

Activity Merge Requirements Guidance

Contaminated Site Remediation & Redevelopment
New Jersey Department of Environmental Protection



Summary

Industrial Site Recovery Act (ISRA) cases, Spill Act Discharge Cases, and Regulated Underground Storage Tank (UST) cases are all tracked by Contaminated Site Remediation & Redevelopment (CSRR) under LSR Activities (i.e., LSR120001) at each site's Program Interest (PI) number. Each LSR activity receives its own Annual Fee, has its own Responsible Parties (RPs), and timeframes based on the earliest triggering event at that activity (ISRA trigger, UST Removal, Contamination identification date, etc.).

If there are multiple LSR activities at a single site, RPs can request to merge these activities. Merging the activities allows for a reduction in annual remediation fees issued at the PI and allows for a single set of reports and a single RAO to be issued for all the open obligations at that LSR activity. However, when merged, the timeframe(s) of the LSR activity will reflect the earliest trigger date of all the case types tracked under that activity. Merge requests are handled by the Bureau of Case Assignment and Initial Notice (BCAIN).

Merge Requirements

Prior to submitting a merge request, the activities must meet the following requirements:

1. **Activities Must be in Compliance and/or Have Resolved all CSRR Violations:**
BCAIN will not process any merge request involving activities that are not in compliance and/or that have unresolved violations. RPs should contact the Compliance Assistance section of the Bureau of Enforcement & Investigations (BEI) at (609) 633-1480 to resolve violations.
2. **Same Responsible Party:** The activities involved in the merge request must all have the same RP. If the RPs between the activities are different, they should be updated prior to requesting the merge as noted in a and b below.
 - a. For Spill Act Discharge and Regulated UST cases – a [Site & Contact Update Form](#) should be submitted updating the RP of the cases to the party that will request the merge. The form can be emailed to srp_submissions@dep.nj.gov.
 - b. For ISRA cases – If the RP requesting the merge is taking over an ISRA case, a [Remediation Certification](#) should be submitted in which the party requesting the merge signs "Section G - Party(ies) Agreeing to Conduct Remediation." The form can be emailed to srp_submissions@dep.nj.gov.
3. **Same Remedial Phase:** The activities involved in the merge request must all be at the same phase of remediation. For example, a request to merge an LSR activity with a completed Remedial Investigation and an LSR activity with an incomplete Remedial Investigation will not be approved. A request to merge an ISRA or Regulated UST case into a Spill Act Case with an

earlier timeframe will also not be approved until the Preliminary Assessment (for the ISRA case only) and Site Investigation Reports are submitted.

4. **All Annual Remediation Fees Should be Paid:** All Annual Remediation Fees for each activity involved in the merge request should be paid prior to requesting the merge. The Financial Obligation Summary Report on NJDEP Data Miner can be used to identify any outstanding fees.
5. **ISRA Cases Must Have the Same Scope:** BCAIN will not approve a merge request involving two ISRA cases with different scopes. An ISRA case with an industrial establishment occupying a portion of the site cannot be combined with an ISRA case with an industrial establishment occupying an entire site.

Merge Request Letter

If the first three requirements above have been met, submit a merge request letter to BCAIN. The letter must be signed by the RP and a PDF copy should be emailed to SRWM_NJEMS@dep.nj.gov. The Merge Request Letter must include the following acknowledgements:

- a. **The Timeframes of the Merged Activity will Reflect the Earliest Trigger Date:** The letter should include the acknowledgement that the merged activity will use the earliest trigger date between all the case types that were merged. Trigger dates can include the date of ISRA/ECRA triggers, regulated UST removal dates, date contamination was identified, etc.
- b. **Once Merged, Cases Will Not Be Separated:** An activity merge request should be a final decision. An RP who requests a merge of two or more activities will not be able to separate the cases in the future after requesting the merge.

Requesting a Merge of LSR Activities under Multiple Program Interest (PI) Numbers

An RP may be interested in merging activities under different PI numbers. This often occurs if an RP has purchased multiple parcels that previously had separate owners and thus had separate PI numbers. These requests will be reviewed on a case-by-case basis. Review requests can be sent to SRWM_NJEMS@dep.nj.gov.