



New Jersey Department of Environmental Protection
Contaminated Site Remediation & Redevelopment

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

General Instructions

The New Jersey Department of Environmental Protection (Department) 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 no later than 60 calendar days after the sale or transfer of the property, pursuant to N.J.A.C. 7:26C-7.11.
2. **Updates.** The Department 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 Department's Website: <https://dep.nj.gov/srp/forms/>.
3. **Signatures.** This form must be signed by the former property owner, the new/current property owner, and the LSRP responsible for completion of the form and attached documents.
4. Completed forms along with the current applicable fee should be sent to:

Bureau of Case Assignment & Initial Notice (BCAIN)
Contaminated Site Remediation & Redevelopment
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://njems.nj.gov/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 https://tax1.co.monmouth.nj.us/cgi-bin/prc6.cgi?menu=index&ms_user=monm&passwd=data&district=1301&mode=11); 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 Department according to DataMiner (see web link above);
- **Remedial Action Permit Activity Number:** Provide the RAP activity number for the most recent RAP obtained to which this transfer/change of property ownership applies (i.e., RAP240001).
- **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 https://tax1.co.monmouth.nj.us/cgi-bin/prc6.cgi?menu=index&ms_user=monm&passwd=data&district=1301&mode=11); 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 Department'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 https://dep.nj.gov/wp-content/uploads/srp/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 may not be processed until all current/overdue RAP fees have been paid in full, and all previously required RAP Modification Applications have been submitted.

You must include the appropriate application fee that is indicated on the form and can also be found in the Fee Guidance Document (<https://dep.nj.gov/srp/forms/>). 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. RAP 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 (Transferor) Information and Certification

Complete this section for the Former Property Owner (Transferor). A person's name must be submitted as the contact person, not a title. If there is more than one former property owner (transferor), check the box indicating more than one entity and complete the Addendum to Section D for the additional entity(ies).

The certification in this section shall be signed and dated by the organization/affiliation 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 Department 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 Department prior to or together with any reports, information, or applications to be signed by an authorized representative.
- Provide the name of the organization/affiliation who owned the property;
 - Provide the full name of the contact for the organization/affiliation who owned the property, pursuant to N.J.A.C. 7:26C-1;
 - Provide the title of the contact for the organization/affiliation who owned the property;
 - Provide the telephone number, extension number, and fax number of the contact for the organization/affiliation who owned the property;
 - Provide the mailing address, including the city/town, state, and zip code of the contact for the organization/affiliation who owned the property;
 - Provide the email address of the contact for the organization/affiliation who owned the property;
 - The contact for the organization/affiliation 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 Department.

Section E. New/Current Property Owner (Transferee) Information and Certification

Complete this section for the New/Current Property Owner (Transferee); this should be consistent with what is in the tax database(s) (e.g., etaxmaps.com and https://tax1.co.monmouth.nj.us/cgi-bin/prc6.cgi?menu=index&ms_user=monm&passwd=data&district=1301&mode=11); 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 H below and provide additional documentation as necessary.** If there is more than one new/current property owner (transferee), check the box indicating more than one entity and complete the Addendum to Section E for the additional entity(ies). Provide the date the property sale or transfer occurred.

Check the box if this entity is the "Primary Contact for Permit Compliance" (i.e., performing cap inspections or ground water monitoring, submitting Remedial Action Protectiveness/Biennial Certification Forms or RAP Applications).

The certification in this section shall be signed and dated by the organization/affiliation 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 Department 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 Department prior to or together with any reports, information, or applications to be signed by an authorized representative.
- Provide the name of the organization/affiliation who owns the property;
 - Provide the full name of the contact for the organization/affiliation who owns the property, pursuant to N.J.A.C. 7:26C-1;
 - Provide the title of the contact for the organization/affiliation who owns the property;
 - Provide the telephone number, extension number, and fax number of the contact for the organization/affiliation who owns the property;
 - Provide the mailing address, including the city/town, state, and zip code of the contact for the organization/affiliation who owns the property;
 - Provide the email address of the contact for the organization/affiliation who owns the property;
 - The contact for the organization/affiliation 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 permit application, a copy of the letter transmitting the permit application needs to be included with the application submitted to the Department.

Section F. Financial Assurance (FA)

Complete this section for the new/current property owner (transferee)

1. Indicate if the remedial action includes an engineering control. If the remedial action **does not** include an engineering control, then Financial Assurance (FA) is not required for the RAP, skip questions 2, 3, and 4 and go to Section G.
2. Indicate if FA 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 exemptions that apply.

If you are exempt skip the rest of this section and go to Section G.

Attach an up-to-date Remediation Cost Review and RFS/FA Form, including a detailed cost estimate, if the RAP includes an engineering control and at least one permittee (Person Responsible for Conducting Remediation (PRCR) and/or new Property Owner) is required to establish FA.

Note: If the former property owner (transferor) was also the PRCR on the RAP using the small business FA exemption, the PRCR can no longer use the small business FA exemption and must post FA for the RAP. The small business FA exemption is for a current owner or operator of a small business at the site.

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

Section G. 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.

- Check this box to indicate that you have included the hard copy **and** electronic copy of the RAP Transfer/Change of Property Ownership Application using the current form on the Department's website (<https://dep.nj.gov/srp/forms/>).
- Check this box to indicate that the RAP requires FA and include an electronic copy of the Remediation Cost Review Form. Check one of the following three boxes as appropriate:
 - Check this box if new FA is being established. If so, the original FA mechanism (hardcopy), including any amendments, must be provided to the Department from the financial institution or the new budget should be provided from the homeowner or condominium association, if applicable.
 - Check this box if you are continuing to use existing FA (provide an electronic copy).
 - Check this box if you are using Remediation Funding Source (RFS) as FA. Provide an electronic copy of the RFS mechanism.

Section H. Additional Information

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. 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.