

**CHAPTER 14B**

**UNDERGROUND STORAGE TANKS**

**Authority**

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

**Source and Effective Date**

R.2003 d.197, effective April 20, 2003.  
See: 34 N.J.R. 4024(a), 35 N.J.R. 2304(a).

**Chapter Expiration Date**

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 14B, Underground Storage Tanks, expires on April 18, 2010. See: 41 N.J.R. 4384(a).

**Chapter Historical Note**

Chapter 14B, Underground Storage Tanks, was adopted as R.1987 d.531, effective December 21, 1987. See: 19 N.J.R. 1477(a), 19 N.J.R. 2417(a).

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

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

Pursuant to Executive Order No. 66(1978), Chapter 14B was re-adopted as R.1997 d.487, effective October 22, 1992. As part of R.1997 d.487, effective November 17, 1997, Subchapter 4, Underground Storage Tank System Performance Standards and Engineering Requirements; Subchapter 5, Underground Storage Tank System General Operating Requirements; Subchapter 6, Monitoring Requirements for Underground Storage Tank Systems; Subchapter 10, Permitting Requirements for Underground Storage Tank Systems; and Subchapter 13, Underground Storage Tank Loan Program, were repealed; and Subchapter 4, Underground Storage Tank Systems Design, Construction and Installation; Subchapter 5, General Operating Requirements; Subchapter 6, Release Detection; Subchapter 10, Permitting Requirements for Underground Storage Tank Systems; and Subchapter 13, Certification of Individuals and Business Firms, were adopted as new rules; Subchapter 8, Corrective Action, was renamed Remediation Activities; and Subchapter 15, Confidentiality, was recodified as Subchapter 14. See: 29 N.J.R. 1593(a), 29 N.J.R. 4866(a).

Chapter 14B, Underground Storage Tanks, was readopted as R.2003 d.197, effective April 20, 2003. As a part of R.2003 d.197, Subchapter 15, Financial Responsibility Requirements, was adopted as new rules, effective May 19, 2003. See: Source and Effective Date. See, also, section annotations.

Public Notice: Notice of intent to adopt interim rules: Underground Storage Tank Rules. See: 38 N.J.R. 3927(a).

Subchapter 16, Certification of Individuals and Business Firms for Unregulated Underground Storage Tank Systems, was adopted as special new rules by R.2006 d.383, effective October 3, 2006 (to expire

April 3, 2008). See: 38 N.J.R. 4748(a). The 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).

In accordance with N.J.S.A. 52:14B-5.1d, the expiration date of Chapter 14B, Underground Storage Tanks, was extended by gubernatorial directive from April 20, 2008 to October 20, 2009. See: 40 N.J.R. 2474(a).

**Law Review and Journal Commentaries**

Reporting Releases from Clients' Underground Storage Tank Systems. Harriett Jane Olson, Kathleen T. Kneis, 21 Seton Hall L.Rev. 1041 (1991).

Tanks for Nothing: Oil Company Liability for Discharges of Gasoline From Underground Storage Tanks Divested to Station Owners. Mark D. Oshinskie, 18 V.E.L.J. 1 (1999).

Who is "In Any Way Responsible" Under the Spill Act? Matthew S. Slowinski, 150 N.J.L.J. 301 (1997).

**CHAPTER TABLE OF CONTENTS**

**SUBCHAPTER 1. GENERAL INFORMATION**

- 7:14B-1.1 Scope
- 7:14B-1.2 Construction
- 7:14B-1.3 Purpose
- 7:14B-1.4 Applicability
- 7:14B-1.5 Severability
- 7:14B-1.6 Definitions
- 7:14B-1.7 Certifications
- 7:14B-1.8 General Requirements

**SUBCHAPTER 2. REGISTRATION REQUIREMENTS AND PROCEDURES**

- 7:14B-2.1 General registration requirements
- 7:14B-2.2 Registration and certification procedures
- 7:14B-2.3 Transfer of registration
- 7:14B-2.4 Changes to registration
- 7:14B-2.5 Public access to registration information
- 7:14B-2.6 Registration Certificate
- 7:14B-2.7 Denial or revocation of registration
- 7:14B-2.8 (Reserved)

**SUBCHAPTER 3. FEES**

- 7:14B-3.1 Registration fee
- 7:14B-3.2 Facility Certification fee
- 7:14B-3.3 Duplicate Registration Certificate charges
- 7:14B-3.4 Exemption from fees
- 7:14B-3.5 Program fees and oversight costs
- 7:14B-3.6 Payment for Department services
- 7:14B-3.7 Confidentiality claims
- 7:14B-3.8 Oversight cost review
- 7:14B-3.9 Payment of fees in installments
- 7:14B-3.10 Fees for individual and business firm certification in underground storage tank management and unregulated heating oil tank services

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

- 7:14B-4.1 Performance standards for new underground storage tank systems
- 7:14B-4.2 Upgrading of existing underground storage tank systems

**SUBCHAPTER 5. GENERAL OPERATING REQUIREMENTS**

- 7:14B-5.1 Spill and overflow control
- 7:14B-5.2 Operation and maintenance of corrosion protection
- 7:14B-5.3 Compatibility
- 7:14B-5.4 Repairs
- 7:14B-5.5 Release response plan
- 7:14B-5.6 Recordkeeping
- 7:14B-5.7 Right of entry
- 7:14B-5.8 Fill port markings
- 7:14B-5.9 Use of regulated underground storage tank systems

**SUBCHAPTER 6. RELEASE DETECTION**

- 7:14B-6.1 General requirements for all underground storage tank systems
- 7:14B-6.2 Requirements for underground storage tank systems containing petroleum products and waste oil
- 7:14B-6.3 Requirements for underground storage tank systems containing hazardous substances other than petroleum products and waste oil
- 7:14B-6.4 Requirements for underground storage tank systems in wellhead protection areas
- 7:14B-6.5 Methods of release detection for tanks
- 7:14B-6.6 Methods of release detection for piping
- 7:14B-6.7 Release detection recordkeeping

**SUBCHAPTER 7. RELEASE REPORTING AND INVESTIGATION**

- 7:14B-7.1 Suspected releases
- 7:14B-7.2 Investigating a suspected release
- 7:14B-7.3 Confirmed discharges
- 7:14B-7.4 Unknown sources

**SUBCHAPTER 8. REMEDIATION ACTIVITIES**

- 7:14B-8.1 Immediate corrective action requirements and procedures
- 7:14B-8.2 Discharge remediation requirements
- 7:14B-8.3 Reporting requirements
- 7:14B-8.4 Implementation of the remedial action requirements
- 7:14B-8.5 Remedial action reports
- 7:14B-8.6 Applicable remediation standards
- 7:14B-8.7 Health and safety requirements
- 7:14B-8.8 Leak mitigation requirements

**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
- 7:14B-9.2 Closure requirements for underground storage tank systems containing hazardous substances which are not hazardous wastes
- 7:14B-9.3 Closure requirements for underground storage tank systems containing hazardous wastes
- 7:14B-9.4 Change in service to a nonregulated substance
- 7:14B-9.5 Reporting and recordkeeping requirements

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

- 7:14B-10.1 Permit requirements
- 7:14B-10.2 Permits required in wellhead protection areas
- 7:14B-10.3 Permit applications
- 7:14B-10.4 Public access to permit information
- 7:14B-10.5 Display of permit and availability of approved plans
- 7:14B-10.6 Emergency permits
- 7:14B-10.7 Permit expiration
- 7:14B-10.8 Grounds for denial or revocation of permits

**SUBCHAPTER 11. MUNICIPAL ORDINANCES**

- 7:14B-11.1 Local ordinance exemption
- 7:14B-11.2 Local ordinance enactment
- 7:14B-11.3 Department determination

**SUBCHAPTER 12. PENALTIES, REMEDIES, AND ADMINISTRATIVE HEARING PROCEDURES**

- 7:14B-12.1 Penalties
- 7:14B-12.2 Procedures for requesting hearings after denial or revocation of registration, permits, certifications for individuals and business firms, and denial of ordinance adoption
- 7:14B-12.3 Liability for compliance
- 7:14B-12.4 Civil administrative penalties for violations of N.J.A.C. 7:14B-13 and 16

**SUBCHAPTER 13. CERTIFICATION OF INDIVIDUALS AND BUSINESS FIRMS**

- 7:14B-13.1 General requirements for certification
- 7:14B-13.2 Classifications of underground storage tank services
- 7:14B-13.3 Application procedures
- 7:14B-13.4 Eligibility
- 7:14B-13.5 Examinations
- 7:14B-13.6 Continuing education requirements
- 7:14B-13.7 Renewal requirements
- 7:14B-13.8 Financial responsibility assurance
- 7:14B-13.9 Professional business practices
- 7:14B-13.10 Denial, suspension, revocation and refusal to renew a certification

**SUBCHAPTER 14. CONFIDENTIALITY**

- 7:14B-14.1 Scope and exchange of information
- 7:14B-14.2 Confidential claims
- 7:14B-14.3 Disclosure of confidential information to contractors
- 7:14B-14.4 Confidentiality determinations
- 7:14B-14.5 Substantive criteria for use in confidentiality determinations
- 7:14B-14.6 Disclosure of confidential information to USEPA and other public agencies
- 7:14B-14.7 Disclosure by consent
- 7:14B-14.8 Imminent and substantial danger
- 7:14B-14.9 Security procedures
- 7:14B-14.10 Wrongful access or disclosure; penalties

**SUBCHAPTER 15. FINANCIAL RESPONSIBILITY REQUIREMENTS**

- 7:14B-15.1 Applicability and general requirements
- 7:14B-15.2 Amount and scope of required financial responsibility
- 7:14B-15.3 Incorporation of the Code of Federal Regulations by reference
- 7:14B-15.4 Document availability

**SUBCHAPTER 16. CERTIFICATION OF INDIVIDUALS AND BUSINESS FIRMS FOR UNREGULATED UNDERGROUND STORAGE TANK SYSTEMS**

- 7:14B-16.1 Scope and applicability
- 7:14B-16.2 General requirements for certification
- 7:14B-16.3 Classifications of unregulated heating oil tank services
- 7:14B-16.4 Application procedures
- 7:14B-16.5 Eligibility
- 7:14B-16.6 Examinations
- 7:14B-16.7 Continuing education requirements
- 7:14B-16.8 Renewal requirements
- 7:14B-16.9 Financial responsibility assurance
- 7:14B-16.10 Professional business practices
- 7:14B-16.11 Denial, suspension, revocation and refusal to renew a certification