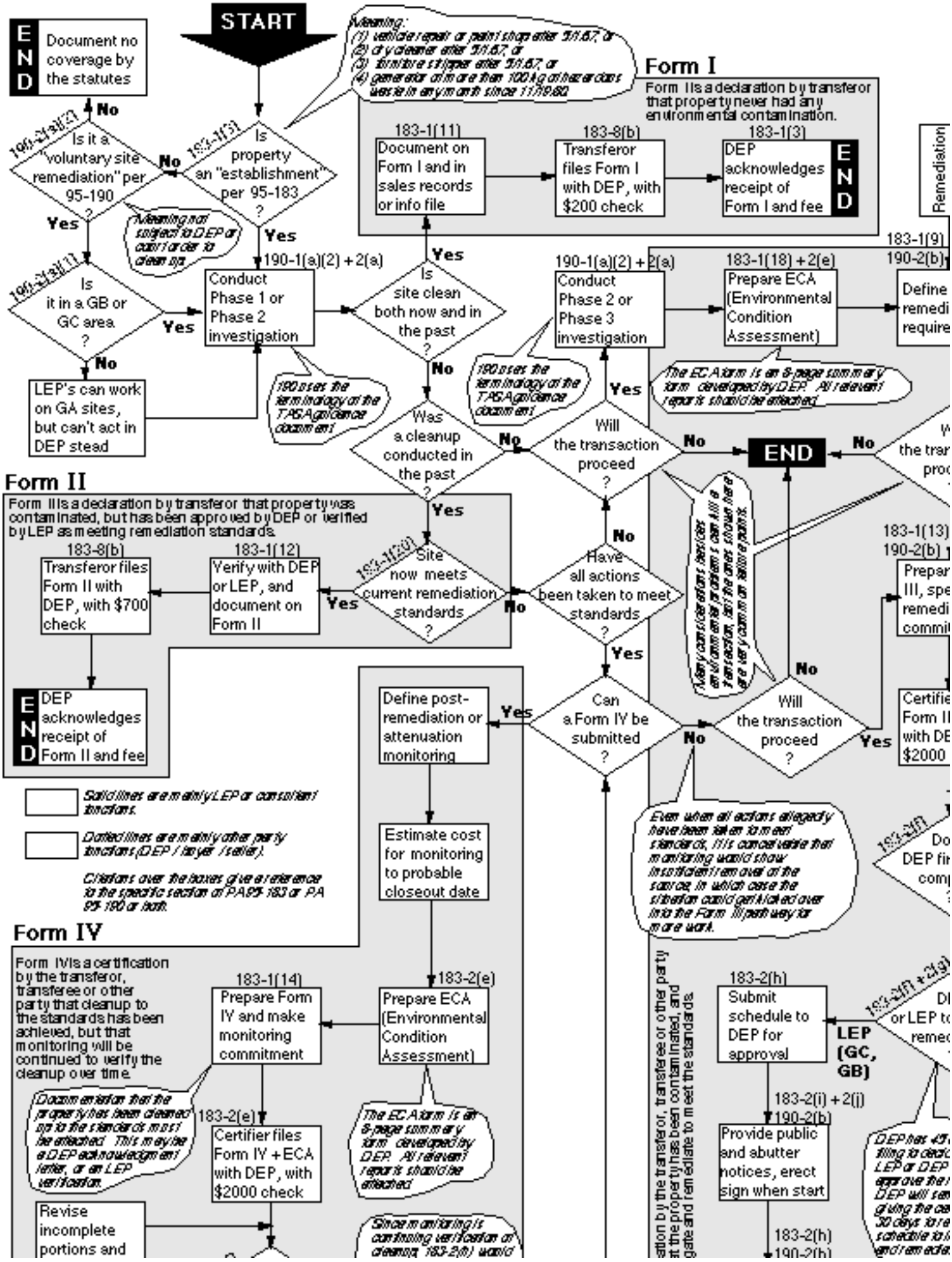
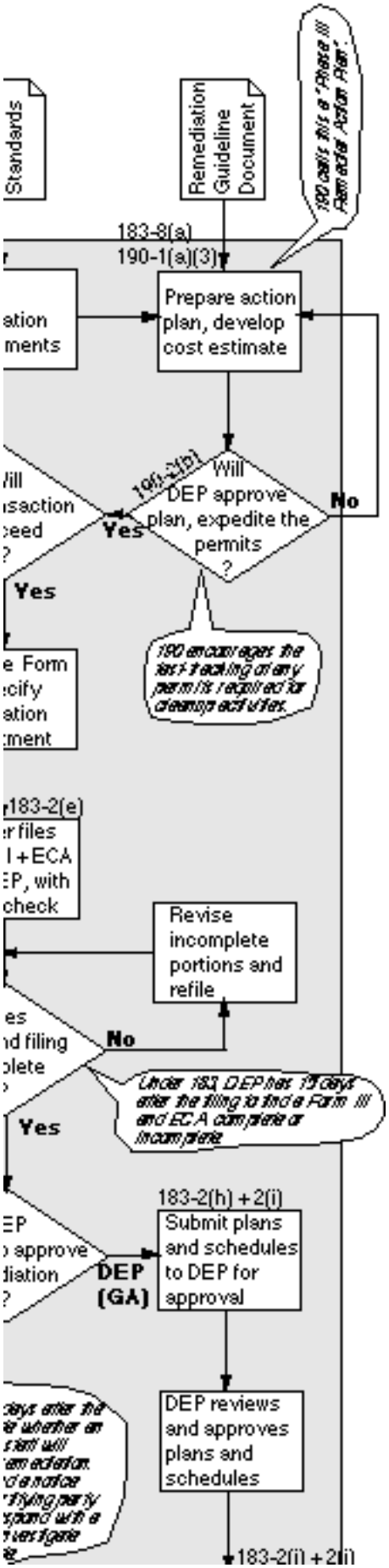
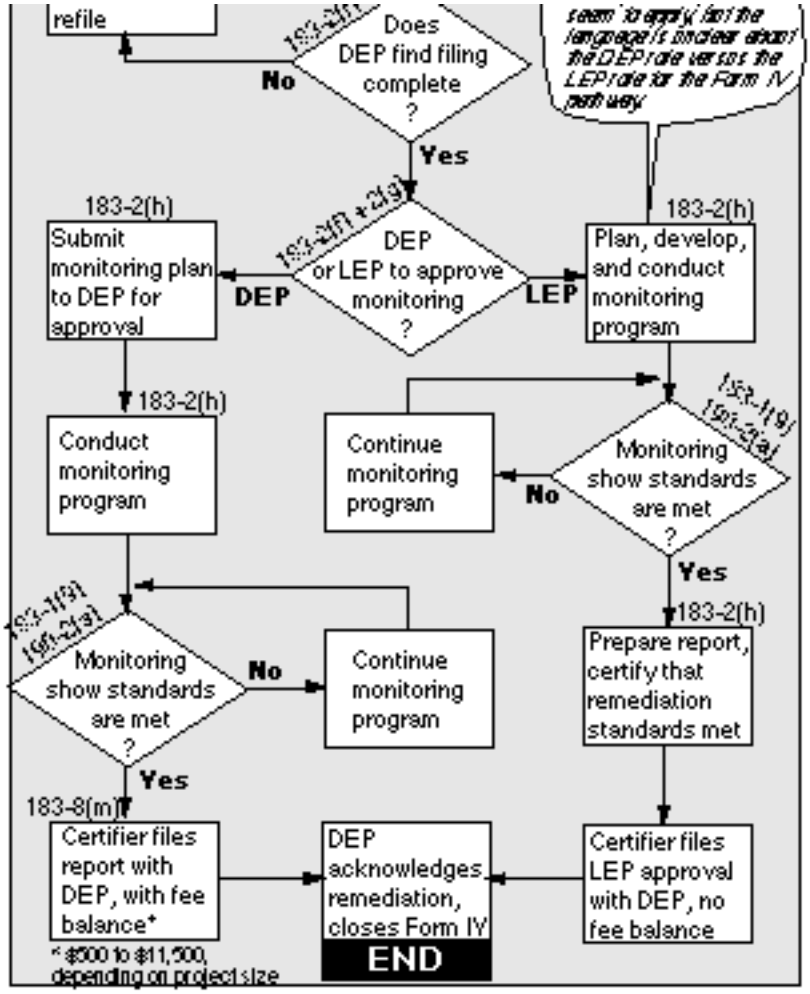
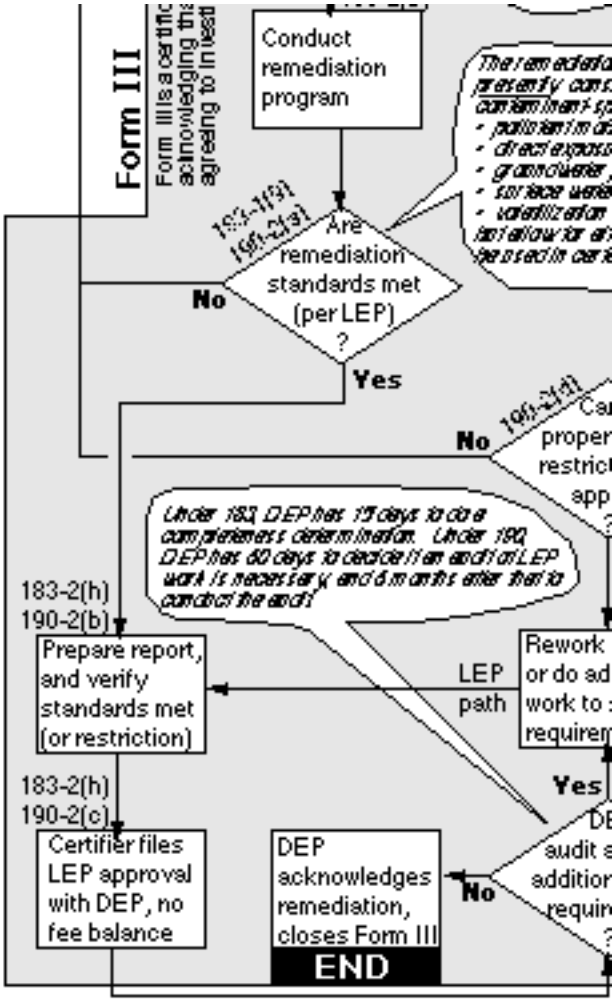
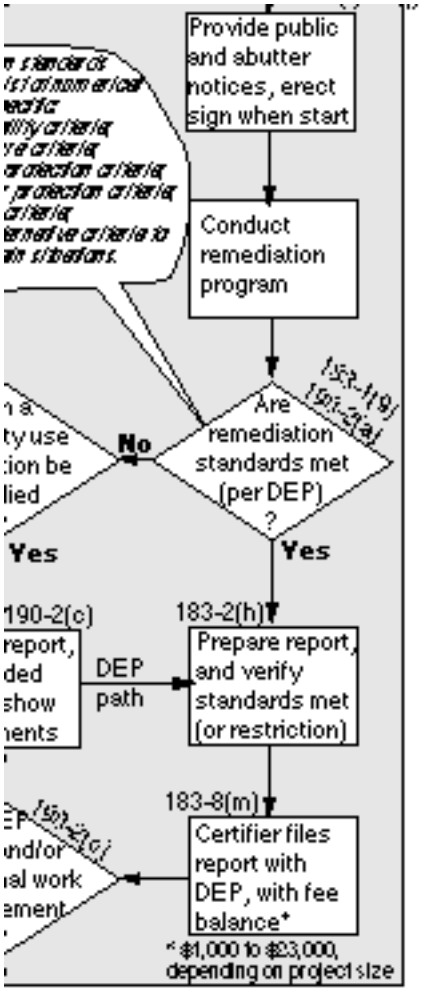

START
END
Document no coverage by the statutes
No
190-2(b)(3)(C)
Is it a "voluntary site remediation" per 95-190 ?
No
183-1(5)
Is property an "establishment" per 95-183 ?
Yes
Meaning not subject to DEP or court order to clean up.
Yes
190-2(b)(3)(T)
Is it in a GB or GC area ?
Yes
No
LEP's can work on GA sites, but can't act in DEP stead
190-1(a)(2) + 2(a)
Conduct Phase 1 or Phase 2 investigation
190 uses the terminology of the TASA guidance document
Is site clean both now and in the past ?
Yes
No
Was a cleanup conducted in the past ?
No
Yes
Meaning:
(1) vehicle repair or paint shop after 5/1/67, or
(2) dry cleaner after 5/1/67, or
(3) furniture stripper after 5/1/67, or
(4) generator of more than 100 kg of hazardous waste in any month since 11/19/80
Form I
Form I is a declaration by transferor that property never had any environmental contamination.
183-1(11)
Document on Form I and in sales records or info file
183-8(b)
Transferor files Form I with DEP, with $200 check
183-1(3)
DEP acknowledges receipt of Form I and fee
END
Form II
Form II is a declaration by transferor that property was contaminated, but has been approved by DEP or verified by LEP as meeting remediation standards.
183-8(b)
Transferor files Form II with DEP, with $700 check
183-1(12)
Verify with DEP or LEP, and document on Form II
183-1(20)
Site now meets current remediation standards ?
Yes
No
END
DEP acknowledges receipt of Form II and fee
Solid lines are mainly LEP or consultant functions.
Dotted lines are mainly other party functions (DEP / lawyer / seller).
Citations over the boxes give a reference to the specific section of PA 95-183 or PA 95-190 or both.
Form IV
Form IV is a certification by the transferor, transferee or other party that cleanup to the standards has been achieved, but that monitoring will be continued to verify the cleanup over time.
183-1(14)
Prepare Form IV and make monitoring commitment
Documentation that the property has been cleaned up to the standards must be attached. This may be a DEP acknowledgment letter, or an LEP certification.
183-2(e)
Certifier files Form IV + ECA with DEP, with $2000 check
Revise incomplete portions and
Define post-remediation or attenuation monitoring
Estimate cost for monitoring to probable closeout date
183-2(e)
Prepare ECA (Environmental Condition Assessment)
The ECA form is an 8-page summary form developed by DEP. All relevant reports should be attached.
Since monitoring is continuing verification of cleanup, 183-2(h) would
190-1(a)(2) + 2(a)
Conduct Phase 2 or Phase 3 investigation
190 uses the terminology of the TASA guidance document
Will the transaction proceed ?
No
END
Yes
Have all actions been taken to meet standards ?
No
Yes
Many considerations besides environmental problems can kill a transaction, but the ones shown here are very common and worthy of a separate point.
Can a Form IV be submitted ?
Yes
No
Will the transaction proceed ?
No
Yes
Even when all actions allegedly have been taken to meet standards, it is conceivable that monitoring would show insufficient removal of the source, in which case the situation could get kicked over into the Form III path way for more work.
183-1(18) + 2(e)
Prepare ECA (Environmental Condition Assessment)
The ECA form is an 8-page summary form developed by DEP. All relevant reports should be attached.
183-2(h)
Submit schedule to DEP for approval
LEP (GC, GB)
183-2(i) + 2(j)
190-2(b)
Provide public and abutter notices, erect sign when start
183-2(h)
190-2(b)
183-1(9)
190-2(b)
Define remedi require
183-1(13)
190-2(b)
Prepar III, spe remedi commit
Certifie Form II with DE $2000
Remediation
Do DEP fir comp
Do or LEP to remed
DEP has 45 filing to decl LEP or DEP approve the DEP will se giving the ce 30 days to re schedule to and remediate


Standards
Remediation Guideline Document
190 calls this a "Phase III Remedial Action Plan".
183-8(a)
190-1(a)(3)
ation
ments
Prepare action plan, develop cost estimate
Will DEP approve plan, expedite the permits ?
190-1-2(b)
No
Yes
Will
nsaction
ceed
?
Yes
e Form
ecify
ation
ment
190 encourages the list + tracking of any permits required for cleanup activities.
183-2(e)
r files
I + ECA
EP, with
check
Revise incomplete portions and refile
es
nd filing
plete
No
Yes
Under 183, DEP has 15 days enter the filing to find a Form III and ECA complete or incomplete
183-2(h) + 2(i)
EP
approve
diation
?
DEP (GA)
Submit plans and schedules to DEP for approval
DEP reviews and approves plans and schedules
183-2(j) + 2(k)


refile
Does DEP find filing complete ?
No
Yes
183-2(h)
Submit monitoring plan to DEP for approval
DEP or LEP to approve monitoring ?
DEP
LEP
183-2(h)
Plan, develop, and conduct monitoring program
183-2(h)
Conduct monitoring program
Continue monitoring program
Monitoring show standards are met ?
No
Yes
Monitoring show standards are met ?
No
Continue monitoring program
Yes
183-2(h)
Prepare report, certify that remediation standards met
183-8(m)
Certifier files report with DEP, with fee balance*
DEP acknowledges remediation, closes Form IV
END
Certifier files LEP approval with DEP, no fee balance
* $500 to $11,500, depending on project size


Form III
Conduct remediation program
Are remediation standards met (per LEP) ?
No
Yes
183-2(h)
190-2(b)
Prepare report, and verify standards met (or restriction)
LEP path
183-2(h)
190-2(c)
Certifier files LEP approval with DEP, no fee balance
DEP acknowledges remediation, closes Form III
END
No
Yes


Provide public and abutter notices, erect sign when start
Conduct remediation program
Are remediation standards met (per DEP) ?
No
Yes
Yes
183-2(h)
Prepare report, and verify standards met (or restriction)
DEP path
183-8(m)
Certifier files report with DEP, with fee balance*
* $1,000 to $23,000, depending on project size