

place” or “abandonment in place”; in “Liquid”, substituted “ASTM D-5-97” for “ASTM D-5-78” preceding “Test” and substituted “of” for “for” preceding “Bituminous”.

Special amendment, R.2006 d.383, effective October 3, 2006 (to expire April 3, 2008).

See: 38 N.J.R. 4748(a).

Inserted definitions “Farm” and “Unregulated heating oil tank system”.

Provisions of R.2006 d.383 were readopted without change by R.2008 d.322, effective September 30, 2008.

See: 40 N.J.R. 2166(a), 40 N.J.R. 6440(a).

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

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

Added definitions “Final remediation document” and “Licensed site remediation professional”.

Pursuant to N.J.S.A. 52:14B-5.1c, the expiration date of provisions of R.2009 d.361 is extended to October 31, 2011.

See: 43 N.J.R. 1077(a).

### 7:14B-1.7 Certifications

(a) Any person making a submission to the Department pursuant to this chapter shall include the signatures and certification pursuant to (b) below.

(b) The person designated in (b)2 and (d) below shall sign and date the following certification or report:

1. “I certify under penalty of law that I have personally examined and am familiar with the information submitted in this application and all attached documents, and that based on my inquiry of those individuals responsible for obtaining the information, 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.”

2. The certification in (b)1 above shall be signed as follows:

i. For a corporation, by a person authorized by a resolution of the board of directors to sign the document. A copy of the resolution, certified as a true copy by the secretary of the corporation, shall be submitted along with the certification;

ii. For a partnership or sole proprietorship, by a general partner or the proprietor, respectively; and

iii. For a municipality, State, Federal or other public agency, by either a principal executive officer or ranking elected official.

(c) Any New Jersey professional engineer submitting plans in accordance with N.J.A.C. 7:14B-10.3(b)1 shall sign and submit to the Department the following certification:

“I certify under the penalty of law that the information provided in this document is true, accurate and complete and

is in conformance with the requirements of this chapter. I am aware that there are significant civil and criminal penalties for submitting false, inaccurate or incomplete information, including fines and/or imprisonment.”

(d) Any individual certified in accordance with N.J.A.C. 7:14B-13 in the classification of subsurface evaluator submitting documents in accordance with N.J.A.C. 7:14B-10.3(b)9 shall sign and submit to the Department the following certification:

“I certify under penalty of law that I have reviewed the plans for the proposed release detection monitoring system and this system is appropriate for the underground storage tank system design and hazardous substance stored and fulfills the monitoring requirements of N.J.A.C. 7:14B-6. I am aware that there are significant civil and criminal penalties for submitting false, inaccurate or incomplete information, including fines and/or imprisonment.”

(e) Any individual submitting documents in accordance with N.J.A.C. 7:14B-13.3(c) and 16.4(e) shall sign and submit to the Department the following certification:

“I certify under penalty of law that the information provided in this document 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.”

(f) Any individual certified as a subsurface evaluator pursuant to N.J.A.C. 7:14B-13.2(a)4, who submits a cathodic protection permit application in accordance with N.J.A.C. 7:14B-10.3(b)5, shall sign, date and submit to the Department the following certification:

“I certify under penalty of law that I have reviewed the plans for the proposed cathodic protection system and this system is appropriate for the underground storage tank system and fulfills the corrosion protection requirements of N.J.A.C. 7:14B-4. I am aware that there are significant civil and criminal penalties for submitting false, inaccurate or incomplete information, including fines and/or imprisonment.”

(g) Any individual certified as a subsurface evaluator pursuant to N.J.A.C. 7:14B-13.2(a)4, who conducts or directs activities and prepares documents in accordance with N.J.A.C. 7:14B-7.2(b), 7.4 and 9.5, shall sign, date and submit to the Department the following certification:

“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.”

(h) Any individual certified as a subsurface evaluator pursuant to N.J.A.C. 7:14B-13.2(a)4, who prepares documents pursuant to N.J.A.C. 7:14B-7.2(b), 7.4, 8 or 9.5 for another certified subsurface evaluator who conducted or directed onsite activities, shall sign, date and submit to the Department the following certification:

“I certify under penalty of law that I have personally examined and am familiar with the information submitted in this report and all attached documents, and that based on my inquiry of those individuals responsible for obtaining the information, I believe that 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 certify under penalty of law that the onsite work was performed by a certified subsurface evaluator. I am aware that there are significant civil and criminal penalties for submitting false, inaccurate or incomplete information, including fines and/or imprisonment.”

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

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

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

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

In (b), rewrote the introductory paragraph; added (f) through (h). Special amendment, R.2006 d.383, effective October 3, 2006 (to expire April 3, 2008).

See: 38 N.J.R. 4748(a).

In the introductory paragraph of (e), inserted second N.J.A.C. reference.

Provisions of R.2006 d.383 were readopted without change by R.2008 d.322, effective September 30, 2008.

See: 40 N.J.R. 2166(a), 40 N.J.R. 6440(a).

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 (g), substituted “7:14B-7.2(b), 7.4, and” for “7:14B-8.5 or”; and in the introductory paragraph of (h), substituted “7:14B-7.2(b), 7.4, 8” for “7:14B-8.5”

Pursuant to N.J.S.A. 52:14B-5.1c, the expiration date of provisions of R.2009 d.361 is extended to October 31, 2011.

See: 43 N.J.R. 1077(a).

### 7:14B-1.8 General requirements

(a) The owner or operator of an underground storage tank system shall comply with the regulatory timeframes in this chapter or in the Administrative Requirements for the Remediation of Contaminated Sites rules, N.J.A.C. 7:26C, and in the Technical Requirements for Site Remediation rules, N.J.A.C. 7:26E, when indicated, and shall:

1. Conduct all site investigation and tank closure activities required by this chapter using the services of an individual certified in subsurface evaluation and/or closure in accordance with N.J.A.C. 7:14B-13 when site investigation and tank closure activities were initiated, as determined pursuant to Administrative Requirements for the Remediation of Contaminated Sites rules at N.J.A.C. 7:26C-2.2(a), prior to November 4, 2009; or

2. Conduct all site investigation and tank closure activities required by this chapter in accordance with the Administrative Requirements for the Remediation of Contaminated Sites rules at N.J.A.C. 7:26C-2.4, including using the services of a licensed site remediation professional, when site investigation and tank closure activities are initiated, as determined pursuant to N.J.A.C. 7:26C-2.2(b), on or after November 4, 2009.

Recodified to N.J.A.C. 7:14B-5.9 by R.2006 d.328, effective September 18, 2006.

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

Section was “Use of regulated underground storage tank systems”. Special New Rule, R.2009 d.361, effective November 4, 2009 (to expire May 4, 2011).

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

Section was “Reserved”.

Pursuant to N.J.S.A. 52:14B-5.1c, the expiration date of provisions of R.2009 d.361 is extended to October 31, 2011.

See: 43 N.J.R. 1077(a).

## SUBCHAPTER 2. REGISTRATION REQUIREMENTS AND PROCEDURES

### 7:14B-2.1 General registration requirements

(a) Any person that owns or operates an underground storage tank system shall register each tank with the Department.

(b) Any person that owns or operates an underground storage tank system who notified the Department pursuant to Section 9002 of the “Hazardous Solid Waste Amendments of 1984 to the Resource Conservation and Recovery Act”, 42 U.S.C. §§ 6901 et seq., shall comply with all requirements set forth in this chapter.

(c) Any person that owns or operates an underground storage tank system shall only use such tank upon receipt of a valid Registration Certificate issued by the Department.

(d) Any person that owns or operates an underground storage tank system that began use of the tank on or before December 21, 1987 shall register the tank system with the Department no later than 60 days following this date. Any person that owns or operates an underground storage tank system that was installed after December 21, 1987 shall register the tank system with the Department 30 days prior to the use of that tank system.

(e) Any person that owned or operated an underground storage tank system which was removed from the ground on or after September 3, 1986 shall register that tank system for the period between September 3, 1986 and the date that the tank system was removed.

(f) Any owner or operator intending to close an underground storage tank system shall register the underground storage tank system with the Department before these closure activities are begun.

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

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

Registration required prior to closure of tanks.

#### 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 current registration for its underground storage tanks ("USTs"); registration of USTs is absolutely essential if the system to prevent environmental damage from faulty USTs is to have any validity. 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).

Initial Decision (2006 N.J. AGEN LEXIS 420) adopted, which concluded that where the underground storage tank registration of respondent, a retail gas station operator, expired more than three years prior to the inspection date, respondent's failure to register its USTs was a moderately serious violation, and was moderately improper conduct; 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-2.2 Registration and certification procedures

(a) Any person that owns or operates a facility shall file registration and certification information on the New Jersey Underground Storage Tank Facility Certification Questionnaire.

(b) All registration and certification forms shall be obtained from and accurately completed, signed, dated and returned to the address below:

New Jersey Department of Environmental  
Protection  
Division of Remediation Support  
Bureau of Fund Management, Compliance &  
Recovery  
PO Box 028  
401 East State Street  
Trenton, NJ 08625-0028  
Attn: UST Registration/Certification Section

(c) The owner or operator of a facility shall complete the New Jersey Underground Storage Tank Facility Certification Questionnaire prior to expiration of the facility's Registration Certificate. The Department may issue a Registration Certificate to the registrant following submission of the complete New Jersey Underground Storage Tank Facility Certification Questionnaire. The Department will issue the Registration Certificate for a maximum period of three years. The expiration date of the Facility Certification will be specified on the Registration Certificate.

(d) The owner or operator of a facility shall during initial registration, at a minimum, supply the following information on the New Jersey Underground Storage Tank Facility Certification Questionnaire:

1. The name, location, and contact person for the facility;

2. The name and address of the facility owner;

3. The number and type of underground storage tank systems at the facility, including, but not limited to, contents, size, age, type of construction and other characteristics of the tank system;

4. A site plan of the facility, including the location of the tanks, lines, pumps, dispensers, fill pipes, and other features of the tank system, including the distance from existing buildings and property boundaries; and

5. Provide the following information for all general liability insurance or other financial responsibility mechanisms:

- i. Type of mechanism;
- ii. Carrier or issuing institution;
- iii. Date of coverage;
- iv. Policy number (if applicable); and
- v. Policy amount (if applicable).

(e) The owner or operator of a facility shall during Certificate renewal, at a minimum, supply the following information on the New Jersey Underground Storage Tank Facility Certification Questionnaire:

1. Certification that the facility is in compliance with this chapter;

2. Notification of any changes to the status of the facility; and

3. Provide the following information for all general liability insurance or other financial responsibility mechanisms:

- i. Type of mechanism;
- ii. Carrier or issuing institution;
- iii. Date of coverage;
- iv. Policy number (if applicable); and
- v. Policy amount (if applicable).

(f) The owner or operator of a facility having made any change in status to the underground storage tank system since the initial registration shall, at a minimum, supply the following information on the New Jersey Underground Storage Tank Facility Certification Questionnaire:

1. Identify whether the underground storage tank located at the owner or operator's facility is being installed, abandoned, removed, sold or transferred, or substantially modified;

2. The name and address of the owner or operator;
3. The facility name and location;

4. The identification number of the affected tank as it appears on the New Jersey Underground Storage Tank Facility Questionnaire;

5. The underground storage tank registration number (if known);

6. Specific information concerning transfer of ownership, abandonment or removal, substantial modifications and new or replacement installations, depending on which activity is applicable;

7. Certification that the facility is in compliance with this chapter; and

8. Provide the following information for all general liability insurance or other financial responsibility mechanisms:

- i. Type of mechanism;
- ii. Carrier or issuing institution;
- iii. Date of coverage;
- iv. Policy number (if applicable); and
- v. Policy amount (if applicable).

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

Information required on the New Jersey Underground Storage Tank Questionnaire and Standard Reporting Form added at (d) and (e).  
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).  
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-2.3 Transfer of registration

(a) A Registration Certificate issued by the Department is not transferable.

(b) The owner or operator of an underground storage tank system shall notify the Department of any change in the ownership of a facility within 30 days after the contract date or the date of closing on the New Jersey Underground Storage Tank Facility Certification Questionnaire obtainable from the Department at the address provided in N.J.A.C. 7:14B-2.2(b) and in accordance with the procedures for reporting modifications set forth in N.J.A.C. 7:14B-2.4.

(c) The Department may issue to the new owner or operator a new Registration Certificate indicating all changes that appear on the New Jersey Underground Storage Tank Facility Certification Questionnaire.

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 (b), to clarify application of requirements.  
Recodified from N.J.A.C. 7:14B-2.4 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-2.3, "Signatories", repealed.

### 7:14B-2.4 Changes to registration

(a) The owner or operator of a facility shall amend a facility's registration to reflect any modification of any information included in the New Jersey Underground Storage Tank Facility Certification Questionnaire. Each modification shall be reported to the Department on a separate New Jersey Underground Storage Tank Facility Certification Questionnaire within 30 days after completion of the modification except as provided for in (c) below.

(b) Modifications include, but are not limited to, the following:

1. The sale or transfer of ownership of a facility;
2. The substantial modification of a facility;
3. A change in the type of hazardous substances stored at a facility.

(c) The owner or operator intending to close an underground storage tank system in accordance with N.J.A.C. 7:14B-9 shall submit a New Jersey Underground Storage Tank Facility Certification Questionnaire within seven calendar days after the closure of the tank system.

(d) Upon receipt of an amended New Jersey Underground Storage Tank Facility Certification Questionnaire pursuant to (a) above, the Department will remove an underground storage tank system from its registrant list when the Department receives a final remediation document.

Amended by R.1990 d.443, effective September 4, 1990.  
See: 21 N.J.R. 2242(a), 22 N.J.R. 2758(a).  
Reporting required prior to closure of tanks.  
Recodified from N.J.A.C. 7:14B-2.5 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-2.4, "Transfer of registration", recodified to N.J.A.C. 7:14B-2.3.  
Special amendment, R.2009 d.361, effective November 4, 2009 (to expire May 4, 2011).  
See: 41 N.J.R. 4467(a).  
Added (d).  
Pursuant to N.J.S.A. 52:14B-5.1c, the expiration date of provisions of R.2009 d.361 is extended to October 31, 2011.  
See: 43 N.J.R. 1077(a).

### 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 (a) above; or
2. The specific grounds for revocation as set forth in (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.  
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), substituted "(a)" for "N.J.A.C. 7:14B-2.8(a)" in 1 and "(b)" for "N.J.A.C. 7:14B-2.8(b)" in 2.

**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 \$150.00 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.

Amended by R.2007 d.274, effective August 20, 2007.  
See: 38 N.J.R. 4600(a), 39 N.J.R. 3533(a).  
Substituted "\$150.00" for "\$100.00".

### 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 \$150.00 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.

Amended by R.2007 d.274, effective August 20, 2007.  
See: 38 N.J.R. 4600(a), 39 N.J.R. 3533(a).

In (b), substituted "\$150.00" for "\$100.00".

### 7:14B-3.3 Duplicate Registration Certificate charges

The fee for duplicate Registration Certificates will be \$35.00 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).  
Amended by R.2007 d.274, effective August 20, 2007.  
See: 38 N.J.R. 4600(a), 39 N.J.R. 3533(a).

Substituted "fee" for "Fee" and substituted "\$35.00" for "\$25.00".

### 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 Program fees and oversight costs

(a) The owner or operator of an existing, former or proposed underground storage tank system 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, and 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	\$ 450.00
2. Review of the closure plan for an underground storage tank system	\$ 450.00
3. Review of the site investigation report	\$ 750.00
4. Review of the initial remedial investigation report	\$ 1,500.00

(d) The cost for the Department review of any remediation document not listed in (c) above shall be assessed pursuant to N.J.A.C. 7:26C-4.

(e) When required, the owner or operator shall submit oversight costs pursuant to the provisions found in the Administrative Requirements for the Remediation of Contaminated Sites rules at N.J.A.C. 7:26C-4.5 and submit payment pursuant to N.J.A.C. 7:26C-4.7. 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).  
Amended by R.1999 d.241, effective August 2, 1999.  
See: 30 N.J.R. 2373(a), 31 N.J.R. 2167(a).

Rewrote (d); and deleted former (e) and (f).

Amended by R.2007 d.274, effective August 20, 2007.  
See: 38 N.J.R. 4600(a), 39 N.J.R. 3533(a).

In (c)1 through (c)4, updated the fee amounts; added new (d); and recodified former (d) as (e).  
Special amendment, R.2009 d.361, effective November 4, 2009 (to expire May 4, 2011).  
See: 41 N.J.R. 4467(a).

Section was "Program oversight cost fees." Rewrote the introductory paragraph of (a); and in (e), substituted "When required, the" for "The", "costs" for "cost fees", "Administrative Requirements for" for "rules for Department Oversight of", "N.J.A.C. 7:26C-4.5" for "N.J.A.C. 7:26C-9.3" and "N.J.A.C. 7:26C-4.7" for "N.J.A.C. 7:26C-9.5", and inserted "rules" following "Sites".  
Administrative correction.  
See: 42 N.J.R. 1862(a).  
Pursuant to N.J.S.A. 52:14B-5.1c, the expiration date of provisions of R.2009 d.361 is extended to October 31, 2011.  
See: 43 N.J.R. 1077(a).

**7:14B-3.6 Payment for Department services**

(a) The person responsible for conducting the remediation shall make all payments of fees and oversight costs required by this subchapter:

1. By either:
  - i. Certified check, attorney check, money order, or personal check made payable to "Treasurer, State of New Jersey"; or
  - ii. E-check or credit card after the Department posts a notice for either on its website at [www.nj.gov/dep/srp/srra](http://www.nj.gov/dep/srp/srra) or in the New Jersey Register that the Department's portal for making payments by E-check or credit card is available.

2. Payments shall be mailed to the following address unless otherwise indicated on the first page of a billing invoice:

DEP/Bureau of Case Assignment & Initial Notice  
PO Box 434  
Trenton, NJ 08625-0434

(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).  
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).  
Rewrote (a).  
Pursuant to N.J.S.A. 52:14B-5.1c, the expiration date of provisions of R.2009 d.361 is extended to October 31, 2011.  
See: 43 N.J.R. 1077(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 \$500.00.

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.2007 d.274, effective August 20, 2007.

See: 38 N.J.R. 4600(a), 39 N.J.R. 3533(a).  
Substituted "\$500.00" for "\$350.00".

**7:14B-3.8 Oversight cost review**

To contest on oversight cost imposed pursuant to the Administrative Requirements for the Remediation of Contaminated Sites rules at N.J.A.C. 7:26C-4, the contestor shall follow the procedures found in N.J.A.C. 7:26C-4.6.

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).  
Amended by R.1999 d.241, effective August 2, 1999.  
See: 30 N.J.R. 2373(a), 31 N.J.R. 2167(a).  
Rewrote the section.  
Special amendment, R.2009 d.361, effective November 4, 2009 (to expire May 4, 2011).  
See: 41 N.J.R. 4467(a).  
Substituted "Administrative Requirements for" for "rules for Department Oversight of", "rules at" for a comma following "Sites", "N.J.A.C. 7:26C-4" for "N.J.A.C. 7:26C-9.3" and "N.J.A.C. 7:26C-4.6" for "N.J.A.C. 7:26C-9.4".  
Pursuant to N.J.S.A. 52:14B-5.1c, the expiration date of provisions of R.2009 d.361 is extended to October 31, 2011.  
See: 43 N.J.R. 1077(a).

**7:14B-3.9 Payment of fees in installments**

Any fee under this subchapter that is subject to N.J.A.C. 7:1L shall be payable in installments in accordance with N.J.A.C. 7:1L.

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 and unregulated heating oil tank services**

(a) The fee schedule for the certification of individuals and business firms pursuant to N.J.A.C. 7:14B-13 and 16 is as follows:

1. Nonrefundable examination application fee (see (c) and (d) below)	\$50.00
2. Certification for an individual (see (f) below)	\$375.00
3. Business firm certification (see (e) below)	\$50.00
4. Renewal of individual certification	\$375.00
5. Renewal of business firm certification	\$50.00
6. Amendment to individual certification card and certificate (see (g) below)	\$30.00
7. Replacement of certification card or certificate (see (h) below)	\$30.00
8. Duplicate certificate, as required by N.J.A.C. 7:14B-13.1(c).	\$15.00

(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 \$50.00 application fee per clas-

sification for which they apply. Each examination classification applied for after the initial certification shall require an additional nonrefundable \$50.00 fee to accompany the examination application.

(d) Individuals failing examinations shall pay an additional nonrefundable \$50.00 fee for each subsequent application for each classification.

(e) Business firms applying for certification shall pay a single \$50.00 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 \$50.00 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 \$375.00 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 \$375.00 certification fee.

(g) Issuance of a new certification card or certificate required as a result of amendment to certification, shall result in a \$30.00 fee to the individual.

(h) Issuance of a replacement certification card or certificate required as a result of loss shall result in a \$30.00 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).

Special amendment, R.2006 d.383, effective October 3, 2006 (to expire April 3, 2008).

See: 38 N.J.R. 4748(a).

Section was "Fees for individual and business firm certification in underground storage tank management services". In the introductory paragraph of (a), inserted second N.J.A.C. reference.

Amended by R.2007 d.274, effective August 20, 2007.

See: 38 N.J.R. 4600(a), 39 N.J.R. 3533(a).

Updated the fee amounts throughout.

Provisions of R.2006 d.383 were readopted without change by R.2008 d.322, effective September 30, 2008.

See: 40 N.J.R. 2166(a), 40 N.J.R. 6440(a).

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#### 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

4. NACE International Standard RP-01-95 RP0169-96 "Control of External Corrosion on Underground or Submerged 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".

Pursuant to N.J.S.A. 52:14B-5.1c, the expiration date of provisions of R.2009 d.361 is extended to October 31, 2011.

See: 43 N.J.R. 1077(a).

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:

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

**SUBCHAPTER 5. GENERAL OPERATING REQUIREMENTS**

**7:14B-5.1 Spill and overflow 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;

- 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).

Initial Decision (2007 N.J. AGEN LEXIS 152) adopted, which concluded that a \$15,000 penalty was not excessive for a gas station operator's failure to provide corrosion protection for the steel piping associated with three underground storage tanks (USTs), notwithstanding the operator's arguments that no environmental damage occurred, it had no prior violations, it moved quickly to remedy the situation, and there had been no recurrence. The operator did not install corrosion protection in 2002 when the piping failed testing, but acted only in 2005 after the matter was discovered by the Department and a delivery ban instituted. Corrosion of UST piping poses a distinct health threat. N.J. Dep't of Env'tl. Prot. v. Sun Power Gas, Inc., OAL Dkt. No. EWR 6065-06, 2007 N.J. AGEN LEXIS 540, Final Decision (May 10, 2007).

#### 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 prac-

tice 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".  
Pursuant to N.J.S.A. 52:14B-5.1c, the expiration date of provisions of R.2009 d.361 is extended to October 31, 2011.  
See: 43 N.J.R. 1077(a).

**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.

Pursuant to N.J.S.A. 52:14B-5.1c, the expiration date of provisions of R.2009 d.361 is extended to October 31, 2011.

See: 43 N.J.R. 1077(a).

### 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

Initial Decision (2007 N.J. AGEN LEXIS 72) adopted, which concluded that where a gas station operator failed to renew the registration certificate for its Underground Storage Tanks (USTs), so that the registration expired in 2001 and that thereafter a trucking company and a gasoline wholesaler in 2004, without inquiring about whether the USTs were in compliance with the laws, scheduled and approved the trucking company's delivery of the wholesaler's motor fuels into the unregistered USTs, both the trucking company and the wholesaler violated N.J.A.C. 7:14B-5.9(b), since persons or entities that own or operate USTs and persons or entities who introduce hazardous substances, including petroleum products, into USTs are subject to the Underground Storage of Hazardous Substances Act's regulatory scheme. N.J. Dep't of Env'tl. Prot. v. R.A. Reiff, Inc., OAL Dkt. No. EWR 6541-06, 2007 N.J. AGEN LEXIS 322, Final Decision (March 30, 2007), aff'd per curiam, No. A-4262-06T3, 2007 N.J. Super. Unpub. LEXIS 2778 (App.Div. October 22, 2007).

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) 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.

#### Case Notes

Initial Decision (2006 N.J. AGEN LEXIS 300) adopted, which concluded that penalties totaling \$30,000 were warranted for respondents' failure to timely investigate the source of the discharge of heating oil from an underground storage tank on their property, conduct the appropriate remedial investigation, and submit the appropriate reports; respondents had failed to properly and completely clean up the contamination and to fully cooperate with the Department of Environmental Protection, and the discharge had contaminated the environment (although there was no evidence in the record of acute harm to the drinking water supply). N.J. Dep't of Envtl. Prot. v. Palermo's Thriftway Market, OAL Dkt. No. EWR 402-02, 2006 N.J. AGEN LEXIS 550, Final Decision (May 26, 2006), aff'd per curiam, No. A-5560-05T5, 2007 N.J. Super. Unpub. LEXIS 2742 (App.Div. February 6, 2007).

**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”.

Pursuant to N.J.S.A. 52:14B-5.1c, the expiration date of provisions of R.2009 d.361 is extended to October 31, 2011.

See: 43 N.J.R. 1077(a).

**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.

Pursuant to N.J.S.A. 52:14B-5.1c, the expiration date of provisions of R.2009 d.361 is extended to October 31, 2011.

See: 43 N.J.R. 1077(a).

### 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.

#### Case Notes

Where respondents failed to immediately mitigate vapor and groundwater hazards down-gradient at a nearby property, and failed to perform proper remedial investigations, most particularly by not delineating the horizontal and vertical extent of groundwater contamination, respondents' liability was clear; contrary to respondents' allegations, the penalty was not duplicative where one penalty was for failing to immediately mitigate the effects of a discharge on a specific neighbor and the other was for delaying the remedial investigation of all potential impacts (adopting 2007 N.J. AGEN LEXIS 149). N.J. Dep't of Env'tl. Prot. v. Foster, OAL Dkt. No. EHW 83-06, 2007 N.J. AGEN LEXIS 505, Final Decision (May 4, 2007).

Initial Decision (2006 N.J. AGEN LEXIS 300) adopted, which concluded that penalties totaling \$30,000 were warranted for respondents' failure to timely investigate the source of the discharge of heating oil from an underground storage tank on their property, conduct the appropriate remedial investigation, and submit the appropriate reports; respondents had failed to properly and completely clean up the contamination and to fully cooperate with the Department of Environmental Protection, and the discharge had contaminated the environment (although there was no evidence in the record of acute harm to the drinking water supply). N.J. Dep't of Env'tl. Prot. v. Palermo's Thriftway Market, OAL Dkt. No. EWR 402-02, 2006 N.J. AGEN LEXIS 550, Final Decision (May 26, 2006), aff'd per curiam, No. A-5560-05T5, 2007 N.J. Super. Unpub. LEXIS 2742 (App.Div. February 6, 2007).

#### 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).

#### Case Notes

Where respondents failed to immediately mitigate vapor and ground-water hazards down-gradient at a nearby property, and failed to perform proper remedial investigations, most particularly by not delineating the horizontal and vertical extent of groundwater contamination, respondents' liability was clear; contrary to respondents' allegations, the penalty was not duplicative where one penalty was for failing to immediately mitigate the effects of a discharge on a specific neighbor and the other was for delaying the remedial investigation of all potential impacts (adopting 2007 N.J. AGEN LEXIS 149). N.J. Dep't of Env'tl. Prot. v. Foster, OAL Dkt. No. EHW 83-06, 2007 N.J. AGEN LEXIS 505, Final Decision (May 4, 2007).

#### 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.

Pursuant to N.J.S.A. 52:14B-5.1c, the expiration date of provisions of R.2009 d.361 is extended to October 31, 2011.

See: 43 N.J.R. 1077(a).

#### 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 Department shall approve or disapprove the extension request in writing;

3. The owner or operator shall submit an amendment to the approved remedial action workplan at any time during the implementation of the workplan, if new information, such as a new discharge, becomes available which was not adequately addressed in the original workplan. All remedial action workplan amendments shall be accompanied by a revised schedule and the appropriate additional fee pursuant to N.J.A.C. 7:14B-3.5;

4. The owner or operator of the facility shall submit progress reports to the Department in the time frame specified by the remedial action workplan approval letter. The progress reports shall contain the information required in accordance with N.J.A.C. 7:26E-6.6 and the remedial action workplan approval letter; and

5. The Department may conduct inspections of the facility that is subject to a remedial action workplan to determine compliance with the workplan.

(b) 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 action and submit reports as required pursuant to the Administrative Requirements for the Remediation of Contaminated Sites rules at N.J.A.C. 7:26C-2.4, pay all required fees and costs pursuant to N.J.A.C. 7:26C-4, and if necessary, submit any request for an extension of a regulatory timeframe in this subchapter in accordance with the procedures and timeframes at N.J.A.C. 7:26C-3.1(b).

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

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

Section was "Health and safety requirements".  
Special amendment, R.2009 d.361, effective November 4, 2009 (to expire May 4, 2011).

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

Added new (a); recodified former (a) through (e) as (a)1 through (a)5; in (a)1, (a)2 and (a)3, substituted a semicolon for a period at the end; in (a)4, substituted "N.J.A.C. 7:26E-6.6" for "N.J.A.C. 7:26E-6.5", and "; and" for a period at the end; and added new (b).

Pursuant to N.J.S.A. 52:14B-5.1c, the expiration date of provisions of R.2009 d.361 is extended to October 31, 2011.

See: 43 N.J.R. 1077(a).

**7:14B-8.5 Remedial action reports**

(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 the remedial action workplan is fully implemented, the owner or operator of the facility shall submit a remedial action report to the Department. The remedial action report shall be prepared and presented in accordance with N.J.A.C. 7:26E-6.7, and discuss all the data and information collected in accordance with the approved remedial action workplan. The remedial action report shall compare the proposed remedial actions described in the remedial action workplan and actual action undertaken to perform the remediation;

2. If the Department notifies the owner or operator that the remedial action workplan has not been fully completed, the owner or operator of the facility shall correct any deficiencies, and amend the remedial action report, in the time frames specified by the Department; and

3. The Department shall issue a no further action determination to the owner or operator of the facility upon satisfactory completion of the remedial action workplan and submission of the remedial action report.

(b) 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 action and submit reports, and address any deficiencies identified by the Department in accordance with N.J.A.C. 7:26C-2.4, and shall submit a response action outcome issued by the licensed site remediation professional hired by the owner or operator to conduct the remediation.

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

Section was "Additional corrective action requirements".  
Special amendment, R.2009 d.361, effective November 4, 2009 (to expire May 4, 2011).  
See: 41 N.J.R. 4467(a).

Added new (a); recodified former (a) through (c) as (a)1 through (a)3; in (a)1, substituted "N.J.A.C. 7:26E-6.7" for "N.J.A.C. 7:26E-6.6", and a semicolon for a period at the end; in (a)2, substituted "; and" for a period at the end; and added new (b).

Pursuant to N.J.S.A. 52:14B-5.1c, the expiration date of provisions of R.2009 d.361 is extended to October 31, 2011.  
See: 43 N.J.R. 1077(a).

**7:14B-8.6 Applicable remediation standards**

The owner or operator of a facility which has discharged hazardous substances shall remediate the discharge to the Technical Requirements for Site Remediation at N.J.A.C. 7:26E.

New Rule, 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-8.6, "Leak mitigation requirements", recodified to N.J.A.C. 7:14B-8.8.

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

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

**7:14B-8.7 Health and safety requirements**

All remedial investigation and remedial action activities required under this chapter shall be undertaken in accordance with N.J.A.C. 7:26E-1.10.

New Rule, 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-8.7, "Recordkeeping", repealed.

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

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

Substituted "N.J.A.C. 7:26E-1.10" for "N.J.A.C. 7:26E-1.9".

Pursuant to N.J.S.A. 52:14B-5.1c, the expiration date of provisions of R.2009 d.361 is extended to October 31, 2011.

See: 43 N.J.R. 1077(a).

**7:14B-8.8 Leak mitigation requirements**

(a) The owner or operator of an underground storage tank system which has leaked a hazardous substance into the annular space created by the secondary containment system shall:

1. Determine the source of the leak;
2. Properly remove all hazardous substances from the underground storage tank system; and
3. Repair, replace or close the underground storage tank system in accordance with the requirements of this chapter.

(b) Within 30 calendar days after identifying a leak into the annular space of an underground storage tank system in accordance with N.J.A.C. 7:14B-7, the owner or operator shall prepare a written report containing a detailed description of the remedial actions taken concerning the leak into the annular space. The report shall be maintained on site and available for inspection by any Department representative.

Recodified from N.J.A.C. 7:14B-8.6 and amended by R.1997 d.487, effective November 17, 1997.

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

In (b), added the second sentence.

## SUBCHAPTER 9. OUT-OF-SERVICE UNDERGROUND STORAGE TANK SYSTEMS AND CLOSURE OF UNDERGROUND STORAGE TANK SYSTEMS

**7:14B-9.1 Out-of-service underground storage tank systems**

(a) The owner or operator of an underground storage tank system which is out-of-service shall:

1. Notify the Department of such in writing, on forms obtained from the Department within five calendar days of the tank becoming out of service. The information shall include:

- i. The location of the underground storage tank facility;

- ii. The underground storage tank facility registration number;
- iii. The underground storage tank number; and
- iv. A description of the activity being performed.

2. Remain in compliance with all applicable environmental rules, including N.J.A.C. 7:14B-7 and 7:26E;

3. Maintain release detection monitoring in accordance with N.J.A.C. 7:14B-6.1 and 6.2 or 6.1 and 6.3;

4. Maintain all existing corrosion protection systems pursuant to N.J.A.C. 7:14B-4.1, 4.2 and 5.2;

5. Install spill and overflow prevention and corrosion protection in accordance with the requirements of N.J.A.C. 7:14B-4.1 and 4.2 for systems which do not have these.

(b) The owner or operator of an underground storage tank system which is out-of-service for a period greater than three months shall follow the guidelines in the American Petroleum Institute Publication 1604, "Closure of Underground Petroleum Storage Tanks" titled "Temporarily Out-of-Service," incorporated herein by reference, as amended and supplemented, no later than the end of the third month in which the system is out-of-service.

(c) The owner or operator of an underground storage tank system may request that the underground storage tank system remain out of service for a period of more than 12 months without having to close the tank system as required in (d) below by:

1. Submitting to the Department a site investigation report prepared and presented in accordance with N.J.A.C. 7:26E-3.13 at least 30 calendar days prior to the expiration of the 12-month period referenced in (c) above; or

2. Submitting documentation at least 30 calendar days prior to the expiration of the 12-month period referred to in (c) above that the requirements of (a)3 above have been completed and that the system has had a release detection monitoring system operated in accordance with N.J.A.C. 7:14B-6.1 through 6.6 indicating that no discharge of hazardous substances has occurred during the operational life of the system or since the performance of a site investigation or remedial investigation performed in accordance with the provisions of N.J.A.C. 7:26E.

(d) Any underground storage tank system which is out of service for greater than 12 months without complying with the requirements of (c) above shall be closed in accordance with N.J.A.C. 7:14B-9.2 through 9.3.

(e) An individual certified in subsurface evaluation or a licensed site remediation professional shall be involved as follows:

1. An individual certified in subsurface evaluation in accordance with N.J.A.C. 7:14B-13 shall be on site during the removal or abandonment-in-place of the underground

storage tank system and make all observations and decisions regarding site investigation and remedial investigation activities when those activities were initiated prior to November 4, 2009; and

2. A licensed site remediation professional shall supervise all tank closure and site investigation activities required under this section, and shall ensure that those activities are conducted in accordance with the Administrative Requirements for the Remediation of Contaminated Sites rules at N.J.A.C. 7:26C-2.4, when those activities are initiated on or after November 4, 2009.

Amended by R.1992 d.99, effective March 2, 1992.

See: 23 N.J.R. 2854(a), 24 N.J.R. 787(a).

Compliance deadlines amended to comply with deadlines at N.J.A.C. 14B-4.5(b).

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

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

Rewrote the section.

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

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

In (b), substituted "Publication" for "Bulletin No." following "American Petroleum Institute" and substituted "Closure of" for "Removal and Disposal of Used" preceding "Underground Petroleum Storage Tanks". 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)1, substituted "five" for "30"; and rewrote (e).

Pursuant to N.J.S.A. 52:14B-5.1c, the expiration date of provisions of R.2009 d.361 is extended to October 31, 2011.

See: 43 N.J.R. 1077(a).

#### Law Review and Journal Commentaries

Upgrade Deadline Looms for Underground Storage Tanks. Daniele Cervino, 154 N.J.L.J. 845 (1998).

#### Case Notes

Contractor's license properly suspended; fuel oil removed without a valid UST System Closure Approval. Department of Environmental Protection and Energy v. Tank Management, Inc., 95 N.J.A.R.2d (EPE) 1.

#### 7:14B-9.2 Closure requirements for underground storage tank systems containing hazardous substances which are not hazardous wastes

(a) The owner or operator of an underground storage tank system containing hazardous substances which are not hazardous wastes who intends to close the underground storage tank system shall:

1. Notify the Department and all applicable municipal and county health departments of the closure activity in writing on forms provided by the Department at least 30 calendar days prior to the anticipated closure date. This notification shall include:

- i. The facility registration number;
- ii. A statement as to whether the tank system is being removed or abandoned in place in accordance with N.J.A.C. 7:26E-6.3(b);
- iii. The date the underground storage tank system is to be closed;

iv. The certification numbers and categories of service of the business firm(s) performing the closure activities and subsurface evaluation required pursuant to N.J.A.C. 7:14B-13 or the license number of the licensed site remediation professional, if applicable;

v. Any additional information of the person submitting the notification as required by the Department in order that the closure shall be performed in accordance with this chapter.

2. Comply with all applicable requirements of the New Jersey Uniform Construction Code, N.J.A.C. 5:23;

3. Include a copy of the Department notification required in (a)1 above with the application for a local demolition permit; and

4. If the facility is not registered as required by N.J.A.C. 7:14B-2.2, the owner or operator shall submit to the Department a completed New Jersey Underground Storage Tank Registration Questionnaire with the appropriate fee as specified by N.J.A.C. 7:14B-3.2(c) and 3.5 at least 60 calendar days prior to the date of tank closure.

(b) The owner or operator who intends to close an underground storage tank containing hazardous substances which are not hazardous wastes shall develop and implement a closure plan which consists of a site investigation work plan and a tank decommissioning plan which includes the procedures set forth at N.J.A.C. 7:26E-6.3(b). The owner or operator shall keep the closure plan at the facility and make it available for inspection by the Department, the local construction code enforcement official, or a county or municipal health official.

(c) 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 of an underground storage tank system may choose to submit a closure plan to the Department for review. The appropriate fees pursuant to N.J.A.C. 7:14B-3.5 shall accompany the closure plan.

(d) The owner or operator of an underground storage tank system shall ensure the system is closed by either:

1. An individual certified for closure in accordance with N.J.A.C. 7:14B-13 when closure was initiated prior to November 4, 2009; or

2. A licensed site remediation professional when closure is initiated on or after November 4, 2009.

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 (a)1; recodified existing (a)1 and (a)2 as (a)1i and (a)1ii; inserted (a)1iii through (a)1iv, and new (a)2 and (a)3; deleted existing (a)3 and (a)4; recodified existing (a)5 as (a)4; rewrote (b); deleted (b)1 through (b)4; rewrote (c); deleted (c)1 through (c)5; and added (d).

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

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

In (a)1iv, inserted "or the license number of the licensed site remediation professional, if applicable"; in (c), substituted "When the

owner or operator is conducting the remediation pursuant to N.J.A.C. 7:14B-1.8(a)1, the" for "The", and deleted the last sentence; and rewrote (d).

Pursuant to N.J.S.A. 52:14B-5.1c, the expiration date of provisions of R.2009 d.361 is extended to October 31, 2011.

See: 43 N.J.R. 1077(a).

#### Case Notes

Removal of underground storage tanks without a valid system closure approval for removal warranted suspension of license certification. Department of Environmental Protection v. Tank Management, 95 N.J.A.R.2d (EPE) 1.

#### 7:14B-9.3 Closure requirements for underground storage tank systems containing hazardous wastes

(a) The owner or operator of an underground storage tank system regulated by the New Jersey Hazardous Waste Regulations, N.J.A.C. 7:26, shall follow the closure procedures in that chapter (see N.J.A.C. 7:26-9).

(b) The owner or operator of an underground storage tank system containing hazardous waste which is exempt from the requirements of the New Jersey Hazardous Waste Regulations, N.J.A.C. 7:26, shall comply with the closure procedures in N.J.A.C. 7:14B-9.2.

(c) The owner or operator of an underground storage tank system shall ensure the system is closed by either:

1. An individual certified for closure in accordance with N.J.A.C. 7:14B-13 when closure was initiated prior to November 4, 2009; or

2. A licensed site remediation professional when closure is initiated on or after November 4, 2009.

(d) An individual certified in subsurface evaluation or a licensed site remediation professional shall be involved as follows:

1. An individual certified in subsurface evaluation in accordance with N.J.A.C. 7:14B-13 shall be on site during the removal or abandonment-in-place of the underground storage tank system and make all observations and decisions regarding site investigation and remedial investigation activities when those activities were initiated prior to November 4, 2009; and

2. A licensed site remediation professional shall supervise all tank closure and site investigation activities required under this section, and shall ensure that those activities are conducted in accordance with the Administrative Requirements for the Remediation of Contaminated Sites rules at N.J.A.C. 7:26C-2.4, when those activities are initiated on or after November 4, 2009.

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

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

Rewrote (b); deleted (b)1 and (b)2; and added (c) and (d).

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

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

Rewrote (c) and (d).

Pursuant to N.J.S.A. 52:14B-5.1c, the expiration date of provisions of R.2009 d.361 is extended to October 31, 2011.  
See: 43 N.J.R. 1077(a).

#### 7:14B-9.4 Change in service to a nonregulated substance

(a) The owner or operator of an underground storage tank system in which the substance being stored is being changed to a substance not regulated by this chapter shall:

1. Prior to storing the nonregulated substance, empty and clean the tank by removing all liquid and accumulated sludge;
2. Prior to storing the nonregulated substance, conduct a site investigation of the underground storage tank system in accordance with N.J.A.C. 7:26E-3; and
3. Submit a site investigation report prepared and presented in accordance with N.J.A.C. 7:26E-3.13 within 270 calendar days after the tank cleaning.

(b) Should a discharge of hazardous substances be identified during (a) above, the owner or operator shall notify the Department's Environmental Action Hotline in accordance with N.J.A.C. 7:14B-7.3(a) and shall conduct remediation in accordance with the requirements of the Administrative Requirements for the Remediation of Contaminated Sites rules, N.J.A.C. 7:26C.

(c) The owner or operator shall submit a New Jersey Underground Storage Tank Facility Certification Questionnaire pursuant to N.J.A.C. 7:14B-2.5(c) that documents the change of substance.

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

Section was "Exemptions to site assessment requirements".  
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 "270" for "120"; in (b), substituted "shall conduct remediation" for "conduct a remedial investigation" and "N.J.A.C. 7:26C" for "N.J.A.C. 7:14B-8", and inserted "the Administrative Requirements for the Remediation of Contaminated Sites rules,"; recodified the former last sentence of (b) as (c); and in (c), inserted "that documents the change of substance".

Pursuant to N.J.S.A. 52:14B-5.1c, the expiration date of provisions of R.2009 d.361 is extended to October 31, 2011.  
See: 43 N.J.R. 1077(a).

#### 7:14B-9.5 Reporting and recordkeeping requirements

(a) The owner or operator of an underground storage tank shall, within 270 calendar days of initiation of closure activities, such as breaking ground for removal or cleaning for abandonment, submit to the Department a site investigation report prepared and presented in accordance with the Technical Requirements for Site Remediation rules at N.J.A.C. 7:26E-3.13, accompanied by the appropriate fees required pursuant to N.J.A.C. 7:14B-3.5 and the Administrative Requirements for the Remediation of Contaminated Sites rules at N.J.A.C. 7:26C-4, as applicable.

(b) As required pursuant to N.J.A.C. 7:14B-1.8, the report described in (a) above 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 shall include the name and address for both the owner and the operator, the underground storage tank system facility registration number, and all applicable case numbers or tank closure approval numbers.

(c) The owner of the property on which an underground storage tank system exists and was closed shall maintain all records generated to comply with the requirements of this subchapter. These records shall be made available to the Department upon request for an indefinite period of time. These records shall be made available for inspection by any authorized local, State and/or Federal representative and shall be submitted to the Department upon request.

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); deleted (a)1 through (a)5; rewrote (b); deleted (c); and recodified (d) and (e) as (c).  
Special amendment, R.2009 d.361, effective November 4, 2009 (to expire May 4, 2011).  
See: 41 N.J.R. 4467(a).

In (a), substituted "270" for "120", and inserted "the Technical Requirements for Site Remediation rules at", a comma following "N.J.A.C. 7:26E-3.13", and inserted "and the Administrative Requirements for the Remediation of Contaminated Sites rules at N.J.A.C. 7:26C-4, as applicable"; and in (b), substituted "As required pursuant to N.J.A.C. 7:14B-1.8, the" for "The", and inserted "either" and "or by a licensed site remediation professional".

Pursuant to N.J.S.A. 52:14B-5.1c, the expiration date of provisions of R.2009 d.361 is extended to October 31, 2011.  
See: 43 N.J.R. 1077(a).

### SUBCHAPTER 10. PERMITTING REQUIREMENTS FOR UNDERGROUND STORAGE TANK SYSTEMS

#### 7:14B-10.1 Permit requirements

(a) Any person who owns or operates, or is proposing to own or operate an underground storage tank system shall, except as specified in (b) and (c) below:

1. Obtain a permit from the Department prior to the repair, installation, substantial modification or upgrade of the underground storage tank system, or performance of an activity specified in N.J.A.C. 7:14B-4, 5 and 6 requiring Department approval; and
2. Obtain a construction permit issued pursuant to the New Jersey Uniform Construction Code, N.J.A.C. 5:23, prior to the repair, installation or upgrade of an underground storage tank system.

(b) An owner or operator of an existing or proposed underground storage tank system need not apply for a permit with the Department when:

1. The underground storage tank and piping being installed, upgraded or modified is or shall be upon completion of installation or modification protected from corrosion, spills and overfills in accordance with N.J.A.C. 7:14B-4.1(a) or 4.2 and is secondarily contained and interstitially monitored in accordance with N.J.A.C. 7:14B-6.4(a)2;

2. The only portion of the tank system being installed is the product piping and the piping is protected from corrosion in accordance with N.J.A.C. 7:14B-4.1(a)2 and designed and constructed to meet the following standards:

- i. The piping operates at less than atmospheric pressure;
- ii. The piping is sloped so that the contents of the pipe will drain back into the storage tank if the suction is released;
- iii. Only one check valve is included in each suction line;
- iv. The check valve is located directly below and as close as practical to the suction pump; and
- v. A method is provided that allows compliance with these requirements to be readily determined (for example, the check valve can be viewed at the dispenser);

3. The only portion of the tank system being installed is the product piping and the piping is protected from corrosion in accordance with N.J.A.C. 7:14B-4.1(a) and is secondarily contained and interstitially monitored in accordance with N.J.A.C. 7:14B-6.4(a)2;

4. The underground storage tank and piping being installed, upgraded or modified is or shall be protected from corrosion, spills and overfills in accordance with N.J.A.C. 7:14B-4.1(a) or 4.2 and the tank is secondarily contained and interstitially monitored in accordance with N.J.A.C. 7:14B-6.4(a)2 and the piping meets the requirements of (b)2i through v above; or

5. The only portion of the underground storage tank system being installed is a spill catchment basin used for spill prevention equipment, and the underground storage tank system is already protected from corrosion and overfills in accordance with N.J.A.C. 7:14B-4.1(a) or 4.2 and has release detection in accordance with N.J.A.C. 7:14B-6. Prior to installation of the new spill catchment basins, the owner or operator shall investigate the ground beneath and around the fill ports for releases. The owner or operator shall report all releases and conduct remediation in accordance with the requirements of N.J.A.C. 7:14B-7 and 8.

(c) Installation of replacement appurtenant piping sections (new piping is placed where the old piping was removed) shall not require a permit as long as the appurtenant piping meets standards set forth in N.J.A.C. 7:14B-4.1(a) 2, the entire length of piping from the dispenser to the tank is not being replaced, and the installation does not affect the

existing cathodic protection system. Replacement of the entire length of piping from the dispenser to the tank shall constitute a closure of piping and a new installation and require a permit in accordance with (a) above unless it meets the conditions of (b) above.

(d) The Department shall not issue a permit as required in (a)1 above unless the person who owns or operates or proposes to own or operate the underground storage tank system provides evidence in the permit application that the system shall include spill prevention, overflow prevention and corrosion protection in accordance with N.J.A.C. 7:14B-4.1(a)1 through 3, and appropriate release detection monitoring in accordance with N.J.A.C. 7:14B-6.1(a), 6.2 and 6.3.

(e) For the purposes of this subchapter only, the following activities shall not constitute substantial modifications which require a permit issued by the Department:

1. Installation of vapor control systems required by N.J.A.C. 7:27-16, Control and Prohibition of Air Pollution by Volatile Organic Substances;
2. Minor repairs which shall not:
  - i. Involve cutting the tank shell;
  - ii. Affect cathodic protection systems; or
  - iii. Otherwise affect the storage, capacity, physical configuration or integrity of the facility or its monitoring system;
3. The installation of an automatic line leak detector as required in N.J.A.C. 7:14B-6.2(a)2i; or
4. Any other activities which, upon written determination by the Department, shall not affect storage capacity, physical configuration, or the physical integrity of the facility or its monitoring system.

(f) The owner or operator of an underground storage tank system shall maintain at the underground storage tank facility the site diagrams and specifications required by N.J.A.C. 7:14B-10.3(b).

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

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

In (b), added 5.

#### **7:14B-10.2 Permits required in wellhead protection areas**

(a) The owner or operator of an underground storage tank system in a wellhead protection area shall obtain a permit from the Department in accordance with N.J.A.C. 7:14B-10.1(a) prior to upgrading the tank system.

(b) Prior to submitting a permit application for the upgrade or substantial modification of underground storage tank systems in wellhead protection areas, a site investigation of the underground storage tank system shall be performed in accordance with the requirements of N.J.A.C. 7:26E.

1. If the site investigation report indicates that a discharge has occurred, the Department shall not issue a permit for the upgrade of the underground storage tank system unless owner or operator:

- i. Notifies the Department’s Environmental Action Hotline at 877 WARN DEP or 877-927-6337 of the discharge;
- ii. Submits a remedial investigation report/remedial action workplan in accordance with the requirements of the Technical Requirements for Site Remediation rules at N.J.A.C. 7:26E; and
- iii. Identifies the source of the discharge and documents that the underground storage tank system was repaired or identifies the source of the discharge and submits a plan for repair of the underground storage tank system.

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 (b)iii, inserted “report/”, “the” preceding “requirements”, and “of the Technical Requirements for Site Remediation rules at”, and deleted “14B-8 and” preceding “7:26E”.  
 Pursuant to N.J.S.A. 52:14B-5.1c, the expiration date of provisions of R.2009 d.361 is extended to October 31, 2011.  
 See: 43 N.J.R. 1077(a).

**7:14B-10.3 Permit applications**

(a) All permit applications shall be submitted on forms provided by the Department obtained from the address noted below and containing the information specified in (b) below. The permit application shall be accurately completed, signed, dated and returned to:

New Jersey Department of Environmental  
 Protection  
 Division of Remediation Support  
 Oversight Resources Allocation Element  
 PO Box 028  
 401 E. State Street  
 Trenton, NJ 08625-0028  
 Attn: UST Permitting Unit

(b) Any owner or operator of an existing or proposed underground storage tank system which requires a Department issued permit shall:

- 1. Submit with the permit application one copy of the plans and specifications for the proposed installation, modification or upgrade of the underground storage tank system, signed and sealed by a New Jersey professional engineer, drawn to scale and depicting the top, front, and side views of the proposed or existing underground storage tank system. Plans submitted shall show all information and details necessary to indicate compliance with this chapter and shall include a certification in accordance with N.J.A.C. 7:14B-1.7(c);
- 2. Submit a copy of the scaled site diagram showing the size and location of all underground storage tank systems, all existing structures on the site, and distances from lot lines;
- 3. Submit information documenting soil permeability as required pursuant to N.J.A.C. 7:14B-6.5(a)5 and 6;
- 4. Submit documentation of the depth to ground water as required pursuant to N.J.A.C. 7:14B-6.5(a)6;
- 5. Submit all corrosion system designs required pursuant to N.J.A.C. 7:14B-4.1(a) or 4.2. The design of all field installed cathodic protection systems shall be certified in the manner described in (b)1 above by a cathodic protection specialist certified by the Department pursuant to N.J.A.C. 7:14B-13;
- 6. Submit a detailed description of the upgrade, installation, or repair to be performed;
- 7. Submit documentation demonstrating the precision of the performance of the release detection monitoring method chosen pursuant to N.J.A.C. 7:14B-6.1, 6.2 and 6.3;
- 8. Submit a scaled site diagram which accurately indicates the location of all sampling and monitoring points in relation to all underground storage tanks systems at the facility; and
- 9. Submit a certification in accordance with N.J.A.C. 7:14B-1.7(d) signed by a subsurface evaluator certified by the Department pursuant to N.J.A.C. 7:14B-13, that the