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-8.5 or 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-8.5 or 9.5 for another certified subsurface evaluator who conducted or directed on-site 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 on-site work was performed by a certified sub-

surface 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).

7:14B-1.8 (Reserved)

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".

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.

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

1. Steel Tank Institute "Specification for STI-P3 System of External Corrosion Protection of Underground Steel Storage Tanks" (obtained from: 570 Oakwood Road, Lake Zurich, IL 60047);

2. Underwriters Laboratories of Canada CAN/UCL-S603-1992, "Underground Steel Tanks"; CAN/UCL-G603.1 1992, "Galvanic Corrosion Protection Systems for Underground Tanks"; and CAN4-S631-M1984, "Isolating Bushings for Steel Underground Tanks Protected with Coatings and Galvanic System"; or

3. NACE International Standard RP-02-95, RP0285-2002, "Corrosion Control of Underground Storage Tank Systems by Cathodic Protection," and Underwriters Laboratories Standard 58, "Standard for Steel Underground Tanks for Flammable and Combustible Liquids" (obtained from: 1440 South Creek Drive, Houston, TX 77084-4906).

(g) Underwriters Laboratories Standard 1746, "External Corrosion Protection Systems for Steel Underground Storage Tanks," or the Association for Composite Tanks ACT-100, "Specification for the Fabrication of FRP Clad Underground Storage Tanks," incorporated herein by reference, as amended and supplemented, shall be used to comply with (a)1iii above.

(h) The following codes and standards, incorporated herein by reference, as amended and supplemented, shall be used to comply with (a)2i above:

1. Underwriters Laboratories Subject 971, "Non-Metallic Underground Piping for Flammable Liquids";

2. Underwriters Laboratories Standard 567, "Pipe Connectors for Petroleum Products and LP Gas";

3. Underwriters Laboratories of Canada Guide ORD-107.7 "Glass-fibre Reinforced Plastic Pipes and Fittings"; or

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

(i) The following codes and standards, incorporated herein by reference, as amended and supplemented, shall be used to comply with (a)2ii above:

1. National Fire Protection Association Standard 30, "Flammable and Combustible Liquids Code" (obtained from: P.O. Box 9101, Quincy, MA 02269-9101);

2. American Petroleum Institute Publication 1615, "Installation of Underground Storage Petroleum Systems" (obtained from Global Engineering Documents at 15 Inverness Way East, Englewood, Colorado 80122.)

3. American Petroleum Institute Publication 1632, "Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems"; or

4. NACE International Standard RP-01-69, "Control of External Corrosion on Submerged Metallic Piping Systems."

(j) The following codes and standards, incorporated herein by reference, as amended and supplemented, shall be used to comply with (a)2iii above:

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

2. NACE International Standard RP-01-95, RP0169-96, "Control of External Corrosion on Underground or Submerged Metallic Piping Systems."

(k) The tank and piping installation practices and procedures described in the following codes and standards, incorporated herein by reference, as amended and supplemented, shall be used to comply with (a)4 above:

1. American Petroleum Institute Publication 1615, "Installation of Underground Petroleum Storage Systems";

2. Petroleum Equipment Institute Publication RP100, "Recommended Practices for Installation of Underground Liquid Storage Systems" (obtained from P.O. Box 2380, Tulsa, OK 74101-2380); or

3. American National Standards Institute Standard B31.3, "Petroleum Process Piping," and American National Standards Institute Standard B31.4, "Liquid Transportation Systems for Hydrocarbons, Liquid Petroleum, Liquid Petroleum Gas, and Anhydrous Ammonia and Alcohols". (obtained from Global Engineering Documents at 15 Inverness Way East, Englewood, Colorado 80122.)

(*l*) No underground storage system shall be installed:

1. Within 50 feet of a public community supply system well, pursuant to N.J.A.C. 7:10-11.4(b)2; and

2. Within 50 feet of a nonpublic community supply system well.

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-4.2 Upgrading of existing underground storage tank systems

(a) All existing underground storage tank systems shall comply with one of the following requirements:

1. The new underground storage tank system performance standards under N.J.A.C. 7:14B-4.1;

2. The upgrading requirements in sections (b) through (d) below; or

3. Closure requirements under N.J.A.C. 7:14B-9, including applicable requirements for corrective action under N.J.A.C. 7:14B-8.

(b) If an owner or operator chooses to upgrade an underground storage tank, a steel tank shall be upgraded to meet one of the following requirements in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory:

1. A tank may be upgraded by internal lining if the lining is installed in accordance with the requirements of N.J.A.C. 7:14B-5.4.

i. Within 10 years after installing the lining, and every five years thereafter, the lined tank shall be internally inspected and found to be structurally sound with the lining still performing in accordance with original design specifications.

2. A tank may be upgraded by cathodic protection if the cathodic protection system meets the requirements of N.J.A.C. 7:14B-4.1(a)1ii(2), (3) and (4) and the integrity of the tank is ensured using one of the following methods:

i. The tank is internally inspected and assessed to ensure that the tank is structurally sound and free of corrosion holes prior to installing the cathodic protection system;

ii. The tank has been installed for less than 10 years and is monitored monthly for releases in accordance with N.J.A.C. 7:14B-6.5(a)4 through 8;

iii. The tank has been installed for less than 10 years and is assessed for corrosion holes by conducting two tightness tests that meet the requirements of N.J.A.C. 7:14B-6.5(a)3. The first tightness test shall be conducted prior to installing the cathodic protection system. The second tightness test shall be conducted between three and six months following the first operation of the cathodic protection system; or

iv. The tank is assessed for corrosion holes by a method that is determined by the Department to be no less protective of human health and the environment than (b)2i through iii above.

3. A tank may be upgraded by both internal lining and cathodic protection if:

i. The lining is installed in accordance with the requirements of N.J.A.C. 7:14B-5.4; and

ii. The cathodic protection system meets the requirements of N.J.A.C. 7:14B-4.1(a)1ii(2), (3) and (4).

4. Any drilling performed for the installation of the cathodic protection systems shall be performed in accordance with N.J.S.A. 58:4A-4.1 et seq., the Subsurface and Percolating Waters Act.

(c) Metal piping that routinely contains regulated substances and is in contact with the ground shall be cathodically protected in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory and shall meet the requirements of N.J.A.C. 7:14B-4.1(a)2ii(2), (3) and (4).

(d) To prevent spilling and overfilling associated with product transfer to the underground storage tank system, all existing underground storage tank systems shall be upgraded to comply with new underground storage tank system spill and overfill prevention equipment requirements specified in N.J.A.C. 7:14B-4.1(a)3.

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

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

2. 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" (obtained from: United States Environmental Protection Agency, Office of Underground Storage Tanks, Washington, D.C. 20460);

3. NACE International Standard RP-02-95 RP0285-2002, "Corrosion Control of Underground Storage Tank Systems by Cathodic Protection," and Underwriters Laboratories Standard 58, "Standard for Steel underground storage tanks for Flammable and Combustible Liquids" (obtained from: 144 South Creek Drive, Houston, TX 77084-4906); or

4. American Petroleum Institute Publication 1632, "Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems."

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

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

2. American Petroleum Institute Publication 1615, "Installation of Underground Petroleum Storage Systems";

3. American Petroleum Institute Publication 1632, "Cathodic Protection of Underground Storage Tanks and Piping Systems"; or

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.

SUBCHAPTER 5. GENERAL OPERATING REQUIREMENTS

7:14B–5.1 Spill and overfill control

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

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

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

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

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

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

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

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

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

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

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.

7:14B–5.3 Compatibility

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

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

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

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

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

7:14B–5.4 Repairs

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

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

2. Repairs to fiberglass-reinforced plastic tanks shall be made in accordance with the manufacturer's specifications or in accordance with a code of practice developed by a nationally recognized association as listed in N.J.A.C. 7:14B–5.4(c) or an independent testing laboratory.

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

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

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

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

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

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

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

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

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

2. American Petroleum Institute Publication 2200, "Repairing Crude Oil, Liquified 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 877 WARN DEP or 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 pursuant to N.J.A.C. 7:14B-8 in the event of a leak or discharge of a hazardous substance from the facility 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).

7:14B-5.6 Recordkeeping

(a) Owners and operators shall maintain the following information until the owner of 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. Results of all site investigations and remedial investigations conducted pursuant to N.J.A.C. 7:14B-8 and 9;

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.

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).

SUBCHAPTER 6. RELEASE DETECTION

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

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

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

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

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

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

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

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

Amended by R.2003 d.197, effective May 19, 2003.
See: 34 N.J.R. 4024(a), 35 N.J.R. 2304(a).
Deleted former (d); recodified former (e) as (d), substituted "Each owner and operator of any" for "Any" and substituted "pursuant to a closure schedule that the Department has approved" for "by that date".

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

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

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

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

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

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

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

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

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

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

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

4. Equipment for automatic tank gauging that tests for the loss of product and conducts inventory control shall meet the following requirements:

i. The automatic product level monitor test shall detect a 0.2 gallon per hour leak rate from any portion of the tank that routinely contains product; and

ii. Inventory control (or another test of equivalent performance) shall be conducted in accordance with the requirements of N.J.A.C. 7:14B–6.5(a)1.

5. Testing or monitoring for vapors within the soil gas of the excavation zone shall meet the following requirements:

i. The materials used as backfill shall be sufficiently porous (for example, gravel, sand, crushed rock) to readily allow diffusion of vapors from releases into the excavation area;

ii. The stored regulated substance, or a tracer compound placed in the tank system, shall be sufficiently volatile to result in a vapor level that is detectable by the monitoring devices located in the excavation zone in the event of a release from the tank;

iii. The measurement of vapors by the monitoring device shall not be rendered inoperative by the ground water, rainfall, soil moisture or other known interferences so that a release could go undetected for more than 30 calendar days;

iv. The level of background contamination in the excavation zone shall not interfere with the method used to detect releases from the tank;

v. The vapor monitors shall be designed and operated to detect any significant increase in concentration above background of the regulated substance stored in the tank system, a component or components of that substance, or a tracer compound placed in the tank system;

vi. In the underground storage tank excavation zone, the site shall be assessed to ensure compliance with the requirements in (a)5i through iv and to establish the number and positioning of monitoring wells that will detect releases within the excavation zone from any portion of the tank that routinely contains product; and

vii. Monitoring wells shall be clearly marked and secured to avoid unauthorized access and tampering.

6. Testing or monitoring for liquids floating on the ground water shall meet the following requirements:

i. The regulated substance stored shall be immiscible in water and has a specific gravity of less than one;

ii. Ground water shall never be more than 20 feet from the ground surface and the hydraulic conductivity of the soil(s) between the underground storage tank system and the monitoring wells or devices is not less than 0.01 cm/sec (for example, the soil should consist of gravels, coarse to medium sands, coarse silts or other permeable materials);

iii. The slotted portion of the monitoring well casing shall be designed to prevent migration of natural soils or filter pack into the well and to allow entry of regulated substance on the water table into the well under both high and low ground-water conditions;

iv. All monitoring systems using screen and casing shall be constructed and permitted in accordance with the Subsurface and Percolating Waters Act (N.J.S.A. 58:4A–4.1 et seq.) unless constructed in the manner described in N.J.A.C. 7:14B–4.1(c);

v. Monitoring wells or devices shall intercept the excavation zone or are as close to it as is technically feasible;

vi. The continuous monitoring devices or manual methods used shall detect the presence of at least one-eighth of an inch of free product on top of the ground water in the monitoring wells;

vii. Within and immediately below the underground storage tank system excavation zone, the site shall be assessed to ensure compliance with the requirements in (a)6i through v and to establish the number and positioning of monitoring wells or devices that will detect releases from any portion of the tank that routinely contains product; and

viii. Monitoring wells shall be clearly marked and secured to avoid unauthorized access and tampering.

7. Interstitial monitoring between the underground storage tank and a secondary barrier immediately around or beneath it may be used, but only if the system is designed, constructed and installed to detect a leak from any portion of the tank that routinely contains product and also meets one of the following requirements:

i. For double-walled underground storage tank systems, the sampling or testing method shall detect a release through the inner wall in any portion of the tank that routinely contains product. The provisions outlined in the Steel Tank Institute's "Standard for Dual Wall Underground Storage Tanks" may be used as guidance for aspects of the design and construction of underground steel double-walled tanks;

ii. For underground storage tank systems with a secondary barrier within the excavation zone, the sampling or testing method used shall detect a release between the underground storage tank system and the secondary barrier. The secondary barrier shall meet the following requirements:

(1) The secondary barrier shall consist of artificially constructed material that is sufficiently thick and impermeable (at least 10^{-6} cm/sec for the regulated

substance stored) to direct a release to the monitoring point and permit its detection;

(2) The secondary barrier shall be compatible with the regulated substance stored so that a release from the underground storage tank system shall not cause a deterioration of the barrier allowing a release to pass through undetected;

(3) For cathodically protected tanks, the secondary barrier shall be installed so that it does not interfere with the proper operation of the cathodic protection system;

(4) The ground water, soil moisture, or rainfall shall not render the testing or sampling method used inoperative so that a release could go undetected for more than 30 calendar days;

(5) The site shall be assessed to ensure that the secondary barrier is always above the ground water and not in a 25–year flood plain, unless the barrier and monitoring designs are for use under such conditions; and

(6) Monitoring wells shall be clearly marked and secured to avoid unauthorized access and tampering; or

iii. For tanks with an internally fitted liner, an automated device shall detect a release between the inner wall of the tank and the liner, and the liner shall be compatible with the substance stored.

8. Any other type of release detection method, or combination of methods, can be used if it can detect a 0.2 gallon per hour leak rate or a release of 150 gallons within a month with a probability of detection of 0.95 and a probability of false alarm of 0.05.

9. The Department shall approve another method, through the issuance of a permit for a substantial modification issued pursuant to N.J.A.C. 7:14B–10, if the owner and operator can demonstrate that the method can detect a release as effectively as any of the methods allowed in (a)3 through 8 above. In comparing methods, the Department shall consider the size of release that the method can detect and the frequency and reliability with which it can be detected. The owner and operator shall obtain a permit issued by the Department pursuant to N.J.A.C. 7:14B–10 and comply with any conditions imposed by the Department on its use to ensure the protection of human health and the environment.

7:14B–6.6 Methods of release detection for piping

(a) Each method of release detection for piping used to meet the requirements of N.J.A.C. 7:14B–6.2 and 6.3 shall be conducted in accordance with the following:

1. Automatic line leak detectors which alert the operator to the presence of a leak by restricting or shutting off the flow of regulated substances through piping or triggering an audible or visual alarm may be used only if they detect leaks of three gallons per hour at 10 pounds per square inch line pressure within one hour. An annual test of the operation of the leak detector shall be conducted in accordance with the manufacturer's requirements;

2. A periodic test of piping may be conducted only if it can detect a 0.1 gallon per hour leak rate at one and one-half times the operating pressure; and

3. Any of the methods in N.J.A.C. 7:14B–6.5(a)5 through 8 may be used if they are designed to detect a release from any portion of the underground piping that routinely contains regulated substances.

7:14B–6.7 Release detection recordkeeping

(a) The owner or operator of an underground storage tank system shall develop written routine monitoring procedures which set forth the following:

1. The frequency with which the monitoring is to be performed;

2. The method and equipment used to conduct the monitoring;

3. The location at which the monitoring is to be performed;

4. The name and/or titles of the person responsible for performing the monitoring and maintenance of the monitoring system; and

5. Training in the use and maintenance of the monitoring equipment for the person responsible for performing the monitoring and maintenance of the monitoring system.

(b) The written routine monitoring procedure developed in accordance with (a) above shall be kept at the underground storage tank facility and made available for inspection by any authorized local, State of Federal representative at any time after installation of the monitoring system. The owner or operator of any existing monitoring system shall have the monitoring procedure available for inspection at any time after the monitoring system is installed.

(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.

(b) Owners and operators of Federally regulated systems subject to 40 C.F.R. Part 280 Subpart H shall comply with this subchapter by maintaining financial assurance pursuant to 40 C.F.R. Part 280 Subpart H incorporated, in its entirety, by reference.

(c) By September 16, 2003, the owner or operator of an underground storage tank system subject to the requirements of this chapter, not covered by (b) above, shall comply with this subchapter for the amounts listed in N.J.A.C. 7:14–15.2 by maintaining financial assurance pursuant to USEPA's Financial Responsibility Regulations at 40 C.F.R. 280 Part H incorporated by reference, with the noted exclusions at N.J.A.C. 7:14B–15.3(c).

(d) State and Federal government entities whose debts and liabilities are the debts and liabilities of the State of New Jersey or the United States are exempt from the requirements of this subchapter.

(e) If the owner and operator of an underground storage tank system are separate persons, only one person is required to demonstrate financial responsibility; however, both the owner and operator are responsible in the event of noncompliance.

(f) The owner and operator may use separate mechanisms to satisfy the requirements of N.J.A.C. 7:14B–15.2 for different underground storage tank systems; however, the annual aggregate required shall be based on the number of tanks covered by each separate mechanism.

(g) The owner and operator is no longer required to maintain financial responsibility assurance for any underground storage tank system when the Department has provided the owner or operator with the following:

1. A no further action letter for the closure of the underground storage tank system; and

2. Notice that each third-party claim for damages as a result of a discharge from the underground storage tank system has been resolved pursuant to 40 C.F.R. 280.112 as adopted by reference at N.J.A.C. 7:14B–15.3, if one has been filed.

(h) The owner and operator shall identify the financial assurance mechanism being used to comply with this subchapter on the New Jersey Underground Storage Tank Facility Certification Questionnaire pursuant to N.J.A.C. 7:14B–2.2(d)5 and shall maintain evidence of financial assurance at the site and at the owner or operator's place of business. An owner or operator shall submit to the Department evidence of financial assurance with any supporting documentation, pursuant to a request by the Department.

(i) Within 30 calendar days after the cancellation or expiration of any form of financial assurance established to meet the requirements of this chapter, the issuing financial institution shall notify the Department in writing of the expiration or cancellation. The financial institution shall include in the notification the name of the insured policy holder, the policy number as applicable and the address of all sites covered by the financial mechanism. The written notification shall be sent to the address below:

New Jersey Department of Environmental Protection
Division of Remediation Management and Response
Bureau of Fund Management, Compliance & Recovery
PO Box 028
401 East State Street
Trenton, NJ 08625–0028
Attn: Registration and Billing Unit

7:14B–15.2 Amount and scope of required financial responsibility

(a) Owners and operators shall maintain financial responsibility assurance for regulated underground storage tank systems in the per-occurrence amounts as follows:

1. For petroleum underground storage tank systems located at petroleum marketing facilities, or facilities that handle an average of more than 10,000 gallons of petroleum per month based on annual throughput for the previous calendar year: $1,000,000;

2. For all other petroleum underground storage tanks: $250,000; and

3. For underground storage tanks systems containing hazardous substances other than petroleum: $1,000,000.

(b) Owners or operators shall maintain financial responsibility assurance for regulated underground storage tank systems in the annual aggregate amounts as follows:

1. For one to 100 underground storage tanks: $1,000,000; and

2. For 101 or more underground storage tanks: $2,000,000.

(c) Owners and operators shall review the amount of per-occurrence and aggregate assurance needed whenever they acquire or install additional underground storage tanks to ensure the amount of financial responsibility assurance required at (a) and (b) above are maintained.

(d) If an adjustment in the amount of financial responsibility assurance is required pursuant to (c) above, the owner and operator shall demonstrate the adjusted amount within 30 calendar days after the tank acquisition or installation by submitting to the Department an amended New Jersey Underground Storage Tank Facility Certification Questionnaire in accordance with N.J.A.C. 7:14B–2.4.

7:14B–15.3 Incorporation of the Code of Federal Regulations by reference

(a) Unless specifically excluded by these rules, when a provision of the Code of Federal Regulations (C.F.R.) is incorporated by reference into this rule, all notes, comments, appendices, diagrams, tables, forms, figures, and publications are also incorporated by reference.

(b) Owners and operators of Federally regulated underground storage tank systems subject to 40 C.F.R. Part 280 Subpart H shall comply with this subchapter by maintaining financial assurance pursuant to 40 C.F.R. Part 280 Subpart H incorporated, in its entirety, by reference into this rule.

(c) Owners and operators of State regulated underground storage tank systems subject to the requirements of N.J.A.C. 7:14B, but not covered by (b) above, shall comply with this chapter for the amounts listed in N.J.A.C. 7:14–15.2 by complying with USEPA's Financial Responsibility Regulations at 40 C.F.R. 280 Part H incorporated by reference into this rule with the following noted exclusions:

1. 40 C.F.R. 280.98, Surety Bond;

2. 40 C.F.R. 280.100, Use of State required mechanism;

3. 40 C.F.R. 280.101, State fund of other State assurance; and

4. 40 C.F.R. 280.106(d), Local government guarantee, Local Government Guarantee With Standby Trust Made by a State.

(d) For the purposes of this subchapter, when the term, "name of State" appears in the Federal rule, it shall be replaced with the term "New Jersey"; when the term "State implementing agency" appears in the Federal rule, it shall be replaced with the term "Department of Environmental Protection"; when the term "Director" or "Director of the implementing agency" appears in the Federal rule, it shall be replaced with the term "DEP Commissioner."

(e) Prospective incorporation by reference means the ongoing process, beginning May 19, 2003, whereby all provisions of regulations incorporated into this subchapter from the Federal regulations at 40 C.F.R. 280 Part H are continually automatically updated in order to maintain consistency with the most current Federal rules. Thus, any supplements, amendments, and any other rule changes including, without limitation, repeals or stays that affect the meaning or operational status of a Federal rule, brought about by either judicial or administrative action and adopted or otherwise noticed by U.S. Environmental Protection Agency in the Federal Register, shall simultaneously amend this subchapter so this subchapter has the same meaning and status as its Federal counterpart.

(f) Provisions of 40 C.F.R. Part 280 Subpart H incorporated by reference are prospective and all internal references contained therein are also incorporated prospectively for the purposes of that provision, unless otherwise noted. Each internal reference to the Federal Register shall be interpreted to include, in addition to the Federal citation, any changes, additions and deletions made to that citation by this subchapter.

(g) Provisions of 40 C.F.R. Part 280 Subpart H that are excluded from incorporation by reference in these rules are excluded in their entirety, unless otherwise specified. If there is a cross reference to a Federal citation that was specifically excluded from incorporation, the cross referenced citation is not incorporated by virtue of the cross reference. Provisions that have been excluded from incorporation by reference are also excluded from the process of prospective incorporation by reference.

(h) Nothing in these provisions incorporated by reference from the Federal Register shall affect the Department's authority to enforce statutes or rules, permits or orders administered or issued by the Commissioner.

(i) New Federal rules, amendments, supplements and other changes at 40 C.F.R. 280 Part H brought about through administrative or judicial action adopted or otherwise noticed by USEPA in the Federal Register shall be automatically incorporated through the prospective incorporation process in this chapter.

(j) New Federal rules, amendments, supplements and other changes at 40 C.F.R. 280 Part H brought about through administrative or judicial action adopted or otherwise noticed in the Federal Register by USEPA after January 26, 1998 but prior to May 19, 2003 shall be prospectively incorporated by reference and shall be effective on May 19, 2003 and operative on August 17, 2003 or on the operative date cited by USEPA in the relevant Federal Register Notice, whichever is later, unless the Department publishes a notice of proposal repealing the adoption of the Federal rule in New Jersey in whole or in part, and/or proposes to otherwise amend the affected State rules.

(k) On or after May 19, 2003, new Federal rules, amendments, supplements and other changes brought about through administrative or judicial action and adopted or otherwise noticed by USEPA in the Federal Register automatically incorporated through the prospective incorporation by reference process shall be effective upon publication in the Federal Register and operative on the date cited by USEPA in the relevant Federal Register Notice, unless the Department publishes a notice of proposal repealing the adoption in New Jersey of the Federal regulation in whole or in part, and/or proposing to otherwise amend the affected State rules.