

## **Appendix H**

### **Remedial Action for Soil Operations and Maintenance Plan**



Prepared for:  
PPG  
Pittsburgh, PA

Prepared by:  
APTIM  
Trenton, New Jersey  
631229113  
August 9, 2019

# Remedial Action for Soil Operations and Maintenance Plan Draft

**Hudson County Non-Residential  
Chromate Chemical Production Waste Sites  
Hudson County Chromate Site 174  
Dennis P. Collins Park  
West 1<sup>st</sup> Street  
Bayonne, Hudson County, New Jersey  
SRP Program Interest No. G000011472**

## Contents

<b>1.0 Introduction.....</b>	<b>1-1</b>
<b>2.0 Engineering Controls.....</b>	<b>2-1</b>
2.1 Two-Foot Thick Soil Cap .....	2-1
2.2 Restroom Building.....	2-1
2.3 Chain-Link Fencing.....	2-1
2.4 Shoreline Erosion Protection System .....	2-2
2.5 Notice in Lieu of Deed Notice Area – West 1 <sup>st</sup> Street.....	2-2
<b>3.0 Institutional Controls .....</b>	<b>3-1</b>
3.1 Deed Notice .....	3-1
3.2 Notice in Lieu of Deed Notice .....	3-1
3.3 Inspection and Monitoring .....	3-1
3.4 Inspection Frequency .....	3-2
3.5 Maintenance.....	3-2
3.6 Reporting.....	3-3
<b>4.0 Communication Protocol .....</b>	<b>4-5</b>

## List of Attachments

Attachment A Drawings

Attachment B Engineering Control Checklist

Attachment C Deed Notice Biennial Certification Forms

## 1.0 Introduction

The purpose of this *Remedial Action for Soil Operations and Maintenance Plan* (O&M Plan) is to provide guidance for the implementation and reporting of annual site inspections conducted for the engineering controls associated with approved remedial action being conducted by PPG for the following site:

Hudson County Chromate Site 174  
Dennis P. Collins Park  
West 1<sup>st</sup> Street  
Bayonne, Hudson County, New Jersey  
SRP Program Interest No. G000011472

This O&M Plan presents the requirements for operating and maintaining the engineering controls for soil and executing the institutional controls that comprise the approved remedial action at the site. This includes cap inspections and completion of the reporting requirements defined in the Deed Notice, Notice in Lieu of Deed Notice, and the Remedial Action Permit(s) for Soil.

The typical sequence of events for the engineering control inspections and reporting will be as follows:

- notify the City of Bayonne regarding the post-remedial action inspection
- schedule the inspections
- conduct the inspections
- perform follow up actions as necessary,
- prepare post-inspection reports for review and final submission

These actions are being conducted as part of the Biennial Certification and Monitoring Report process associated with the Remedial Action Permit for Soil for the Deed Notice and Notice in Lieu of Deed Notice areas at the site. The following sections describe the process in more detail. This O&M Plan may be revised from time to time to ensure post-remediation conditions and site contacts are current

This document also establishes a communication protocol between the City of Bayonne and PPG in the event of intrusive work by the property owner is proposed within the footprint of the engineering controls. The communication protocol is provided at the back of this document.

The remedial action on Block 383, a portion of Lot 3; Block 383, a portion of Lot 4; Block 383, Lots 5, and 7; Block 383, portions of Lots 6, and 8; Block 384, portions of Lots 1 and 2; Block 385, Lots 1 and 2; Block 385, portions of Lot 3; Block 385, portions of Lot 6; and a portion of West 1<sup>st</sup> Street in Bayonne, Hudson County, New Jersey includes engineering controls consisting of the following:

- A two-foot thick soil cap over the entire site
- Restroom Building
- Chain link fencing at Sewage Pump Station
- Shoreline Erosion Protection along the southern shore
- Asphalt capping within the restricted area of West 1<sup>st</sup> Street

As an institutional control, a Deed Notice has been filed because contaminated soils are present underneath the engineering controls at concentrations in excess of the NJDEP *Chromium Soil Cleanup*

*Criteria* (September 2008, revised April 2010) or the *Soil Remediation Standards* (N.J.A.C. 7:26D, last amended September 18, 2017).

## 2.0 Engineering Controls

### 2.1 Two-Foot Thick Soil Cap

The two-foot thick soil cap was installed where concentrations of hexavalent chromium and chromate chemical production waste (CCPW) related metals (antimony, thallium, nickel, and vanadium) exceed the NJDEP Chromium Soil Cleanup Criteria (September 2008, revised April 2010) or the Soil Remediation Standards (N.J.A.C. 7:26D, last amended September 18, 2017), and/or the presence of sporadic visible CCPW nodules within fill material beneath the cap. The two-foot thick soil cap functions to prevent direct contact, prevent the generation of fugitive dusts, and reduce infiltration through high concentration hexavalent chromium zones.

The Two-Foot Thick Soil Cap consists of a multi-layer cap containing the following:

- A layer of filtration geotextile with a fabric weight of 3.5 oz. per square yard
- A layer of certified clean backfill with a minimum thickness of 18-inches
- A layer of vegetative soil with a minimum thickness of 6-inches.

The area encompassed by this engineering control is shown on Attachment A.

### 2.2 Restroom Building

Soil excavation activities that were completed in 2016 identified the presence of a visible CCPW seam in the vicinity of the restroom building. CCPW nodules were observed to be embedded in the exterior of the building foundation. Approximately 10-inches of concrete were removed from the building foundation and post-removal concrete samples were collected. Hexavalent chromium was identified at concentrations in excess of the NJDEP *Chromium Soil Cleanup Criteria* (September 2008, revised April 2010) in the concrete that remained, necessitating the incorporation of the Restroom Building into a Deed Notice.

The restroom building functions to prevent direct contact, prevent the generation of fugitive dusts, and reduce infiltration through high concentration hexavalent chromium zones.

The area encompassed by this engineering control is shown on Attachment A.

### 2.3 Chain-Link Fencing

A 10-foot high, chain-link fence that encloses a sewage pump station is situated on the site between the restroom building and the sidewalk along West 1<sup>st</sup> Street. Investigations to evaluate the presence of CCPW-related soil contamination within the area of the chain-link fence have not been completed, Access by the general public to this area is restricted and only employees or contractors of the City of Bayonne Public Works Department are permitted to access the area within the chain-link fence. The chain-link fence functions as an engineering control to prevent direct contact of potentially contaminated soils by the general public.

The majority of the area within the chain-link fence is covered by impermeable surfaces (i.e., asphalt and concrete), with limited areas along the fence lines that are vegetated.

The area encompassed by this engineering control is shown on Attachment A.

## **2.4 Shoreline Erosion Protection System**

The Shoreline Erosion Protection System is an extension of the Two-Foot Thick Soil Cap (Exhibit C-2) extending into portions of the southern shoreline as shown on Exhibit B-1. The Shoreline Erosion Protection System was installed to cover areas where concentrations of hexavalent chromium exceed the Chromium Cleanup Criteria along the shoreline embankment and/or visible CCPW has been identified.

The Shoreline Erosion Protection System includes a rock overlay along an approximately 1,200-foot length of shoreline. The Shoreline Erosion Protection System is comprised of approximately 8,000 tons of armor stone and 800 tons of bedding stone placed on top of the existing rock revetment and riverbed, respectively. The bedding stone was placed at the seaward edge to support the toe scour stone. The armor stone has an average nominal diameter (D50) of 24-inches and weight ranging from 0.3 tons to 1.3 tons with a minimum density of 165 pounds per cubic foot (pcf). The revetment has a crest elevation between +8.0 feet NAVD and +13.0 feet NAVD and side slopes of 2H:1V.

The area encompassed by this engineering control is shown on Attachment A.

## **2.5 Notice in Lieu of Deed Notice Area – West 1<sup>st</sup> Street**

The area delineated beyond the curb line into West 1<sup>st</sup> Street will utilize the existing engineering control (i.e., asphalt paving) and will be incorporated into a Notice in Lieu of Deed Notice. The area encompassed by this engineering control is shown on Attachment A.

## 3.0 Institutional Controls

### 3.1 Deed Notice

The deed notice provides notice to the current owner, subsequent owners, and other prospective users (i.e., lessees) that the Site contains engineering controls overlying soils contaminated at concentrations in excess of the NJDEP *Chromium Soil Cleanup Criteria* (September 2008, revised April 2010) or the *Soil Remediation Standards* (N.J.A.C. 7:26D, last amended September 18, 2017) and the presence of sporadic visible CCPW nodules. It also provides notice that the engineering controls must be maintained and not disturbed in order to provide continued protection to public health and safety and the environment. The deed notice will be tracked by NJDEP via the issuance of the Remedial Action Permit for Soil.

### 3.2 Notice in Lieu of Deed Notice

Institutional controls have been placed on the Site in the form of a Notice in Lieu of Deed Notice that provides information regarding the contaminants present, the engineering control(s) in place, and the frequency of monitoring, maintenance, and reporting of the protectiveness of the remedy within the designated area of West 1<sup>st</sup> Street. The Notice in Lieu of Deed Notice will be tracked by NJDEP via the issuance of the Remedial Action Permit for Soil.

### 3.3 Inspection and Monitoring

Monitoring of the engineering controls and deed notice will consist of, at a minimum, inspection of the entire site and an evaluation of the engineering controls in accordance with the institutional controls associated with the remediation (i.e., deed notice and notice in lieu of deed notice). The results of all inspections and maintenance and any disturbances of the controls will be documented in the inspection logbook and with an inspection checklist (see Attachment B), which will be made available to the NJDEP upon request. For each inspection, the date of the inspection, name of the inspector, results of the inspection, and conditions of the engineering controls will be documented in the inspection logbook.

The inspections will focus on identifying conditions that may indicate a current problem or could result in a future problem to the integrity of the engineering controls. The possible conditions include the following:

- Evidence of excavation or intrusive construction in the engineering controls and deed notice areas
- The observance of thinning or stressed vegetation resulting in erosion or the potential for erosion of the vegetative soil layer
- The observance of desiccation or cracking of the vegetative layer or hardscape controls resulting in exposure or the potential for exposure of the underlying geotextile or geomembrane
- Erosion of the vegetative cover layer resulting in exposure or potential for exposure of the geotextile or geomembrane
- Growth of woody penetrating trees, saplings, or bushes that could compromise the cap liners;
- Erosion of the rip-rap cover layer resulting in exposure or potential for exposure of the geotextile or geomembrane



- The observance of settlement in the two-foot thick soil cover area
- The observance of settlement on hardscape overlaying the cap
- The observance of settlement or undercutting in the Shoreline Erosion Protection area
- The observance of the formation of chromium related "blooms" on hardscape elements used to support the cap (i.e., retaining walls)
- The observance of damage to chain-link fencing surrounding the sewage pump station

If any of these conditions are observed, the location and specific observations made by the inspector regarding the conditions will be documented in the inspection logbook and /or checklist. An evaluation of the possible cause of the condition, its potential effects on the function of the engineering control, and any appropriate maintenance actions needed to correct the condition will be documented in the inspection logbook.

The site inspections will also include monitoring and verification of deed notice conditions. It shall include verification that the land use is consistent with the use restrictions identified in the deed notice and that land use did not change in a manner that may create an unacceptable exposure. If any excavation or disturbance that has taken place, the nature of the disturbance, dates and duration of the disturbance, name of the individual and their affiliation conducting the disturbance, notifications made to the party, amounts of soil generated for disposal, final disposition and any precautions taken to prevent exposure will be noted.

### 3.4 Inspection Frequency

Monthly inspections/reporting will be conducted for the first six months following installation of the engineering controls to ensure the establishment of vegetative growth in areas that are not proposed for hardscaping. Following monthly inspections, the engineering controls will be inspected on an annual basis and in accordance with the conditions of Remedial Action Permit for Soil to determine their integrity, operability, and effectiveness as follows:

Engineering Control	Inspection Frequency
Two-Foot Thick Soil Cap	Annual
Restroom Building	Annual
Fencing Surrounding Pump Station	Annual
Shoreline Erosion Protection System	Annual
Notice in Lieu of Deed Notice Area – West 1 <sup>st</sup> Street	Annual

### 3.5 Maintenance

Maintenance will be conducted as necessary based on the findings of the inspections to maintain the integrity of the engineering controls. Maintenance may include:

- Maintain vegetative cover by reseeding or replanting

- Preserve cap by removal of invasive of woody plants with deep root systems that could weaken or puncture cap elements
- Repair cracks, damage, or loss in thickness of the vegetative soil layer
- Repair cracks or damage to hard engineering controls and hardscape overlying engineering controls
- Repair damage to chain-link fencing surrounding sewage pump station
- Perform other maintenance as required in response to conditions identified during site inspections

For reference, the following materials were used in the construction of the remedial action and maintenance involving these materials should use materials having the same properties unless modified by the responsible party.

- Warning / Demarcation Barrier
- Clean backfill – meeting NJDEP 2017 RDCSRS
- Vegetative layer - meeting NJDEP 2017 RDCSRS

All maintenance performed at the site will be documented in the inspection logbook and checklists and include reference to the inspection date of the condition requiring maintenance, date of maintenance, personnel performing the maintenance, specific maintenance action performed, materials used in maintenance, location of the maintenance item performed, and condition of the location following maintenance.

On the same day of the engineering controls inspection, PPG and its consultants will be prepared to immediately cover or cordon off potentially impacted areas in need of an engineering control or existing engineering controls requiring repair, until these areas are sampled or until a temporary engineering control is installed in these areas. Equipment and materials used to install temporary engineering controls may include, but are not limited to, the following:

- Cones
- Caution tape
- Asphalt cold patch
- Stone/gravel
- Topsoil
- Temporary fencing

During the inspection, if existing engineering controls are observed to need repair or new engineering controls need to be installed to address potentially impacted areas, temporary repairs will be performed immediately in these areas until a more permanent engineering control can be installed in accordance with the procedures outlined in the Deed Notice and Notice in Lieu of Deed Notice.

### **3.6 Reporting**

Pursuant to N.J.S.A. 58:10B-13.1, monitoring for compliance and effectiveness of the institutional and engineering controls shall be conducted regularly. A certification shall be submitted to the Department every two years (or as required by the NJDEP Remedial Action Permit for Soils) in writing that the institutional and engineering controls are being properly maintained and continue to be protective of public health and the environment. The certification shall include the information relied upon to determine that no changes have occurred.

Every two years (or as required by the NJDEP Remedial Action Permit for Soils), a biennial certification report meeting the requirements identified above will be prepared and submitted to the Department for review. Attachment C presents the current form required in presenting the certification report.

## 4.0 Communication Protocol

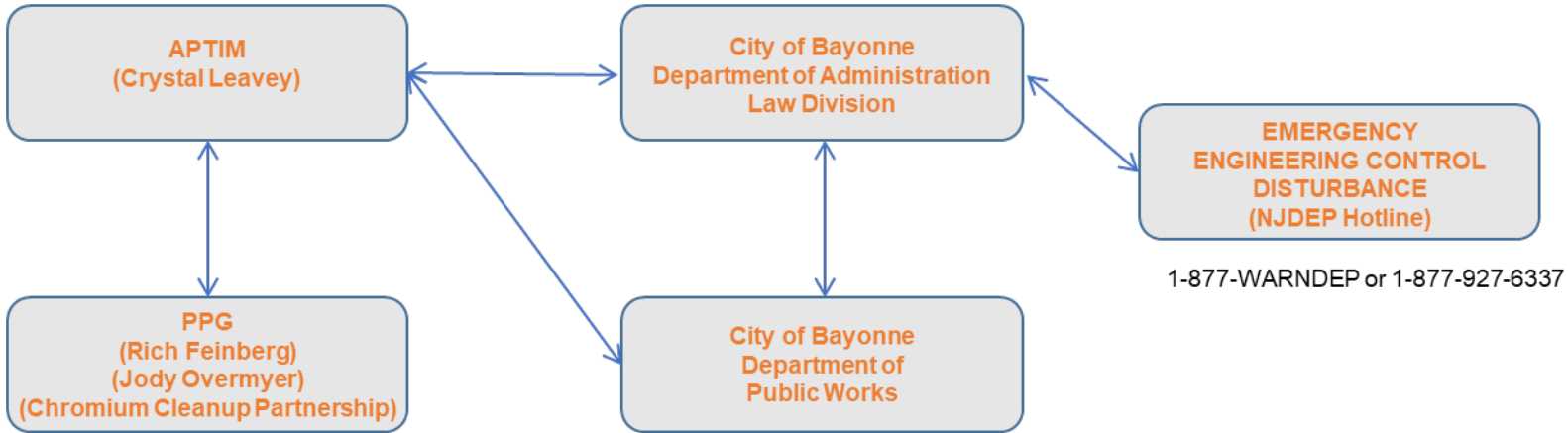
The following flowchart establishes a communication protocol between the City of Bayonne, the PPG team, and NJDEP in the following events:

- Intrusive work by the City of Bayonne or an external utility provider is proposed within the footprint of the engineering controls
- Potentially impacted areas are identified by the City of Bayonne or the PPG team that are not covered with a permanent engineering control

The communication will be conducted using both email, if available, and via telephone. Contact information that is current as of the revision date of this O&M Plan is below:

Crystal Leavey/APTIM  
Phone: 609-588-6154  
Email: [crystal.leavey@aptim.com](mailto:crystal.leavey@aptim.com)

City of Bayonne Law Division  
Phone: (201) 858-6091  
Email: [law@bayonnenj.org](mailto:law@bayonnenj.org)



1-877-WARNDEP or 1-877-927-6337

Rich Feinberg/PPG  
Cell: 732-233-4552  
Email: [feinberg@ppg.com](mailto:feinberg@ppg.com)

Jody Overmyer/PPG  
724-325-5070  
Email: [overmyer@ppg.com](mailto:overmyer@ppg.com)

Chromium Cleanup Partnership/PPG  
Phone: 201-777-2099  
Email: [info@chromecleanup.com](mailto:info@chromecleanup.com)

City of Bayonne Department of Public Works  
Phone: (201) 858-6070  
Emergency, Nights, Weekends, Holidays  
Phone: (201) 858-6900

## **Attachment A**

### **Drawings**

**INSPECTION DRAWINGS TO BE PROVIDED  
WITH ENTIRE SITE REMEDIAL ACTION REPORT FOR SOIL**

## **Attachment B**

### **Engineering Control Checklist**

# ENGINEERING CONTROL INSPECTION CHECKLIST

## **Site Information**

Hudson County Chromate Site Number: 174

Site Name: Dennis P. Collins Park

Site Address: West First Street Bayonne, Hudson County, New Jersey

Block/Lot: Block 383, a portion of Lot 3; Block 383, a portion of Lot 4; Block 383, Lots 5, and 7; Block 383, portions of Lots 6, and 8; Block 384, portions of Lots 1 and 2; Block 385, Lots 1 and 2; Block 385, portions of Lot 3; Block 385, portions of Lot 6; and a portion of West 1st Street

## **Inspection**

Date of Inspection: \_\_\_\_\_

Performed By: \_\_\_\_\_

Affiliation: \_\_\_\_\_

Weather: \_\_\_\_\_

## **Engineering Controls Installed**

- Control A. Two-Foot Thick Soil Cap (Exhibit C-2 of the Deed Notice)
- Control B. Asphalt pavement along portions of West 1<sup>st</sup> Street beyond the property curb line (Exhibit C-2 of the Notice in Lieu of Deed Notice)
- Control C. Restroom Building (Exhibit C-3 of the Deed Notice)
- Control D. Shoreline Erosion Protection System (Exhibit C-4 of the Deed Notice)
- Control E. Chain-Link Fencing – Sewage Pump Station

## **Site Description**

The remedial action on Block 383, portions of Lot 4; Block 383, Lots 5, 6, 7, and 8; Block 384, Lots 1 and 2; Block 385, Lots 1 and 2; Block 385, Portions of Lots 3 and 6; and Block 385, portions of Lot 4 in Bayonne, Hudson County, New Jersey includes engineering controls consisting of the following:

- A two-foot thick soil cap over the entire site;
- Restroom Building;
- Chain link fencing at Sewage Pump Station
- Shoreline Erosion Protection along the southern shore; and
- Asphalt capping within the restricted area of West 1<sup>st</sup> Street.

As institutional control, a Deed Notice has been filed because contaminated soils are present underneath the engineering controls at concentrations in excess of the NJDEP *Chromium Soil Cleanup Criteria* (September 2008, revised April 2010) or the *Soil Remediation Standards* (N.J.A.C. 7:26D, last amended September 18, 2017). A Notice in Lieu of a Deed Notice has been distributed to parties affected pursuant to N.J.A.C. 7:26C-7.2(a) due to the presence of contaminated soils within the boundary of West 1<sup>st</sup> Street.



# ENGINEERING CONTROL INSPECTION CHECKLIST

## ***Inspection Procedures- Control A, B, C, D, and E***

A complete visual inspection of all engineering controls should be completed.

Observations that should be noted include the following:

- Is there evidence of excavation or intrusive construction in the Control A, B, C, D, or E? YES NO

Describe:

Dates of Disturbance: \_\_\_\_\_

Duration of Disturbance: \_\_\_\_\_

Party Responsible for conducting the disturbance:

Contact Person: \_\_\_\_\_

Title: \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_ - \_\_\_\_\_

Telephone Number: (\_\_\_\_) \_\_\_\_ - \_\_\_\_\_

- Provide date(s) / notification(s) that were made to the individual responsible for conducting disturbances.

\_\_\_\_\_

- Was all soil excavated and returned to the restricted area?  
Yes \_\_\_\_\_ No \_\_\_\_\_ (If no explain)

\_\_\_\_\_  
\_\_\_\_\_

- Quantity of soil generated for disposal (if applicable): \_\_\_\_\_ tons \_\_\_\_\_ cu. yds.

Attach Transportation/disposal documentation

- State precautions taken during above activities to prevent contaminant exposure: \_\_\_\_\_

\_\_\_\_\_

## ENGINEERING CONTROL INSPECTION CHECKLIST

- 
- If applicable, was the engineering control replaced following the disturbance?  
Yes \_\_\_\_\_ No \_\_\_\_\_ N/A \_\_\_\_\_

- Is there thin or stressed vegetation resulting in erosion or the potential for erosion of the vegetative soil layer? YES NO

Describe:

- Does the site appear to have been mowed or otherwise maintained?  
YES NO

Describe:

- Is there desiccation or cracking of the vegetative soil layer resulting in exposure or the potential for exposure of the underlying geotextile?  
YES NO

Describe:

- Has erosion of the vegetative cover layer resulted in exposure or potential for exposure of the underlying geotextile?  
YES NO

Describe:

- Has erosion of the stone rip-rap layer resulted in exposure or potential for exposure of the underlying geotextile?  
YES NO

Describe:

- Is there any settlement in the cover areas?  
YES NO

Describe:



## **Attachment C**

### **Deed Notice Biennial Certification Forms**



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

**REMEDIAL ACTION PROTECTIVENESS /  
 BIENNIAL CERTIFICATION FORM – SOIL**

LSRP     Subsurface Evaluator (UHOT)

**Date Stamp**  
 (For Department use only)

**SECTION A. SITE NAME AND LOCATION**

Site Name: \_\_\_\_\_

List all AKAs: \_\_\_\_\_

Street Address: \_\_\_\_\_

Municipality: \_\_\_\_\_ (Township, Borough or City)

County: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Program Interest (PI) Number(s): \_\_\_\_\_

Case Tracking Number(s) \_\_\_\_\_

Municipal Block and Lot Numbers of the entire Site: \_\_\_\_\_

**SECTION B. FEES**

- Soil Remedial Action Protectiveness/Biennial Certification for a Remedial Action Permit (No fee)
- Soil Remedial Action Protectiveness/Biennial Certification Non-Remedial Action Permit \$375.00

**SECTION C. FEE BILLING CONTACT PERSON**

Changed Since Last Submission    Effective Date of Change: \_\_\_\_\_

Business Name: \_\_\_\_\_

First Name of Contact: \_\_\_\_\_ Last Name of Contact: \_\_\_\_\_

Title: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Ext.: \_\_\_\_\_ Fax: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Municipality: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Email Address: \_\_\_\_\_

**SECTION D. CURRENT OWNER OF THE SITE**

- Changed Since Last Submission    Effective Date of Change: \_\_\_\_\_
- If same as Person Responsible for Monitoring the Protectiveness of the Remedial Action (Section K), check box and proceed to the next section.

Full Legal Name of the Owner: \_\_\_\_\_

First Name of Contact: \_\_\_\_\_ Last Name of Contact: \_\_\_\_\_

Title: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Ext.: \_\_\_\_\_ Fax: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Municipality: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Email Address: \_\_\_\_\_

**SECTION E. CURRENT OPERATOR OF THE SITE**

Changed Since Last Submission      Effective Date of Change: \_\_\_\_\_

If same as Person Responsible for Monitoring the Protectiveness of the Remedial Action (Section K), check box and proceed to the next section.

Full Legal Name of the Operator: \_\_\_\_\_

First Name of Contact: \_\_\_\_\_ Last Name of Contact: \_\_\_\_\_

Title: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Ext.: \_\_\_\_\_ Fax: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Municipality: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Email Address: \_\_\_\_\_

**SECTION F. CURRENT LESSEE OF THE SITE**

Changed Since Last Submission      Effective Date of Change: \_\_\_\_\_

If same as Person Responsible for Monitoring the Protectiveness of the Remedial Action (Section K), check box and proceed to the next section.

Full Legal Name of the Lessee: \_\_\_\_\_

First Name of Contact: \_\_\_\_\_ Last Name of Contact: \_\_\_\_\_

Title: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Ext.: \_\_\_\_\_ Fax: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Municipality: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Email Address: \_\_\_\_\_

**SECTION G. DEED NOTICE/DECLARATION OF ENVIRONMENTAL RESTRICTION (DER) INFORMATION**

1. Provide the filing date of each Deed Notice/DER: \_\_\_\_\_

2. For each Deed Notice/DER provide the Book and Page numbers in which the Deed Notice/DER was filed in the county recording office:

Book and Page Numbers: \_\_\_\_\_

3. Since the Deed Notice/DER was filed or the last submittal of the Soil Remedial Action Protectiveness/Biennial Certification Form, whichever is most recent, did the Municipal Block and Lot number(s) of the Deed Notice/DER change? .....  Yes  No

If "Yes," attach a current Tax Map of the property and list the former and new Municipal Block and Lot numbers of the Deed Notice/DER below:

Former Municipal Block and Lot Number(s): \_\_\_\_\_

New Municipal Block and Lot Number(s): \_\_\_\_\_

4. Is this form being submitted pursuant to a Soil Remedial Action Permit? .....  Yes  No  
*If "No", submit a completed Soil Remedial Action Permit Application with this form.*

5. Did you provide hard copies of this form 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; each current operator of the site; the Pinelands Commission as applicable; and the Highlands Commission as applicable? .....  Yes  No

6. Did you provide to NJDEP copies of this form in paper and electronically in Adobe PDF format?.....  Yes  No

7. Is this Deed Notice/DER for Historic Fill material at the site? .....  Yes  No

If "Yes," is the Historic Fill material impacting the ground water at the site? .....  Yes  No



7. Have you conducted periodic inspections pursuant to N.J.A.C. 7:26C-7.8(b)2 to determine if disturbances of the Remedial Action/engineering control(s) have taken place since the Deed Notice/DER was filed or the last submittal of the Soil Remedial Action Protectiveness/Biennial Certification Form, whichever is more recent? .....  Yes  No

*If "Yes," attach all inspection reports/logs that have been completed since the last submittal of the Soil Remedial Action Protectiveness/Biennial Certification Form.*

8. Have disturbances of the Remedial Action/engineering control(s) taken place since the Deed Notice/DER was filed or the last submittal of the Soil Remedial Action Protectiveness/Biennial Certification Form, whichever is more recent? .....  Yes  No

If "Yes," :

a) Provide the following information:

Date of Disturbance: \_\_\_\_\_ Duration of Disturbance: Months \_\_\_\_\_ Days \_\_\_\_\_

Date NJDEP Hotline contacted: \_\_\_\_\_ Hotline Incident Number assigned: \_\_\_\_\_

Describe the disturbance:

b) Was the Remedial Action/engineering control(s) restored to the conditions stated in the Deed Notice/DER? .....  Yes  No

If "No," briefly describe the reasons why:

9. Check the appropriate box(es) to indicate if any of the following have rendered the Remedial Action/engineering control(s) **not** protective of public health, safety and of the environment (check all that apply):

- An evaluation all relevant Soil Remediation Standards and guidance related to soil that have been modified subsequent to the filing of the Deed Notice/DER or the last submittal of the Soil Remedial Action Protectiveness/Biennial Certification Form, whichever is more recent;
- A change in property use since the Deed Notice/DER was filed;
- A zoning change or the pending zoning change;
- Land disturbance(s) of the engineering control(s).

If any of the boxes above are checked the Person Responsible for Monitoring the Protectiveness of the Remedial Action (the permittee/co-permittee) shall modify the Remedial Action, revise the Deed Notice (i.e., submit a Deed Notice Termination Document for the existing Deed Notice/DER and a new Deed Notice for the NJDEP's approval/signature with supporting documentation (i.e., a Remedial Action Report)), and apply for a modification of the Soil Remedial Action Permit as necessary pursuant to N.J.A.C. 7:26C-7.8(d)2.

**SECTION I. VAPOR INTRUSION**

1. Are volatile organic compounds included in the Deed Notice/DER? .....  Yes  No  
*If "Yes," complete this section, otherwise proceed to the next section*

2. Were there any changes in property use that increased the risk of vapor intrusion? .....  Yes  No

3. Did you investigate the vapor intrusion pathway? .....  Yes  No

If "Yes,":

a) Attach a scaled site map indicating the location of all structures investigated for vapor intrusion.

b) Did the investigation indicate that an Immediate Environmental Concern (IEC) condition exists? .....  Yes  No

If "Yes," provide the date of IEC Contaminant Source Control Report: \_\_\_\_\_



c) Did the investigation indicate that a Vapor Concern (VC) condition exists?.....  Yes  No

If "Yes," provide the date of VC Mitigation Response Action Report: \_\_\_\_\_

d) Was public notification conducted to notify all applicable parties of the increased vapor intrusion risk? .....  Yes  No  N/A

4. Provide a written explanation of either how the vapor intrusion pathway was investigated or the reasons for not evaluating the vapor intrusion pathway.

5. Have any vapor intrusion engineering controls/mitigation systems been installed as a result of this soil contamination? .....  Yes  No

If "Yes," indicate the type of engineering control that was implemented: *(check all that apply)*

- Subsurface Depressurization System
- Subsurface Ventilation System
- Soil Vapor Extraction System
- HVAC Positive Pressure
- Other (specify): \_\_\_\_\_

Attach the Operation, Maintenance, and Monitoring (OMM) Plan for the vapor intrusion engineering control(s)/mitigation system(s) both in paper and electronically (in "MS Word" file format). The OMM Plan should clearly identify the building(s) and/or structure(s) and vapor intrusion engineering control(s)/mitigation system(s) that are in place (e.g., active or passive), including the address and block and lot of each impacted property.

### SECTION J. FINANCIAL ASSURANCE

1. Does the Remedial Action/ Deed Notice/DER include an engineering control? .....  Yes  No

If "No," proceed to the next section.

2. Are **both** the "Person Responsible for Conducting the Remediation" and the current property owner exempt from establishing Financial Assurance pursuant to N.J.A.C. 7:26C-7.10(c)? .....  Yes  No

If "Yes," check the exemptions that apply, and then proceed to the next section.

- | Person Responsible<br>for Conducting the<br>Remediation –<br>Co-Permittee | Current<br>Owner of<br>the Site –<br>Co-Permittee   |
|---|---|
| <input type="checkbox"/> .....  | <input type="checkbox"/> Government entity  |
| <input type="checkbox"/> .....  | <input type="checkbox"/> A person not liable pursuant to the Spill Act that purchased contaminated property before May 7, 2009        |
| <input type="checkbox"/> .....  | <input type="checkbox"/> A person that conducted remediation at their primary or secondary residence                                  |
| <input type="checkbox"/> .....  | <input type="checkbox"/> Owner or operator of a child care center   |
| <input type="checkbox"/> .....  | <input type="checkbox"/> Public school or private school  |
| <input type="checkbox"/> .....  | <input type="checkbox"/> Owner or operator of a small business responsible for conducting remediation at the location of the business |

If "No," - *If either entity is not exempt, then establishment of the full amount of the Financial Assurance is required by the non-exempt permittee(s)- attach a completed Remediation Cost Review and RFS/FA Form.*

3. Is the current owner of the site either a homeowner association or a condominium association pursuant to the New Jersey Common Interest Association Act, N.J.S.A. 46:8A-1 et seq.?.....  Yes  No

If "Yes," and the association is identified in Section D of this form, attach a copy 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. PERSON RESPONSIBLE FOR MONITORING THE PROTECTIVENESS OF THE REMEDIAL ACTION INFORMATION AND CERTIFICATION**

Full Legal Name of the Person Responsible for monitoring the protectiveness of the Remedial Action: \_\_\_\_\_

Representative First Name: \_\_\_\_\_ Representative Last Name: \_\_\_\_\_

Title: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Ext: \_\_\_\_\_ Fax: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Municipality: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Email Address: \_\_\_\_\_

Relationship to the Site (check all that apply)

- I am the current Owner
- I am the current Operator
- I am the current Lessee
- I am the Person who conducted the remediation
- I am the Permittee
- I am the Co-Permittee

This certification shall be signed by the person responsible for submitting the Soil Remedial Action Protectiveness/Biennial Certification Form in accordance with the Administrative Requirements for the Remediation of Contaminated Sites rule at N.J.A.C. 7:26C-1.5(a).

*I certify under penalty of law that I have personally examined and am familiar with the information submitted herein, including all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, to the best of my knowledge, I believe that the submitted information is true, accurate and complete. I am aware that there are significant civil penalties for knowingly submitting false, inaccurate or incomplete information and that I am committing a crime of the fourth degree if I make a written false statement which I do not believe to be true. I am also aware that if I knowingly direct or authorize the violation of any statute, I am personally liable for the penalties.*

*I also understand that engineering and institutional controls must be evaluated and maintained to ensure they remain protective of public health and safety and the environment.*

*Based upon the information provided herein, I hereby certify that the remedial action(s) implemented at the site that includes engineering and/or institutional controls remains protective of public health and safety and the environment.*

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name/Title: \_\_\_\_\_

**SECTION L. LICENSED SITE REMEDIATION PROFESSIONAL INFORMATION AND STATEMENT**

LSRP ID Number: \_\_\_\_\_  
First Name: \_\_\_\_\_ Last Name: \_\_\_\_\_  
Phone Numbers: \_\_\_\_\_ Ext.: \_\_\_\_\_ Fax: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
Municipality: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Email Address: \_\_\_\_\_

This statement shall be signed by the LSRP who is submitting this notification in accordance with N.J.S.A. 58:10C-14, and N.J.S.A. 58:10B-1.3b(1) and (2).

(1) *I certify, as a Licensed Site Remediation Professional authorized pursuant to N.J.S.A. 58:10C-1 et seq. to conduct business in New Jersey, that for the remediation described in this submission, and all attachments included in this submission, I personally: Managed, supervised, or performed the remediation conducted at this site that is described in this submission, and all attachments included in this submission; and/or periodically reviewed and evaluated the work performed by other persons that forms the basis for the information in this submission; and/or completed the work of another site remediation professional, licensed or not, after having: (1) reviewed all available documentation on which I relied; (2) conducted a site visit and observed the then-current conditions and verified the status of as much of the work as was reasonably observable; and (3) concluded, in the exercise of my independent professional judgment, that there was sufficient information upon which to complete any additional phase of remediation and prepare workplans and reports related thereto.*

(2) *I certify:*

- *That I have read this submission and all attachments to this submission;*
- *That in performing the professional services as the licensed site remediation professional for the entire site or each area of concern, I adhered to the professional conduct standards and requirements governing licensed site remediation professionals provided in N.J.S.A. 58:10C-16;*
- *That the remediation conducted at the entire site or each area of concern, that is described in this submission and all attachments to this submission, was conducted pursuant to and in compliance with the remediation requirements in N.J.S.A. 58:10C-14.c;*
- *That the remediation described in this submission, and all attachments to this submission, was conducted pursuant to and in compliance with the regulations of the Site Remediation Professional Licensing Board at N.J.A.C. 7:26I; and*
- *That the information contained in this submission and all attachments to this submission is true, accurate, and complete.*

(3) *I certify, when this submission includes a response action outcome, that the entire site or each area of concern has been remediated in compliance with all applicable statutes, rules, and regulations and is protective of public health and safety and the environment.*

(4) *I certify that no other person is authorized or able to use any password, encryption method, or electronic signature that the Board or the Department have provided to me.*

(5) *I certify that I understand and acknowledge that:*

- *If I knowingly make a false statement, representation, or certification in any document or information I submit to the Department I may be subject to civil and administrative enforcement pursuant to N.J.S.A. 58:10C-17.a.1(a)through (f) by the Board, including but not limited to license suspension, revocation, or denial of renewal; and*
- *If I purposely, knowingly, or recklessly make a false statement, representation, or certification in any application, form, record, document or other information submitted to the Department or required to be maintained pursuant to the Site Remediation Reform Act, I shall be guilty, upon conviction, of a crime of the third degree and shall, notwithstanding the provisions of subsection b. of N.J.S.2C:43-3, be subject to a fine of not less than \$5,000 nor more than \$75,000 per day of violation, or by imprisonment, or both.*

(6) *I certify that I have read this certification prior to signing, certifying, and making this submission.*

LSRP Signature: \_\_\_\_\_ Date: \_\_\_\_\_

LSRP Name: \_\_\_\_\_

Company Name: \_\_\_\_\_

**SECTION L. SUBSURFACE EVALUATOR INFORMATION AND STATEMENT**

*I certify under penalty of law that the work was performed under my oversight and I have reviewed the report and all attached documents, and the submitted information is true, accurate and complete in accordance with the requirements of N.J.A.C. 7:14B and N.J.A.C. 7:26E. I am aware that there are significant civil and criminal penalties for submitting false, inaccurate or incomplete information including fines and/or imprisonment.*

Name: _____	UST Cert. No.: _____
Firm: _____	Firm's UST Cert. Number: _____
Firm Address: _____	
Municipality: _____	State: _____ Zip Code: _____
Phone Number: _____	Ext: _____ Fax: _____
Email Address: _____	
Signature: _____	Date: _____

Completed forms should be sent to:

Bureau of Case Assignment & Initial Notice  
Site Remediation Program  
NJ Department of Environmental Protection  
401-05H  
PO Box 420  
Trenton, NJ 08625-0420