

4. NACE International Standard RP-01-95 RP0169-96  
"Control of External Corrosion on Underground or Sub-  
merged Metallic Piping Systems."

Amended by R.2003 d.197, effective May 19, 2003.

See: 34 N.J.R. 4024(a), 35 N.J.R. 2304(a).

In (e), rewrote 1 and 3; in (f), substituted "RP-01-95 RP-0169-96" for "RP-01-69" in 4.

Special amendment, R.2009 d.361, effective November 4, 2009 (to expire May 4, 2011).

See: 41 N.J.R. 4467(a).

In (a)3, substituted "pursuant to" for "for corrective action under", and inserted "and the Administrative Requirements for the Remediation of Contaminated Sites rules at N.J.A.C. 7:26C".

3. Ensure deficient equipment is repaired or replaced. Repairs and installation of new equipment shall be in compliance with N.J.A.C. 7:14B-4.1(a)3i, 4.1(n), 4.2(d) and 5.4; and

4. Not accept product delivery to any tank if the spill catchment basin contains product, water or debris.

Amended by R.2003 d.197, effective May 19, 2003.

See: 34 N.J.R. 4024(a), 35 N.J.R. 2304(a).

Added (d).

## 7:14B-5.2 Operation and maintenance of corrosion protection

(a) All owners and operators of metallic underground storage tank systems with corrosion protection shall comply with the following requirements to ensure that releases due to corrosion are prevented for as long as the underground storage tank system is used to store regulated substances:

1. All corrosion protection systems shall be operated and maintained in accordance with (a)2 and 3 below to continuously provide corrosion protection to the metal components of that portion of the tank and piping that routinely contain regulated substances and are in contact with the ground.

2. All underground storage tank systems equipped with cathodic protection systems shall be inspected for proper operation by a Cathodic Protection Tester or Cathodic Protection Specialist certified pursuant to N.J.A.C. 7:14B-13 in accordance with the following requirements:

i. All cathodic protection systems shall be tested within six months of installation and at least every three years thereafter by an individual certified in accordance with N.J.A.C. 7:14B-13; and

ii. The criteria that are used to determine that cathodic protection is adequate as required by this section shall be in accordance with a code of practice developed by a nationally recognized association. For example, NACE International Standard RP-02-95 RP0285-2002, "Corrosion Control of Underground Storage Tank Systems by Cathodic Protection" may be used to comply with this requirement.

3. Underground storage tank systems with impressed current cathodic protection systems shall be inspected every 60 calendar days to ensure the equipment is running properly.

4. For underground storage tank systems using cathodic protection, records of the operation of the cathodic protection shall be maintained in accordance with N.J.A.C. 7:14B-5.6 to demonstrate compliance with the operation and maintenance standards in this section. These records shall provide the following:

## SUBCHAPTER 5. GENERAL OPERATING REQUIREMENTS

### 7:14B-5.1 Spill and overfill control

(a) The owner or operator of an underground storage tank system shall ensure the following:

1. There shall be no release of hazardous substance due to spills or overfills at an underground storage tank facility;

2. The available volume in an underground storage tank shall always be greater than the volume of hazardous substance being transferred to the tank; and

3. The transfer operation is monitored constantly to avoid spilling and overfilling.

(b) The transfer procedures described in National Fire Protection Association Publication 385, and American Petroleum Institute Publication 1621, "Recommended Practice for Bulk Liquid Stock Control at Retail Outlets," and National Fire Protection Association Standard 30, "Flammable and Combustible Liquids Code," incorporated herein by reference, as amended and supplemented, shall be used to comply with (a)1 and 2 above.

(c) The owner and operator shall report, investigate, and remediate any spills and overfills in accordance with N.J.A.C. 7:14B-8.

(d) In order to ensure proper operation of spill containment equipment, the owner and operator shall:

1. Keep spill catchment basins, dispenser sumps and piping sumps clean of product, water and debris;

2. Visually inspect spill catchment basins before every delivery and visually inspect spill catchment basins, dispenser sumps and piping sumps once every 30 days, and properly dispose of any accumulation of debris and liquid collected. The visual inspection shall include a check for evidence of cracks, holes, loose fittings or any other deficiency which may compromise the integrity of the spill containment equipment;

- i. The results of testing from all inspections required in (a)2 above; and
- ii. The results of all inspections required in (a)3 above.

Amended by R.2003 d.197, effective May 19, 2003.

See: 34 N.J.R. 4024(a), 35 N.J.R. 2304(a).

In (a), rewrote 2ii.

#### Case Notes

Initial Decision (2008 N.J. AGEN LEXIS 73) adopted, which concluded that a penalty of \$15,000 was warranted for a gasoline service station's failure to have records evidencing the required three-year inspection of the cathodic protection system for its underground storage tanks. N.J. Dep't of Env'tl. Prot. v. Excellent Care, Inc., OAL Dkt. No. EWR 00084-06, 2008 N.J. AGEN LEXIS 682, Final Decision (March 14, 2008).

### 7:14B-5.3 Compatibility

(a) Owners and operators shall use an underground storage tank system made of or lined with materials that are compatible with the substance stored in the underground storage tank system.

(b) Owners and operators storing alcohol blends shall use the following codes, incorporated herein by reference, as amended and supplemented, to comply with the requirements of (a) above:

1. American Petroleum Institute Publication 1626, "Storing and Handling Ethanol and Gasoline-Ethanol Blends at Distribution Terminals and Service Stations"; and

2. American Petroleum Institute Publication 1627, "Storage and Handling of Gasoline-Methanol/Cosolvent Blends at Distribution Terminals and Service Stations."

(c) All compartmentalized tanks shall hold, in each compartment, hazardous substances compatible with one another to prevent safety hazards such as a fire or explosion or corrosion of the underground storage tank system in case of breaches in the compartment walls.

### 7:14B-5.4 Repairs

(a) Owners and operators of underground storage tank systems shall obtain a permit from the Department in accordance with N.J.A.C. 7:14B-10 and meet the following requirements to ensure that repairs shall prevent releases due to structural failure or corrosion as long as the underground storage tank system is used to store hazardous substances:

1. Repairs to underground storage tank systems shall be properly conducted in accordance with a code of practice developed by a nationally recognized association as listed in N.J.A.C. 7:14B-5.4(c), or an independent testing laboratory.

2. Repairs to fiberglass-reinforced plastic tanks shall be made in accordance with the manufacturer's specifications

or in accordance with a code of practice developed by a nationally recognized association as listed in N.J.A.C. 7:14B-5.4(c) or an independent testing laboratory.

3. Metal pipe sections and fittings that have released product as a result of corrosion or other damage shall be replaced. Fiberglass pipes and fittings shall be repaired or replaced in accordance with the manufacturer's specifications.

4. Repaired tanks and piping shall be tightness tested in accordance with N.J.A.C. 7:14B-6.5(a)3 and 6.6(a)2 within 30 calendar days following the date of the completion of the repair except when:

- i. The repaired tank is internally inspected in accordance with a code of practice developed by a nationally recognized association as listed in N.J.A.C. 7:14B-5.4(c) or an independent testing laboratory; or

- ii. The repaired portion of the underground storage tank system is monitored monthly for releases in accordance with a method specified in N.J.A.C. 7:14B-6.5(a)4 through 8.

5. Within six months following the repair of any cathodically protected underground storage tank system, the cathodic protection system shall be tested in accordance with N.J.A.C. 7:14B-5.2(a)2 and 3 to ensure that it is operating properly.

6. Underground storage tank system owners and operators shall maintain records of each repair and associated tightness test for the remaining operating life of the underground storage tank system that demonstrate compliance with the requirements of this section. When an underground storage tank system is closed, an owner or operator may make a written request to the Department to discard any such documents. Such a request shall be accompanied by a description of the documents involved. Upon written approval by the Department, the owner or operator may discard only those documents that are not required to be preserved for a longer time period.

(b) The owner and operator of an underground storage tank system shall obtain a permit from the Department pursuant to N.J.A.C. 7:14B-10.1(a), prior to performing repairs which constitute a substantial modification under N.J.A.C. 7:14B-10.

(c) The following codes and standards, incorporated herein by reference, as amended and supplemented, shall be used to comply with the requirements of (a) above:

1. National Fire Protection Association Standard 30, "Flammable and Combustible Liquids Code";

2. American Petroleum Institute Publication 2200, "Repairing Crude Oil, Liquefied Petroleum Gas, and Product Pipelines";

3. American Petroleum Institute Publication 1631, "Interior Lining and Periodic Inspection of Underground Storage Tanks"; or

4. National Leak Prevention Association Standard 631, "Spill Prevention, Minimum 10 Year Life Extension of Existing Steel Underground Tanks by Lining Without the Addition of Cathodic Protection."

Amended by R.2003 d.197, effective May 19, 2003.

See: 34 N.J.R. 4024(a), 35 N.J.R. 2304(a).

In (c), rewrote 3.

#### 7:14B-5.5 Release response plan

(a) The owner or operator of an underground storage tank system shall prepare a release response plan which includes the following information:

1. The emergency telephone numbers of the local fire department, local health department, Department of Environmental Protection Hotline 1-877 WARN DEP or 1-877-927-6337, and any other appropriate local or State agencies;

2. The name and telephone number(s) of the person responsible for the operation of the facility during an emergency;

3. The name and telephone number of any retained corrective action contractor; and

4. The procedures to be followed in the event of a leak or discharge of a hazardous substance, pursuant to N.J.A.C. 7:14B-7.3 and 8 and N.J.A.C. 7:26C-2, and N.J.A.C. 7:14B-9 if the underground storage tank system must be closed.

(b) The release response plan shall be available for on site inspection.

(c) Any release response plan which is required by and is in compliance with the New Jersey Spill Compensation and Control Act, N.J.S.A. 58:10-23.11 et seq., shall suffice for this requirement.

Amended by R.2003 d.197, effective May 19, 2003.

See: 34 N.J.R. 4024(a), 35 N.J.R. 2304(a).

Special amendment, R.2009 d.361, effective November 4, 2009 (to expire May 4, 2011).

See: 41 N.J.R. 4467(a).

In (a)1, inserted "1-" twice; and in (a)4, deleted "pursuant to N.J.A.C. 7:14B-8" following "followed"; inserted "or a discharge of a", and substituted "pursuant to N.J.A.C. 7:14B-7.3 and 8, N.J.A.C. 7:26C-2," for "or discharge from the facility".

#### 7:14B-5.6 Recordkeeping

(a) Owners and operators shall maintain the following information until the owner or operator receives the Department's written permission to discard the records pursuant to (c) below:

1. For underground storage tank systems susceptible to corrosion:

i. A corrosion expert's analysis of site corrosion potential if corrosion protection equipment is not used in accordance with N.J.A.C. 7:14B-4.1(a) 1iv and 2iii; and

ii. Documentation of operation of corrosion protection equipment pursuant to N.J.A.C. 7:14B-5.2;

2. Documentation of underground storage tank system repairs made in accordance with N.J.A.C. 7:14B-5.4;

3. Recent compliance with release detection requirements pursuant to N.J.A.C. 7:14B-6.7;

4. All remediation documents prepared or required pursuant to this chapter;

5. An installation checklist as required by N.J.A.C. 7:14B-4.1(a)5; and

6. Documentation of compliance with N.J.A.C. 7:14B-5.1(d).

(b) Owners and operators shall keep the records required either:

1. At the underground storage tank site and immediately available for inspection by the implementing agency; or

2. At a readily available alternative site and be provided for inspection to the implementing agency upon request.

(c) After a site is no longer operational, an owner or operator may make a written request to discard any such documents. Such a request shall be accompanied by a description of the documents involved. Upon written approval by the Department, the owner or operator may discard only those documents that are not required to be preserved for a longer time period.

(d) A request for written approval to discard documents shall be sent to:

New Jersey Department of Environmental  
Protection  
Division of Remediation Management and  
Response  
Bureau of Southern Case Management  
PO Box 433  
401 East State Street  
Trenton, NJ 08625-0433

Amended by R.2003 d.197, effective May 19, 2003.

See: 34 N.J.R. 4024(a), 35 N.J.R. 2304(a).

In (a), added 6.

Special amendment, R.2009 d.361, effective November 4, 2009 (to expire May 4, 2011).

See: 41 N.J.R. 4467(a).

In the introductory paragraph of (a), substituted "or" for "of"; and rewrote (a)4.

#### 7:14B-5.7 Right of entry

(a) The owner or operator of any property or place of business where an underground storage tank system is or might be located shall allow the Department, or an authorized representative, upon the presentation of credentials, to:

1. Enter upon any property or place of business where an underground storage tank is or might be located or in which monitoring equipment or records required by this chapter are kept, for purposes of inspection, sampling, copying or photographing. Photographing shall be allowed only as related to the underground storage tank system;

2. Have access to and copy any records that must be kept pursuant to this chapter;

3. Inspect all facilities or equipment (including monitoring and control equipment);

4. Observe practices or operations regulated or required under this chapter; and

5. Sample soil, ground water, surface water and/or air.

#### 7:14B-5.8 Fill port markings

The owner or operator of an underground storage tank system shall permanently mark all fill ports to identify product inside the underground storage tank system. The markings shall be consistent with the colors and symbol codes established by the American Petroleum Institute Publication #1637, "Using the API Color-Symbol System to Mark Equipment and Vehicles for Product Identification at Service Station and Distribution Terminals" and the American Petroleum Institute Publication #1542, "Airport Equipment Marking for Fuel Identification," incorporated herein by reference, as amended and supplemented.

#### 7:14B-5.9 Use of regulated underground storage tank systems

(a) No person or business firm shall introduce hazardous substances into an underground storage tank system which is known to be or suspected to be leaking or discharging hazardous substances except in accordance with N.J.A.C. 7:14B-8.1(a)2ii.

(b) No person or business firm shall introduce hazardous substances into a regulated underground storage tank which is not properly registered with the Department pursuant to N.J.A.C. 7:14B-2.1.

New Rule, R.1997 d.487, effective November 17, 1997.

See: 29 N.J.R. 1593(a), 29 N.J.R. 4866(a).

Recodified from N.J.A.C. 7:14B-1.8 by R.2006 d.328, effective September 18, 2006.

See: 37 N.J.R. 2923(a), 38 N.J.R. 3821(a).

#### Case Notes

Former N.J.A.C. 7:14B-1.8(b) (now N.J.A.C. 7:14B-5.9(b)) is not limited in application to only owners and operators of underground storage tanks (USTs). A motor fuel delivery business that pumped petroleum products into USTs with expired registrations was properly assessed a \$15,000 penalty for violating the regulation (adopting in part, and rejecting in part, 2006 N.J. AGEN LEXIS 247). N.J. Dep't of Env'tl. Prot. v. Arfa Enterprises, Inc., OAL Dkt. No. EWR 2905-05, 2006 N.J. AGEN LEXIS 675, Final Decision (May 15, 2006).

### SUBCHAPTER 6. RELEASE DETECTION

#### 7:14B-6.1 General requirements for all underground storage tank systems

(a) Owners and operators of new and existing underground storage tank systems shall provide a method, or combination of methods, of release detection that:

1. Can detect a release from any portion of the tank and the connected underground piping that routinely contains product;

2. Is installed, calibrated, operated, and maintained in accordance with the manufacturer's instructions, including routine maintenance and service checks for operability or running condition; and

3. Meets the performance requirements in N.J.A.C. 7:14B-6.5 or 6.6, with any performance claims and the manner of determination of the performance claims described in writing by the equipment manufacturer or installer. Permanent methods installed on or after September 4, 1990 shall be capable of detecting the leak rate or quantity specified for that method in the corresponding section of the rule with a probability of detection (Pd) of 0.95 and a probability of false alarm (Pfa) of 0.05.

(b) When a release detection method operated in accordance with the performance standards in N.J.A.C. 7:14B-6.5 and 6.6 indicates a release may have occurred, owners and operators shall notify the Department in accordance with N.J.A.C. 7:14B-7.

(c) Any underground storage tank system regulated pursuant to N.J.S.A. 58:10A-21 et seq. and 42 U.S.C. §§ 6991 et seq. that cannot apply a method of release detection that complies with the requirements of this subchapter shall complete the closure procedures in N.J.A.C. 7:14B-9.

(d) Each owner and operator of any underground storage tank system regulated pursuant to N.J.S.A. 58:10A-21 et seq., but not 42 U.S.C. §§ 6991 et seq., that cannot apply a method of release detection with the requirements of this subchapter shall complete the closure requirements of N.J.A.C. 7:14B-9 pursuant to a closure schedule that the Department has approved.

Amended by R.2003 d.197, effective May 19, 2003.

See: 34 N.J.R. 4024(a), 35 N.J.R. 2304(a).

Deleted former (d); recodified former (e) as (d), substituted "Each owner and operator of any" for "Any" and substituted "pursuant to a closure schedule that the Department has approved" for "by that date".

#### Case Notes

Initial Decision (2006 N.J. AGEN LEXIS 420) adopted, which concluded that a gas station operator's failure to perform release detection monitoring every thirty days on its underground storage tanks as required by N.J.A.C. 7:14B-6.2, 7:14B-6.5, 7:14B-6.1, and 7:14B-6.6 was a moderately serious violation, and was moderately improper conduct, as the violation had the potential to cause substantial harm to human health and the environment. Thus, a \$15,000 penalty was appropriate. N.J. Dep't of Env'tl. Prot. v. Egg Harbor Gas & Go, LLC, OAL Dkt. No.

EWR 2907-05, 2006 N.J. AGEN LEXIS 780, Final Decision (August 21, 2006).

**7:14B-6.2 Requirements for underground storage tank systems containing petroleum products and waste oil**

(a) Owners and operators of petroleum underground storage tank systems shall provide release detection for tanks and piping by:

1. Monitoring tanks at least every 30 calendar days for releases using one of the methods listed in N.J.A.C. 7:14B-6.5(a)4 through 8 except that:

i. Underground storage tank systems that meet the performance standards in N.J.A.C. 7:14B-4.1 or 4.2, and the monthly inventory control requirements in N.J.A.C. 7:14B-6.5(a)1, (a)2, or (b) may use tank tightness testing (conducted in accordance with N.J.A.C. 7:14B-6.5(a) 3); and

ii. Tanks with capacity of 550 gallons or less may use weekly tank gauging conducted in accordance with N.J.A.C. 7:14B-6.5(a)2.

2. Underground piping that routinely contains regulated substances shall be monitored for releases in a manner that meets one of the following requirements:

i. Underground piping that conveys regulated substances under pressure shall:

(1) Be equipped with an automatic line leak detector conducted pursuant to N.J.A.C. 7:14B-6.6(a)1; and

(2) Have an annual line tightness test conducted in accordance with N.J.A.C. 7:14B-6.6(a)2 or have monthly monitoring conducted in accordance with N.J.A.C. 7:14B-6.6(a)3.

ii. Underground piping that conveys regulated substances under suction shall either have a line tightness test conducted at least every three years in accordance with N.J.A.C. 7:14B-6.6(a)2, or use a monthly monitoring method conduct in accordance with N.J.A.C. 7:14B-6.6(a)3. No release detection is required for suction piping that is designed and constructed to meet the following standards:

(1) The below-grade piping operates at less than atmospheric pressure;

(c) All underground storage tank system owners and operators shall maintain records of all written performance claims pertaining to any release detection system used, and the manner in which these claims have been justified or tested by the equipment manufacturer or installer.

(d) All underground storage tank system owners and operators shall maintain records of all written documentation of all calibration, maintenance, and repair of release detection equipment permanently located on-site.

(e) The owner or operator shall, on a monthly basis, complete a summary of the results of all monitoring of the underground storage tank system and maintenance checks of the release detection equipment. This summary shall be made available for inspection by any authorized local, State or Federal representative.

(f) All underground storage tank system owners and operators shall maintain records of the results of any sampling, testing or monitoring, and monthly inventory reconciliations for as long as the site is operational.

(g) After a facility is closed pursuant to N.J.A.C. 7:14B-9, an owner or operator may make a written request to the Department at the address at N.J.A.C. 7:14B-5.6(d) to discard any such documents. Such a request shall be accompanied by a description of the documents involved. Upon written approval by the Department, the owner or operator may discard only those documents that are not required to be preserved for a longer time period.

(h) Upon receipt of a written request by the Department, the owner or operator shall submit to the department all records and documents or copies of the same required to be maintained by the Act, this chapter, permits, approvals, administrative orders, or judicial orders.

(i) The owner or operator of an underground storage tank system that is equipped with a monitoring system installed prior to September 4, 1990 shall maintain on site a certification from a Subsurface Evaluator certified pursuant to N.J.A.C. 7:14B-13, that the site conditions and locations of the monitoring devices comply with N.J.A.C. 7:14B-6.5 and documentation from the manufacturer that the physical properties of the hazardous substance stored are appropriate for the monitoring system utilized.

(j) All existing underground storage tanks that are equipped with a monitoring system in accordance with a valid New Jersey Pollutant Discharge Elimination System/Discharge to Ground Water permit and in compliance with this permit shall be exempt from the monitoring system reporting requirements of (b), (d) and (e) above. Compliance shall be determined by review of the issued permit, discharge monitoring reports and other required submittals.

## SUBCHAPTER 7. RELEASE REPORTING AND INVESTIGATION

### 7:14B-7.1 Suspected releases

(a) The owner or operator of an underground storage tank system shall complete an investigation of a suspected release in accordance with the requirements of N.J.A.C. 7:14B-7.2(a) within seven calendar days of the discovery of the suspected release, when any of the following situations have occurred:

1. Inventory control records maintained in accordance with N.J.A.C. 7:14B-6.5(a)1 indicate a release may have occurred in excess of one percent of the tank's monthly flow-through plus 130 gallons;

2. Inventory control records for an underground storage tank system maintained in accordance with the manual tank gauging requirements of N.J.A.C. 7:14B-6.5(a)2 indicate that a release of hazardous substances may have occurred;

3. There is evidence of a hazardous substance or resulting vapors in the soil, in surface water, or in any underground structure or well in the vicinity of the facility;

4. There is water in the underground storage tank not attributable to condensation or deliveries;

5. Product dispensing equipment exhibits erratic behavior such as the loss of, or decrease in, line pressure;

6. There is the sudden loss of product from the underground storage tank system;

7. Test results from a single precision test of an underground storage tank system performed in accordance with N.J.A.C. 7:14B-6.5(a)3 that indicates that a release may have occurred; or

8. Any other method of discovery of a suspected release.

Amended by R.1997 d.487, effective November 17, 1997.

See: 29 N.J.R. 1593(a), 29 N.J.R. 4866(a).

Changed N.J.A.C. references throughout the section.

### 7:14B-7.2 Investigating a suspected release

(a) The owner or operator of an underground storage tank system shall confirm or disprove a suspected release by conducting an investigation in accordance with all of the applicable following procedures:

1. Check inventory control records for mathematical accuracy;

2. Conduct a visual inspection of all readily accessible physical facilities for evidence of leakage or discharge;

3. Check the calibration of all dispenser meters associated with hazardous substance withdrawal and if necessary perform calibration;

4. Check for a malfunction of the monitoring system; or

5. If the release is suspected due to the results of a previously conducted precision test which indicated that a release occurred, then an additional precision tank test shall be conducted on the underground storage tank system in accordance with N.J.A.C. 7:14B-6.5(a)3, if the test results indicated the following:

i. The results were inconclusive due to failure of the test to take into account and compensate for those factors outlined in N.J.A.C. 7:14B-6.5(a) 3; or



ii. There were loose fittings not associated with any product bearing part of the tank system or above the holding capacity of the tank where an overfill device has been installed pursuant to this chapter.

(b) If the investigation conducted in accordance with (a) above is inconclusive in confirming or disproving a suspected release, the owner or operator shall, in accordance with the schedule at N.J.A.C. 7:26E-3.3(e), conduct and complete a site investigation designed to confirm or disprove a suspected discharge in accordance with N.J.A.C. 7:26E-3.3. If a discharge is confirmed, the owner or operator shall initiate action pursuant to N.J.A.C. 7:14B-7.3. Documentation of an investigation in accordance with this section which disproves a suspected discharge shall be kept at the facility and made available for inspection by the Department for the operational life of the underground storage tank system.

Amended by R.1997 d.487, effective November 17, 1997.

See: 29 N.J.R. 1593(a), 29 N.J.R. 4866(a).

Inserted (a)5; rewrote (b); and deleted (b)1 through (b)3.

Special amendment, R.2009 d.361, effective November 4, 2009 (to expire May 4, 2011).

See: 41 N.J.R. 4467(a).

In (b), substituted “, in accordance with the schedule at N.J.A.C. 7:26E-3.3(e),” for “within 60 calendar days of discovery of a suspected release”.

### 7:14B-7.3 Confirmed discharges

(a) Any person, including, but not limited to, the owner or operator of an underground storage tank system or individual certified pursuant to N.J.A.C. 7:14B-13 hired to install, remove, test or perform a subsurface evaluation on an underground storage tank system, shall, upon confirming a discharge, immediately report the discharge to the appropriate local health agency in accordance with local requirements, and to the Department’s Environmental Action Hotline 877-927-6337. Discharges may be confirmed on the basis of the following:

1. Test, sampling or monitoring results from a discharge detection method specified in N.J.A.C. 7:14B-6.2, 3, 4, and 5 that indicate that a discharge has occurred;

2. Analyses by a laboratory, certified pursuant to N.J.A.C. 7:18, of soil or ground water samples which indicate the presence of contamination in the soil or ground water immediately beneath and/or in the immediate vicinity of the underground storage tank system;

3. Results from a closure plan conducted in accordance with the requirements of N.J.A.C. 7:14B-9.2(b) or 9.3(b) which indicate the presence of contamination in the soil or ground water immediately beneath and/or in the immediate vicinity of the underground storage tank system;

4. Any other method, including visual and olfactory inspection, and field screening analyses, that confirms that a discharge has occurred; or

5. A discharge is confirmed based upon the site investigation conducted pursuant to N.J.A.C. 7:14B-7.2.

(b) When notifying the Department in accordance with (a) above, the following information shall be provided:

1. The type and estimated quantity of substance discharged;

2. The location of the discharge;

3. The actions being taken to contain, remediate, and or remove the substance discharged;

4. The existing case number if a discharge had been reported previously for a separate area of concern; and

5. Any other relevant information which the Department may request at the time of notification.

(c) The owner or operator of an underground storage tank system shall take remedial action as set forth in N.J.A.C. 7:14B-8 when a discharge is confirmed.

(d) The owner or operator of an underground storage tank system shall implement the release response plan required by N.J.A.C. 7:14B-5.5 when a discharge is confirmed.

(e) The owner or operator of an underground storage tank system containing hazardous substances other than petroleum or waste oil shall report a discharge of the substance, over its reportable quantity, to the National Response Center in accordance with the provisions of 40 CFR Part 302.

Amended by R.1997 d.487, effective November 17, 1997.

See: 29 N.J.R. 1593(a), 29 N.J.R. 4866(a).

Inserted new (b)4; and recodified existing (b)4 as (b)5.

Amended by R.2003 d.197, effective May 19, 2003.

See: 34 N.J.R. 4024(a), 35 N.J.R. 2304(a).

### 7:14B-7.4 Unknown sources

If the owner or operator of a facility has information indicating that a facility may be the source of a discharge, the owner or operator of the facility shall perform a site investigation of the underground storage tank system(s) at the facility in accordance with N.J.A.C. 7:26E-3.3, prepare a site investigation report in accordance with the Technical Requirements for Site Remediation rules at N.J.A.C. 7:26E-3.13, and submit the report to the Department within the timeframe indicated at N.J.A.C. 7:26E-3.3(e). The owner or operator of a facility that is the suspected source of a discharge shall perform additional investigation(s) as the Department determines to be necessary and shall remediate any discharge discovered during the additional site investigation(s).

New Rule, R.1997 d.487, effective November 17, 1997.

See: 29 N.J.R. 1593(a), 29 N.J.R. 4866(a).

Special amendment, R.2009 d.361, effective November 4, 2009 (to expire May 4, 2011).

See: 41 N.J.R. 4467(a).

Rewrote the section.



## SUBCHAPTER 8. REMEDIATION ACTIVITIES

**7:14B-8.1 Immediate corrective action requirements and procedures**

(a) The owner or operator of an underground storage tank system shall, upon confirming a release, take immediate action to:

1. Determine the source of the discharge;
2. Cease use of the underground storage tank system:
  - i. In the event that ceasing use of the underground storage tank system would precipitate an emergency which constitutes an immediate threat to human health and safety, then the owner/operator shall cease use of the underground storage tank system immediately subsequent to taking all necessary actions to abate the emergency.
  - ii. Where a building's sole source of heat is from an oil burner, and there has been a discharge from the underground storage tank system containing heating oil, then the owner/operator shall take immediate action to provide an alternate source of heat. Upon providing an alternate source of heat, the owner/operator shall immediately cease use of the underground storage tank system which has discharged.
3. Mitigate any fire, safety or health hazard including, but not limited to, hazards from combustible vapor or vapor inhalation and the removal of ignition sources, in accordance with appropriate standards and practices, including National Fire Protection Association Standard 329, "Underground Leakage of Flammable and Combustible Liquids", incorporated herein by reference;
4. Conduct a visual inspection to detect any above ground or exposed below ground discharge, and where any discharge is evident, mitigate the effects of the discharge;
5. Properly remove all hazardous substances from the underground storage tank system;
6. Repair, replace or close the underground storage tank system in accordance with the requirements of N.J.A.C. 7:14B-4, 5 and 9; and
7. Comply with the reporting requirements set forth in N.J.A.C. 7:14B-7.3.

**7:14B-8.2 Discharge remediation requirements**

(a) The owner or operator of an underground storage tank system which has discharged hazardous substances shall:

1. Perform a remedial investigation in accordance with the requirements of N.J.A.C. 7:26E-4;
2. Perform a remedial action in accordance with the requirements of N.J.A.C. 7:26E-6;

3. Determine the classification of any wastes that are generated during the remedial investigation or remedial action, in accordance with N.J.A.C. 7:26-8.5;

4. Remove all nonhazardous waste from the site to an approved treatment, recycling, or disposal facility, in accordance with N.J.A.C. 7:26-1.1 and 1.4 or treat soils on site in accordance with N.J.A.C. 7:26E-5 and 6, or reuse soils in accordance with N.J.A.C. 7:26E-6.2(b) upon Department approval, within six months after generation; and

5. Remove all hazardous waste to an approved facility, in accordance with N.J.A.C. 7:26, within 90 calendar days after generation. Interim storage of hazardous waste shall be in accordance with N.J.A.C. 7:26-9.

Amended by R.1997 d.487, effective November 17, 1997.

See: 29 N.J.R. 1593(a), 29 N.J.R. 4866(a).

Rewrote (a) and (a)1 through (a)5; and deleted (a)6 and (b).

**7:14B-8.3 Reporting requirements**

(a) The owner or operator of an underground storage tank system which has discharged hazardous substances shall provide the local health department and the Department with a remedial investigation report prepared and presented pursuant to N.J.A.C. 7:26E-4.8, and shall pay all required fees and costs pursuant to this chapter and the Administrative Requirements for the Remediation of Contaminated Sites Rules at N.J.A.C. 7:26C-4, as applicable, within 270 calendar days after the notification required by N.J.A.C. 7:14B-7.3(a) or by November 26, 2010, whichever is later.

1. If required pursuant to N.J.A.C. 7:26E-5, the owner or operator shall submit a remedial action selection report prepared and presented in accordance with N.J.A.C. 7:26E-5.2. Unless otherwise allowed by the Department, the remedial action selection report shall be submitted in the sequence required by N.J.A.C. 7:26E-5.2(d) and (e).

(b) For all confirmed releases from an underground storage tank subject to regulation at 40 CFR Part 280, the owner or operator shall report to the Department the source and cause of the confirmed release on a Confirmed Discharge Notification form available from the Department at <http://www.nj.gov/dep/srp/srra/forms/> in accordance with the timeframe applicable for submittal of the site investigation or remedial investigation report, regardless of whether the remediation is being conducted pursuant to N.J.A.C. 7:14B-1.8(a)1 or 2.

(c) As required pursuant to N.J.A.C. 7:14B-1.8, the report described in (a) above, and the form described in (b) above if applicable, shall be prepared either by an individual certified in subsurface evaluation pursuant to N.J.A.C. 7:14B-13 or by a licensed site remediation professional. The report(s) shall include the name and address for both the owner and the operator.

(d) When the owner or operator is conducting the remediation pursuant to N.J.A.C. 7:14B-1.8(a)1, in addition to the requirements listed in (a) and (b) above, the owner or operator

of an underground storage tank system which has discharged a hazardous substance shall submit one of the documents listed in (d)1 through 3 below, and all of the appropriate fees pursuant to N.J.A.C. 7:14B-3.5 with the remedial investigation report to the address specified in N.J.A.C. 7:14B-2.2(b):

1. A request for a letter requiring no further action at the site if the remedial investigation indicates that no contamination at the site, or which has migrated off-site, exceeds any applicable remediation standard;

2. A proposed remedial investigation workplan prepared and presented pursuant to N.J.A.C. 7:26E-4.2 if the remedial investigation indicates that contamination remains in excess of any applicable remediation standard and the contamination on and off site has not been fully delineated vertically or horizontally; or

3. A proposed remedial action workplan, prepared and presented pursuant to N.J.A.C. 7:26E-6.2.

(e) When the owner or operator is conducting the remediation pursuant to N.J.A.C. 7:14B-1.8(a)1, within 90 calendar days after the Department's approval of the remedial investigation workplan submitted pursuant to (d)2 above, the owner or operator shall submit a remedial investigation report prepared in accordance with N.J.A.C. 7:26E-4.8 and (d) above that presents all the data and information collected in accordance with the approved remedial investigation workplan, or any other sampling conducted in accordance with N.J.A.C. 7:26E, accompanied by the applicable fee required in N.J.A.C. 7:14B-3.

(f) If the Department determines at any time prior to the approval of a proposed request for no further action that additional sampling and analysis is required, the owner or operator shall conduct the additional sampling and analysis as required, which may include submission of a remedial investigation workplan in the time frame specified by the Department.

(g) If the Department determines that any submittal made under this section is inadequate or incomplete, the Department shall provide the owner or operator with written notification of the deficiencies, and the owner or operator shall correct the deficiencies and resubmit the required information within 30 calendar days of receipt of the notification unless otherwise specified by the Department. If the revision does not address the deficiency(ies) to the Department's satisfaction, the Department shall disapprove the submittal and require the owner or operator to present a new submittal pursuant to (d) above and a new fee pursuant to N.J.A.C. 7:14B-3.5.

(h) When the owner or operator is conducting the remediation pursuant to N.J.A.C. 7:14B-1.8(a)1, the owner or operator may request an extension of time to submit the remedial investigation report required in (e) above. The request shall be in writing and include a justification for such a change and outline a new detailed schedule for the submission of the report. All requests for extensions shall be

submitted pursuant to the Administrative Requirements for the Remediation of Contaminated Sites rules at N.J.A.C. 7:26C-3.2(b).

(i) The owner or operator of the facility shall provide the Department with 14 calendar days notice of the onset of all remedial activities and shall allow site access to observe all said activities.

(j) If the Department approves a revised remedial investigation workplan submitted pursuant to (d) above, the owner or operator shall perform the additional work in accordance with the timeframes specified therein.

(k) If the Department determines that a remedial action for affected media at or emanating from any portion of the facility is necessary prior to full contaminant delineation due to a discharge posing an immediate threat to public health or the environment, the owner or operator shall comply with N.J.A.C. 7:26E-1.14.

(l) When the owner or operator is conducting the remediation pursuant to N.J.A.C. 7:14B-1.8(a)2, the owner or operator shall implement the remedial investigation and submit reports pursuant to the Administrative Requirements for the Remediation of Contaminated Sites rules at N.J.A.C. 7:26C-2.4 and pay all required fees and costs pursuant to N.J.A.C. 7:26C-4, within the timeframe specified at (a) above.

Amended by R.1997 d.487, effective November 17, 1997.

See: 29 N.J.R. 1593(a), 29 N.J.R. 4866(a).

Rewrote (a) and (a)1; deleted (a)2 through (a)7; rewrote (c) and (c)1 through (c)3; deleted (c)3i through (c)3iii; and added (d) through (k). Special amendment, R.2009 d.361, effective November 4, 2009 (to expire May 4, 2011).

See: 41 N.J.R. 4467(a).

Rewrote the section.

#### **7:14B-8.4 Implementation of the remedial action requirements**

(a) When the owner or operator is conducting the remediation pursuant to N.J.A.C. 7:14B-1.8(a)1, the following requirements shall apply:

1. After written Department approval of the remedial action workplan, including any workplan amendments, the owner or operator shall implement the remedial action workplan and any amendments thereto in accordance with the timeframes specified therein. The owner or operator shall obtain any necessary permits in accordance with N.J.A.C. 7:26E-7;

2. The owner or operator may request, in writing, an extension of time to complete implementation of the remedial action workplan. The request shall include a justification for such a change and outline a new detailed schedule for the submission of the remedial action report. All requests for extensions shall be received by the Department 14 calendar days prior to any schedule deadline. The