



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

INSTRUCTIONS FOR TERMINATION OF DEED NOTICE FORM

Please review the Remedial Action Permits for Soil Quick Reference Guide

(https://www.nj.gov/dep/srp/srra/training/matrix/quick_ref/rap_soil.pdf) and the Remedial Action Permits for Soils Guidance (http://www.nj.gov/dep/srp/guidance/index.html#rap_soils) before completing this form.

1. **Applicability.** Use this form to apply for a termination of Deed Notice. The Model Termination of Deed Notice in Appendix C of N.J.A.C. 7:26C should be used when completing the termination of Deed Notice document.
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 Person Responsible for Conducting the Remediation, the property owner, and the Licensed Site Remediation Professional (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 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); if not consistent, then indicate why in Section H 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). If this application is being submitted due to a subdivision of the site, please contact BCAIN prior to permit application in order to determine if new PI Numbers are needed. Contact BCAIN by email to SRWM_NJEMS@dep.nj.gov and include the following information along with your request: the subdivided lots, tax maps (current and new), owners of each lot, and the newly designated addresses for the subdivided lots;
- **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;
- **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.

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

Section B. Termination of Deed Notice

Note: This termination of Deed Notice request will not be processed until all past RAP annual fees, and the Remedial Action Protectiveness/Biennial-Certification fee (if applicable - Post-No Further Action (NFA) Cases) have been paid in full. Please see the April 13, 2017 Compliance Notice: Post-NFA cases requiring remedial action permits which can be found at: https://www.nj.gov/dep/srp/enforcement/post_nfa_compliance_notice.pdf. Indicate the reason for the submittal of this application by checking one of the following selections:

- **Site Remediated to applicable Soil Remediation Standards (e.g., remediation after the initial Deed Notice was filed)**
- **Compliance Averaging or Alternate Remediation Standard that supports the change in the original Deed Notice**
- **Change in Promulgated Soil Remediation Standards that supports the change in the original Deed Notice**
- **Change in institutional and/or engineering control (e.g, physical change in the construction of the engineering control)**
- **Subdivision**
- **Historically Applied Pesticides (HAP) Notice Termination**
- **Other - provide reason (e.g., change in site boundaries due to eminent domain)**

The hard copy of the original, signed Deed Notice Termination document will be mailed to the Licensed Site Remediation Professional (LSRP) that is identified in Section K (LICENSED SITE REMEDIATION PROFESSIONAL INFORMATION AND STATEMENT) below. **If you want this document returned to someone else** instead, please specify in Section H (OTHER INFORMATION PROVIDED) below.

Section C. Person Responsible for Conducting the Remediation – Co-Permittee

Complete this section for the Person Responsible for Conducting the Remediation (PRCR). 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 PRCR, not the agent/person with power of attorney to complete/sign this application on behalf of the PRCR. "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 H below and provide additional documentation as necessary.** If there is more than one person, complete the Addendum A for the additional person(s).

Section D. Current Owner of the Site – Co-Permittee

Complete this section for the current owner of the site; 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 I below. 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 H below and provide additional documentation as necessary.** If there is more than one person, complete the Addendum B for the additional person(s).

Section E. Attached Documents

Attach the following documents with the Deed Notice Termination Form:

Note: All electronic copies should be provided in Adobe PDF file format on a compact disc (CD). All the documents required below can be combined into a single Adobe PDF file on the CD.

- Hard and electronic copy of the completed Deed Notice Termination Application using the current form on the NJDEP Website.
- Hard and electronic copy of the cover letter summarizing the request for the Deed Notice termination.
- Hard copy (Original Ink/Signed/Notary) of the Deed Notice Termination document to be filed.

Note: For the NJDEP signature certification section, leave blanks (_____) where the bracketed/italicized information is (i.e., [Month, day, year], [Insert name of person executing document on behalf of the New Jersey Department of Environmental Protection], [insert title], and [title]). Also, leave blank the [month, day, year] for “The Department approved the request by way of letter dated...” in Section 3 of the Model Termination of Deed Notice.

- Electronic copy of the Deed Notice Termination document to be filed.
- Electronic copy of the Filed Deed Notice document that will be terminated with Book & Page Numbers.
- Electronic copy of the Remedial Action Report (RAR) or other documents supporting the termination of the Deed Notice. A new RAR should be submitted when a different attainment method is used or new information/data (e.g., post-excavation soil sampling) was obtained for the site. The Original RAR may be submitted if it supports the Deed Notice termination. Any administrative changes/other supporting information should be discussed in the cover letter required above.

Section F. Filed Deed Notice Information (to be terminated)

Note: If more than one DER/Deed Notice for this environmental restriction exists (i.e., corrected, amended, or supplemental DERs/Deed Notices), then complete the Addendum to Section F and include this information in the Model Deed Notice Termination document.

1. Provide the filing date that is stamped on the most applicable Deed Notice by the county recording officer.
2. Provide the name of the county or counties where the Deed Notice was filed.
3. Provide the Book Number and page numbers (first page to last page) stamped on the Deed Notice by the county recording officer.
4. Provide the Instrument/Control/File Number(s) stamped on the Deed Notice by the county recording officer. Note that some counties only use an instrument number. In this case, leave the book and page numbers blank.
5. Include the municipal Block(s) and Lot(s) numbers of the restricted area(s). 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 provide additional documentation.

Section G. Vapor Intrusion Summary

Note: Complete this Section if you are removing a vapor intrusion engineering control/mitigation system from the Deed Notice.

Indicate if sub-slab soil gas and indoor air sampling was conducted in accordance with the Department’s most current Vapor Intrusion Technical Guidance document to demonstrate that the vapor intrusion engineering control(s)/mitigation system(s) is no longer required.

If sub-slab soil gas and indoor air sampling was conducted, then attach the sub-slab soil gas and indoor air sampling results for each building along with a scaled site map depicting the location of the building, the vapor intrusion engineering control/mitigation system type/design, and the sub-slab soil gas and indoor air sampling locations on it.

If sub-slab soil gas and indoor air sampling was not conducted, then provide the justification for the deviation of this sub-slab soil gas and indoor air sampling requirement in Section H below.

Section H. Other Information Provided

List any other pertinent information to support the Deed Notice termination, including Soil or Ground Water RAPs applied for or obtained. This section can also be used for professional judgement justification, compliance averaging, variances from rules/guidance, etc.

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. 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. 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 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 current property owner signature cannot be obtained. In these situations, a copy of the completed permit application excluding the current property owner signature should be provided to the property owner. To document that the current 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. 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.