. Indicate if any vapor intrusion engineering control(s)/mitigation system(s) have been installed as a result of this soil contamination. If a system was installed, but not required for the remediation (i.e., there is not a complete VI pathway requiring the system), check **No**. If **Yes**, indicate the type of system installed and attach any vapor intrusion

sampling results as required from the OMM Plan for the vapor intrusion engineering control(s)/mitigation system(s) for the permit, including the NJDEP Vapor Intrusion Mitigation Monitoring and Maintenance Checklist. Provide a scaled site map that clearly identifies the building(s) and/or structure(s) with the vapor intrusion engineering control(s)/mitigation system(s) in place, including the address and block and lot of each impacted property.

**Note:** A Soil RAP Modification Application should be submitted if the vapor intrusion engineering controls/mitigation systems is not included in the Soil RAP for the site.

5. Indicate if there is soil gas contamination above the Soil Gas Screening Levels beneath any buildings that require long-term monitoring as a result of this soil contamination. If **“Yes”**, attach any vapor intrusion sampling results as required from the Vapor Intrusion Long-Term Monitoring Plan.

**Note:** A Soil RAP Modification Application should be submitted if the Vapor Intrusion Long-Term Monitoring Plan is not included in the Soil RAP for the site.

6. Indicate if there are any building(s) that have an Indeterminate Vapor Intrusion Pathway status as a result of this soil contamination. If **“Yes”**, indicate if the required annual inspections have been completed to determine the change in use and attach a summary of the inspections and a scale site map clearly identifying the buildings with Indeterminate Vapor Intrusion Pathway status, including the address and block/lot of each building. For more information on Indeterminate Vapor Intrusion Pathway, see Section 3.5.2 of the Vapor Intrusion Technical Guidance document dated January 2018.

**Note:** A Soil RAP Modification Application should be submitted if the Indeterminate Vapor Intrusion Pathway status is not included in the Soil RAP for the site.

## Section J. Financial Assurance

1. Indicate if the Soil RAP/Deed Notice/DER/Notice In-Lieu of DN includes an engineering control. Refer to the Soil RAP Guidance document for engineering control definition. If the proposed soil remedial action **does not** include an engineering control, then Financial Assurance is not required for the Soil RAP, skip the rest of this section and go to the next section.
2. Indicate if Financial Assurance is required for the site. If **“Yes”**, attach a completed Remediation Cost Review and RFS/FA Form with a detailed cost estimate.
3. If the Financial Assurance Instrument is a Line of Credit, Remediation Trust Fund, Surety Bond, or Environmental Insurance Policy, indicate if annual statements confirming the value of the Financial Assurance Instrument have been submitted pursuant to the Soil RAP Permit Schedule. If **“No”**, attach the annual statements confirming the value of the Financial Assurance Instrument.
4. If the current owner of the site is either a homeowner association or a condominium association, indicate if copies of the annual budget that includes funds for the operation, maintenance, and monitoring of the engineering control(s) at the site have been submitted pursuant to the Soil RAP Permit Schedule. If **“No”**, attach copies of the association’s annual budget that includes funds for the operation, maintenance, and monitoring of the engineering control(s) at the site.

## Section K. Other Information Provided

List any other pertinent information to support the Soil Remedial Action Protectiveness/Biennial Certification Form. This section should include a discussion of any new information or soil data as it relates to the protectiveness of the soil remedial action for the site. This section can also be used for professional judgement justification, variances from rules/guidance, etc.

## Section L. Person with Primary Responsibility for Permit Compliance/Person Responsible for Monitoring the Protectiveness of the Remedial Action

The certification in this section shall be signed and dated by the person with primary responsibility for permit compliance/person responsible for monitoring the protectiveness of the remedial action. The certification in this section shall **not** be signed by the Licensed Site Remediation Professional or law firm hired to assist the 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 organization for the person with primary responsibility for permit compliance/person responsible for monitoring the protectiveness of the remedial action;
  - Provide the full name of the representative of the person with primary responsibility for permit compliance/person responsible for monitoring the protectiveness of the remedial action, pursuant to N.J.A.C. 7:26C-1. Enter "Same" if the representative is the same person as the person with primary responsibility for permit compliance/person responsible for monitoring the protectiveness of the remedial action;
  - Provide the title of the representative of the person with primary responsibility for permit compliance/person responsible for monitoring the protectiveness of the remedial action;
  - Provide the telephone number, extension number, and fax number of the representative of the person with primary responsibility for permit compliance/person responsible for monitoring the protectiveness of the remedial action;
  - Provide the mailing address, including the city/town, state, and zip code of the representative of the person with primary responsibility for permit compliance/person responsible for monitoring the protectiveness of the remedial action;
  - Provide the email address of the representative of the person with primary responsibility for permit compliance/person responsible for monitoring the protectiveness of the remedial action;
  - The representative for the person with primary responsibility for permit compliance/person responsible for monitoring the protectiveness of the remedial action shall provide:
    - ❖ His/her signature where indicated;
    - ❖ His/her name and title (i.e., President, CEO); and
    - ❖ The date when the signing occurred.

#### **Section M. Licensed Site Remediation Professional Information and Statement**

- LSRP ID Number: Provide the Licensed Site Remediation Professional ID Number.
- Provide 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.