

UNDERGROUND STORAGE TANKS**CHAPTER 14B****UNDERGROUND STORAGE TANKS****Authority**

N.J.S.A. 58:10A-21 et seq. and 13:1D-9.

Source and Effective Date

R.1997 d.487, effective October 22, 1997.
See: 29 N.J.R. 1593(a), 29 N.J.R. 4866(a).

Executive Order No. 66(1978) Expiration Date

Chapter 14B, Underground Storage Tanks, expires on October 22, 2002.

Chapter Historical Note

Chapter 14B, Underground Storage Tanks, was adopted as R.1987 d.531, effective December 21, 1987. See: 19 N.J.R. 1477(a), 19 N.J.R. 2417(a). Subchapter 4, Underground Storage Tank System Performance Standards and Engineering Requirements; Subchapter 5, Underground Storage Tank System General Operating Requirements; Subchapter 6, Monitoring Requirements for Underground Storage Tank Systems; Subchapter 7, Release Reporting and Investigation; Subchapter 8, Corrective Action; Subchapter 9, Out-of-Service Underground Storage Tank Systems and Closure of Underground Storage Tank Systems; Subchapter 10, Permitting Requirements for Underground Storage Tank Systems; Subchapter 11, Municipal Ordinances; Subchapter 12, Penalties, Remedies, and Administrative Hearing Procedures; Subchapter 13, Underground Storage Tank Loan Program; and Subchapter 15, Confidentiality, were adopted as R.1990 d.443, effective September 4, 1990. See: 21 N.J.R. 2242(a), 22 N.J.R. 2758(a).

Pursuant to Executive Order No. 66(1978), Chapter 14B was adopted as R.1992 d.498, effective November 18, 1992. See: 24 N.J.R. 2975(a), 24 N.J.R. 4523(a).

Pursuant to Executive Order No. 66(1978), Chapter 14B was adopted as R.1997 d.487, effective October 22, 1997. See: Source and Effective Date. As part of R.1997 d.487, effective November 17, 1997, Subchapter 4, Underground Storage Tank System Performance Standards and Engineering Requirements; Subchapter 5, Underground Storage Tank System General Operating Requirements; Subchapter 6, Monitoring Requirements for Underground Storage Tank Systems; Subchapter 10, Permitting Requirements for Underground Storage Tank Systems; and Subchapter 13, Underground Storage Tank Loan Program, were repealed; and Subchapter 4, Underground Storage Tank Systems Design, Construction and Installation; Subchapter 5, General Operating Requirements; Subchapter 6, Release Detection; Subchapter 10, Permitting Requirements for Underground Storage Tank Systems; and Subchapter 13, Certification of Individuals and Business Firms, were adopted as new rules; Subchapter 8, Corrective Action, was renamed Remediation Activities; and Subchapter 15, Confidentiality, was recodified as Subchapter 14. See, also, section annotations.

Law Review and Journal Commentaries

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SUBCHAPTER 1. GENERAL INFORMATION

7:14B-1.1 Scope

This chapter shall constitute the rules of the Department of Environmental Protection for all underground storage tank facilities regulated by N.J.S.A. 58:10A-21 et seq.

7:14B-1.2 Construction

This chapter shall be construed so as to permit the Department to implement its statutory functions and to effectuate the purposes of the law.

7:14B-1.3 Purpose

(a) This chapter is promulgated for the following purposes:

1. To establish the Department's underground storage tank program;
2. To implement the registration requirements of the State Act;
3. To establish Initial Registration and Annual Certification fees;
4. To implement the technical requirements of the State Act;
5. To implement the reporting requirements of the State Act;
6. To implement the corrective action requirements of the State Act;
7. To implement the permitting requirements for the State Act;
8. To implement the underground storage tank services certification requirements of the State Act; and
9. To protect human health and the environment of the State by ensuring sound underground storage tank management, thereby preventing, controlling, remediating and/or abating actual or potential groundwater contamination.

Amended by R.1990 d.443, effective September 4, 1990.

7:14B-2.5 Public access to registration information

(a) All completed New Jersey Underground Storage Tank Facility Certification Questionnaires, as well as documented information pertaining to the registration, shall be considered public records pursuant to N.J.S.A. 47:1A-1 et seq.

(b) Interested persons shall request in writing an appointment to review the public records.

Amended by R.1994 d.98, effective February 22, 1994.
 See: 25 N.J.R. 1363(a), 26 N.J.R. 1132(a).
 Recodified from N.J.A.C. 7:14B-2.6 and amended by R.1997 d.487, effective November 17, 1997.
 See: 29 N.J.R. 1593(a), 29 N.J.R. 4866(a).
 Former N.J.A.C. 7:14B-2.5, "Changes to registration", recodified to N.J.A.C. 7:14B-2.4.

7:14B-2.6 Registration Certificate

(a) The owner or operator of an underground storage tank system shall prominently display a valid Registration Certificate at the facility or shall make the Registration Certificate available for inspection by any authorized local, State or Federal representative.

(b) The owner or operator of more than 25 separate facilities may request, in writing to the Director at the address set forth at N.J.A.C. 7:14B-2.2(b), that the Department mail the Registration Certificates of the multiple facilities to a single address. The owner or operator shall be responsible for ensuring that the Registration Certificates are then sent to the proper facilities.

Amended by R.1990 d.443, effective September 4, 1990.
 See: 21 N.J.R. 2242(a), 22 N.J.R. 2758(a).
 System added to clarify application of requirements.
 Amended by R.1994 d.98, effective February 22, 1994.
 See: 25 N.J.R. 1363(a), 26 N.J.R. 1132(a).
 Recodified from N.J.A.C. 7:14B-2.7 by R.1997 d.487, effective November 17, 1997.
 See: 29 N.J.R. 1593(a), 29 N.J.R. 4866(a).
 Former N.J.A.C. 7:14B-2.6, "Public access to registration information", recodified to N.J.A.C. 7:14B-2.5.

7:14B-2.7 Denial or revocation of registration

(a) The Department may, in its discretion, deny the issuance of a Registration Certificate upon a determination of the following:

1. The New Jersey Underground Storage Tank Facility Certification Questionnaire is incomplete, contains inaccurate information and/or is illegible;
2. The owner or operator fails to enclose the accurate Registration Fee with the New Jersey Underground Storage Tank Facility Certification Questionnaire pursuant to N.J.A.C. 7:14B-3.1; or
3. The owner or operator fails to comply with any requirement of the State Act or this chapter.

(b) The Department may revoke the registration of a facility upon a determination of the following:

1. The New Jersey Underground Storage Tank Facility Certification Questionnaire contains false or inaccurate information;
2. The owner or operator has failed to submit a New Jersey Underground Storage Tank Facility Certification Questionnaire pursuant to N.J.A.C. 7:14B-2.2;
3. The owner or operator has failed to pay the Facility Certification fee pursuant to N.J.A.C. 7:14B-3.2;
4. An authorized representative is denied access to the facility during any reasonable hour; or
5. The owner or operator has failed to comply with any requirement of the State Act or this chapter.

(c) The Department shall inform an owner or operator of the denial or revocation of registration by Notice of Intent to Deny Registration or Notice of Intent to Revoke Registration. This Notice shall include:

1. The specific grounds for denial of issuance as set forth in N.J.A.C. 7:14B-2.8(a) above; or
2. The specific grounds for revocation as set forth in N.J.A.C. 7:14B-2.8(b) above.

(d) The Department shall serve this Notice to an owner or operator by certified mail (return receipt requested) or by personal service.

(e) An owner or operator that receives a Notice from the Department denying or revoking a registration shall not use the tank as required by N.J.A.C. 7:14B-2.1(c).

(f) Any person whose registration has been denied or revoked may request a hearing pursuant to N.J.A.C. 7:14B-12.2(a).

New Rule, R.1990 d.443, effective September 4, 1990.
 See: 21 N.J.R. 2242(a), 22 N.J.R. 2758(a).
 Amended by R.1994 d.98, effective February 22, 1994.
 See: 25 N.J.R. 1363(a), 26 N.J.R. 1132(a).
 Recodified from N.J.A.C. 7:14B-2.8 and amended by R.1997 d.487, effective November 17, 1997.
 See: 29 N.J.R. 1593(a), 29 N.J.R. 4866(a).
 Former N.J.A.C. 7:14B-2.7, "Registration Certificate", recodified to N.J.A.C. 7:14B-2.6.

7:14B-2.8 (Reserved)

Recodified to N.J.A.C. 7:14B-2.7 by R.1997 d.487, effective November 17, 1997.
 See: 29 N.J.R. 1593(a), 29 N.J.R. 4866(a).
 Section was, "Denial or revocation of registration".

SUBCHAPTER 3. FEES

7:14B-3.1 Registration fee

The owner or operator of an underground storage tank system shall submit a \$100.00 Registration Fee for each

facility upon registration of the facility with the Department. The Department shall only issue a Registration Certificate following the submission of the Registration Fee.

Amended by R.1990 d.443, effective September 4, 1990.
See: 21 N.J.R. 2242(a), 22 N.J.R. 2758(a).

System added to clarify application of requirements; operative date deleted.

Amended by R.1994 d.98, effective February 22, 1994.

See: 25 N.J.R. 1363(a), 26 N.J.R. 1132(a).

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

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

Deleted the third sentence.

7:14B-3.2 Facility Certification fee

(a) The owner or operator of an underground storage tank system shall submit a Facility Certification fee for each facility upon the periodic renewal of the Facility Certification with the Department.

(b) The owner or operator shall pay the Facility Certification fee of \$100.00 per facility for the three year facility certification cycle and after receiving an invoice from the Department within the time frame set forth in the invoice. The Department may renew the Registration Certificate following the submission of the Facility Certification Fee.

(c) The owner or operator of an underground storage tank system who failed to register the system and pay the necessary fees when initially required in 1988 or when the tank system was installed, whichever is later, shall be responsible for paying all Facility Certification fees for the years the tank system was not closed in accordance with API Recommended Practice 1604, titled "Closure of Underground Petroleum Storage Tanks." Payment of these fees by the owner or operator does not restrict the Department from taking enforcement action against the owner or operator pursuant to N.J.A.C. 7:14B-12.

Amended by R.1990 d.443, effective September 4, 1990.

See: 21 N.J.R. 2242(a), 22 N.J.R. 2758(a).

System added to clarify application of requirements.

Amended by R.1994 d.98, effective February 22, 1994 (operative January 1, 1995).

See: 25 N.J.R. 1363(a), 26 N.J.R. 1132(a).

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

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

In (a), deleted the second sentence; and in (c), added the reference to API recommended practice 1604.

7:14B-3.3 Duplicate Registration Certificate charges

The Fee for duplicate Registration Certificates will be \$25.00 per document.

Repeal and New Rule, R.1994 d.98, effective February 22, 1994.

See: 25 N.J.R. 1363(a), 26 N.J.R. 1132(a).

7:14B-3.4 Exemption from fees

The Department will not assess a Registration or Facility Certification fee for underground storage tank systems which have been abandoned in place or removed prior to September 4, 1990.

Amended by R.1990 d.443, effective September 4, 1990.

See: 21 N.J.R. 2242(a), 22 N.J.R. 2758(a).

Term "public school" clarified at (a)1; (b) added.

Amended by R.1994 d.98, effective February 22, 1994.

See: 25 N.J.R. 1363(a), 26 N.J.R. 1132(a).

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

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

7:14B-3.5 Permit and approval fees

(a) The owner or operator of an existing, former or proposed underground storage tank system shall:

1. Submit a separate fee for each activity at a facility which requires a permit or approval at the time the application, or report is submitted. The owner or operator shall pay a separate fee for resubmissions of the same application or report when the application or report is disapproved due to technical deficiencies in the initial submittal. The fees required by this section are not one time fees but rather the fees required to perform the review of the specific submittals to the Department;

2. Submit a separate fee for each application, or report which is contained within a single document; and

3. Submit a separate fee for each facility where an activity occurs.

(b) The Department will not approve any application or report unless all fee requirements of this subchapter are met.

(c) The fee schedule is as follows:

Activity	Fee
1. Permit for the installation or substantial modification of an underground storage tank system	\$ 300.00
2. Review of the closure plan for an underground storage tank system	\$ 300.00
3. Review of the site investigation report	\$ 500.00
4. Review of the initial remedial investigation report	\$ 1,000.00

(d) The owner or operator shall submit the remedial action oversight fees to the Department within 30 calendar days after receipt from the Department of a summary of the Department's oversight costs for the period being charged for all remedial action oversight activities not specifically included in the fee schedule at (c) above. The Department shall include the following information in the summary: description of work performed, staff member(s) performing work, number of hours performed by the staff member(s), and the staff member(s) hourly rate. The fee schedule shall be as follows:

1. The Department will bill the owner or operator at regular intervals throughout the duration of the remedial action based on the formula in (d)3 below to recover its costs;

2. The Department shall develop on an annual basis and publish notice of the salary additive rate, fringe benefit rate and the indirect cost rate to be used by the Site Remediation Program for the fiscal year in the New Jersey Register; and

3. Remedial action oversight fees are based on time that staff works on activities for that industrial establishment. This fee is based upon the formula:

$$\text{Administrative Costs} = A + B$$

where A = {(Number of coded hours) x (Hourly salary rate) x (Salary Additive rate) x (Fringe benefit rate)} {(Indirect cost rate) x (Number of coded hours)} and B = (Direct costs).

i. Number of coded hours represents the sum of hours each employee has coded to the site-specific project activity code (PAC) for the case. Actual hours for all state employees including without limitation case managers, geologists, technical coordinators, samplers, inspectors, supervisors, section chiefs, Deputy Attorneys General, using the specific Project Activity Code, will be included in the formula calculations.

ii. The hourly salary rate is each employee's annual salary divided by the number of working hours in a year.

iii. The salary additive rate represents the prorated percentage of charges attributable to NJDEP employees' reimbursable "down time." This time includes vacation time, administrative leave, sick leave, holiday time, and other approved "absent with pay" allowances. The calculation for the salary additive is the sum of the reimbursable leave salary divided by the net Department regular salary for a given fiscal year. The direct salary charges (number of coded hours x hourly salary rate) are multiplied by the calculated percentage and the result is added to the direct salaries to determine the total reimbursable salary costs for a particular case.

iv. The fringe benefit represents the Department's charges for the following benefits: pension, health benefits, including prescription drug and dental care program, workers compensation, temporary disability insurance, unused sick leave and FICA. The fringe benefit rate is developed by the Department of the Treasury's Office of Management and Budget (OMB). OMB negotiates the rate with the United States Department of Health and Human Services on an annual basis. The rate is used by all State agencies for estimating and computing actual charges for fringe benefit costs related to Federal, dedicated and non-State funded programs.

v. The indirect cost rate represents the rate which has been developed for the recovery of indirect costs in the Site Remediation Program. This indirect rate is developed by the Department on an annual basis in

accordance with the New Jersey Department of Treasury OMB Circular Letter 86-17 and the Federal OMB Circular A-87, "Cost Principles for State and Local Governments." Indirect costs are defined as those costs which are incurred for a common or joint purpose benefitting more than one cost objective and not readily assignable to the cost objectives specifically benefitted without effort disproportionate to the results achieved.

(1) The components of the indirect cost rate include operating and overhead expenses that cannot be coded as direct salary charges for a particular case, such as the salary and non-salary costs incurred by the Division of Publicly Funded Site Remediation and the Division of Responsible Party Site Remediation. In addition, the indirect rate includes the Site Remediation Program's proportionate share of the costs associated with the Offices of the Commissioner, Assistant Commissioner for Site Remediation, Division Directors and Assistant Directors, the Division of Financial Management and General Services and the Division of Personnel.

(2) The indirect rate also includes operating costs such as office and data processing equipment, and telephones as well as building rent and the Department's share of statewide costs as determined by the Department of Treasury in the Statewide Cost Allocation Plan. The Statewide Cost Allocation Plan pertains to central services costs which are approved on a fixed basis and included as part of the costs of the State Department during a given fiscal year ending June 30.

(3) The total of these indirect costs is divided by the total direct costs of the Site Remediation Program to determine the indirect cost rate.

vi. Direct costs represent any non-salary direct, site-specific costs including but not limited to laboratory analysis or contractor expenses. These costs will be billed directly as a formula add on.

(e) Interest shall accrue on the unpaid balance of oversight costs, beginning at the end of the 30 calendar day period established at (d) above, at the rate established by Rule 4:42 of the Rules Governing the Courts of the State of New Jersey.

(f) The owner or operator shall not receive a "no further action" letter from the Department unless all fees for work previously billed by the Department to the facility are paid. The Department may discontinue review or oversight of a submittal from the owner or operator of the facility unless all fees for work previously billed are paid. In addition, the Department may consider the failure to pay a fee to be a violation of the Act.

New Rule, R.1990 d.443, effective September 4, 1990.
See: 21 N.J.R. 2242(a), 22 N.J.R. 2758(a).
Amended by R.1994 d.98, effective February 22, 1994.

See: 25 N.J.R. 1363(a), 26 N.J.R. 1132(a).
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 (e); and recodified existing (e) as (f).

7:14B-3.6 Payment for Department services

(a) All fees submitted in compliance with N.J.A.C. 7:14B-3.2 shall be made by check or money order, payable to "Treasurer, State of New Jersey," and submitted to:

Division of Revenue
Department of Treasury
PO Box 417
Trenton, NJ 08625-0417

All other fee payments shall be made by check or money order, payable to "Treasurer, State of New Jersey" and submitted to the address at N.J.A.C. 7:14B-2.2(b).

(b) No UST fees or charges are pro-rated.

New Rule, R.1994 d.98, effective February 22, 1994.
See: 25 N.J.R. 1363(a), 26 N.J.R. 1132(a).
Amended by R.1997 d.487, effective November 17, 1997.
See: 29 N.J.R. 1593(a), 29 N.J.R. 4866(a).

7:14B-3.7 Confidentiality claims

Any confidentiality claim submitted in accordance with N.J.A.C. 7:14B-15 shall be accompanied by a fee of \$350.00.

New Rule, R.1994 d.98, effective February 22, 1994.
See: 25 N.J.R. 1363(a), 26 N.J.R. 1132(a).

7:14B-3.8 Fee review

(a) To contest a fee imposed pursuant to N.J.A.C. 7:14B-3.5(d), the objector shall, within 30 days after the objector's receipt of the bill for the fee from the Department, submit to the Department a written request for a fee review pursuant to (d) below. An objector may contest the fee based on the following:

1. The Department has no factual basis to sustain the charges assessed in the fee;
2. The activities for which the fee was imposed did not occur;
3. The charges are false or duplicative; or
4. The charges were not properly incurred because they were not associated with the Department's oversight or remediation of the case.

(b) An objector may not contest a fee if the challenge is based on the following:

1. An employee's hourly salary rate;
2. The Department's salary additive rate, indirect rate, or fringe benefit rate; or

3. Management decisions of the Department, including decisions regarding who to assign to a case, how to oversee the case or how to allocate resources for case review.

(c) The objector shall submit a fee review request to the Department at the following address:

Office of Legal Affairs
Attention: Fee Review Requests
DEP
PO Box 402
Trenton, NJ 08625-0402

(d) An objector shall include the following in a request for a fee review:

1. A copy of the bill;
2. Payment of all uncontested charges, if not previously paid;
3. A list of the specific fee charges contested;
4. The factual questions at issue in each of the contested charges;
5. The name, mailing address and telephone number of the person making the request;
6. Information supporting the request or other written documents relied upon to support the request;
7. An estimate of the amount of time required for an informal meeting with Department representatives or an adjudicatory hearing before the Office of Administrative Law; and
8. A request, if necessary, for a barrier free hearing location for physically disabled persons;

(e) If the objector fails to include any information or the payment required by (d) above, the Department may deny a request for a fee review or an adjudicatory hearing on the fee.

(f) Upon the Department's receipt of a request for a fee review, the Department shall attempt to resolve any of the factual issues in dispute. If the Department determines that a fee imposed is incorrect, the Department shall adjust the fee and issue a new bill which shall be due and payable within 30 days after receipt.

(g) The Department may, if it determines that the factual issues involving a fee dispute cannot be resolved informally determine the matter to be a contested case and transfer it to the Office of Administrative Law for an adjudicatory hearing. An adjudicatory hearing shall be conducted pursuant to N.J.S.A. 52:14B-1 et seq.

(h) The Department, if it denies a hearing request, shall briefly state the reasons for such denial. Such denial shall be considered final agency action.

(i) If the objector does not file a request for a fee review within 30 days after the objector's receipt of the bill for the fee from the Department, the full amount of the fee shall be due and owing. If the bill is not paid, the Department may take any action in accordance with N.J.A.C. 7:14B-3.5(f) above.

New Rule, R.1994 d.98, effective February 22, 1994.
 See: 25 N.J.R. 1363(a), 26 N.J.R. 1132(a).
 Amended by R.1997 d.487, effective November 17, 1997.
 See: 29 N.J.R. 1593(a), 29 N.J.R. 4866(a).

7:14B-3.9 Payment of fees in installments

Any fee under this subchapter that is subject to N.J.A.C. 7:14B-3.9 shall be payable in installments in accordance with N.J.A.C. 7:14B-3.9L.

New Rule, R.1995 d.205, effective April 17, 1995.
 See: 26 N.J.R. 3922(a), 27 N.J.R. 1576(b).

7:14B-3.10 Fees for individual and business firm certification in underground storage tank management services

(a) The fee schedule for the certification of individuals and business firms pursuant to N.J.A.C. 7:14B-3.10 is as follows:

1. Nonrefundable examination application fee (see (c) and (d) below)	\$35.00
2. Certification for an individual (see (f) below)	\$250.00
3. Business firm certification (see (e) below)	\$35.00
4. Renewal of individual certification	\$250.00
5. Renewal of business firm certification	\$35.00
6. Amendment to individual certification card and certificate (see (g) below)	\$20.00
7. Replacement of certification card or certificate (see (h) below)	\$20.00
8. Duplicate certificate, as required by N.J.A.C. 7:14B-3.10(c)	\$10.00

(b) Plumbing contractors engaged in installation, closure or testing of waste oil tanks and New Jersey Licensed Professional Engineers are exempt from the fees described in (a)1, 2, 4, 6 and 7 above.

(c) Individuals applying for the certification examination shall pay the nonrefundable \$35.00 application fee per classification for which they apply. Each examination classification applied for after the initial certification shall require an additional nonrefundable \$35.00 fee to accompany the examination application.

(d) Individuals failing examinations shall pay an additional nonrefundable \$35.00 fee for each subsequent application for each classification.

(e) Business firms applying for certification shall pay a single \$35.00 filing fee per application, regardless of the number of classifications for which application is being

made. Business firms applying for additional classifications after the original certification is issued shall pay an additional \$35.00 application fee. The Department shall issue one certification per business firm regardless of the number of classifications.

(f) Individual applicants satisfying the certification requirements shall pay \$250.00 for the certification or the renewal of the certification. The Department shall issue one certification per individual, including to those individuals being certified in multiple classifications. Individuals adding additional classifications after the original certification card is issued do not need to pay an additional \$250.00 certification fee.

(g) Issuance of a new certification card or certificate required as a result of amendment to certification, shall result in a \$20.00 fee to the individual.

(h) Issuance of a replacement certification card or certificate required as a result of loss shall result in a \$20.00 fee to the individual or business firm.

New Rule, R.1997 d.487, effective November 17, 1997.
 See: 29 N.J.R. 1593(a), 29 N.J.R. 4866(a).

SUBCHAPTER 4. UNDERGROUND STORAGE TANK SYSTEMS: DESIGN, CONSTRUCTION AND INSTALLATION

7:14B-4.1 Performance standards for new underground storage tank systems

(a) Owners and operators of underground storage tank systems which are installed on or after September 4, 1990 shall obtain a permit in accordance with N.J.A.C. 7:14B-10 before installation and ensure that the systems meet the following requirements:

1. Each tank shall be properly designed and constructed, and any portion underground that routinely contains product shall be protected from corrosion, in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory as specified below:

- i. The tank shall be constructed of fiberglass-reinforced plastic;
- ii. The tank shall be constructed of steel and cathodically protected in the following manner:

(1) The tank shall be coated with a suitable dielectric material;

(2) Field-installed cathodic protection systems shall be designed by a Cathodic Protection Specialist certified in accordance with N.J.A.C. 7:14B-13. The design shall be based upon data collected onsite by a

Cathodic Protection Specialist or Cathodic Protection Tester certified in accordance with N.J.A.C. 7:14B-13;

(3) Impressed current systems shall be designed to allow determination of current operating status as required in N.J.A.C. 7:14B-5.2(a)3; and

(4) Cathodic protection systems shall be operated and maintained in accordance with N.J.A.C. 7:14B-5.2;

iii. The tank shall be constructed of a steel-fiber-glass-reinforced-plastic composite;

iv. The tank shall be constructed of metal without additional corrosion protection measures provided that:

(1) The tank is installed at a site that is determined by a Department certified Cathodic Protection Specialist not to be corrosive enough to cause it to have a release due to corrosion during its operating life; and

(2) Owners and operators maintain records that demonstrate compliance with the requirements (a)iv(1) above for the remaining life of the tank; or

v. The Department shall issue a permit for the installation of the tank system pursuant to N.J.A.C. 7:14B-10. The owner or operator of the underground storage tank shall submit a permit application in accordance with N.J.A.C. 7:14B-10 and demonstrate that the tank construction and corrosion protection are designed to prevent the release or threatened release of any stored regulated substance in a manner that is no less protective of human health and the environment than (a)li through iv above.

2. The piping that routinely contains regulated substances and is in contact with the ground shall be properly designed, constructed, and protected from corrosion in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory as specified below:

i. The piping shall be constructed of fiberglass-reinforced plastic;

ii. The piping shall be constructed of metal and cathodically protected in the following manner:

(1) The piping shall be coated with a suitable dielectric material;

(2) Field-installed cathodic protection systems shall be designed by a person certified as a Cathodic Protection Specialist pursuant to N.J.A.C. 7:14B-13;

(3) Impressed current systems shall be designed to allow determination of current operating status as required in N.J.A.C. 7:14B-5.2(a)3; and

(4) Cathodic protection systems shall be operated and maintained in accordance with N.J.A.C. 7:14B-5.2;

iii. The piping shall be constructed of metal without additional corrosion protection measures provided that:

(1) The piping is installed at a site that is determined by a Department certified Cathodic Protection Specialist to not be corrosive enough to cause it to have a release due to corrosion during its operating life; and

(2) Owners and operators maintain records that demonstrate compliance with the requirements of (a)2iii above for the remaining life of the piping; or

iv. The Department shall issue a permit for the installation of the piping pursuant to N.J.A.C. 7:14B-10. The owner or operator of the underground storage tank system shall submit a permit application in accordance with N.J.A.C. 7:14B-10 and demonstrate that the piping construction and corrosion protection are designed to prevent the release or threatened release of any stored regulated substance in a manner that is no less protective of human health and the environment than (a)2i through iii above.

3. Except as provided in (a)3iii below, to prevent spilling and overflowing associated with product transfer to the underground storage tank system, owners and operators shall use the following spill and overfill prevention equipment:

i. Spill prevention equipment that shall prevent release of product to the environment when the transfer hose is detached from the fill pipe (for example, a spill catchment basin); and

ii. Overfill prevention equipment that shall:

(1) Automatically shut off flow into the tank when the tank is no more than 95 percent full;

(2) Alert the transfer operator when the tank is no more than 90 percent full by restricting the flow into the tank or triggering a high-level alarm; or

(3) Restrict flow 30 minutes prior to overflowing, alert the operator with a high level alarm one minute before overflowing, or automatically shut off flow into the tank so that none of the fittings located on top of the tank are exposed to product due to overflowing.

iii. Owners and operators are not required to use the spill and overfill prevention equipment specified in (a)3i and ii above if:

(1) A permit is issued in accordance with N.J.A.C. 7:14B-10 for the use of alternative equipment that is determined by the Department to be no less protective of human health and the environment than the equipment specified in (a)3i or ii above; or