

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

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

Definitions for temporary, extended and long-term out of service deleted; definitions amended and added to conform to new subchapters 4-12 and 15.

Petition for Rulemaking: Request the repeal of the definition "Tank capacity"; denied.

See: 23 N.J.R. 3534(b), 23 N.J.R. 3825(c).

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).

Amended "Abandon in place", "Annular space", "Discharge", "Discharge detection system", "Existing underground storage tank system", "Free product", "Hazardous substances", "New underground storage tank system", "Operator", "Owner", "Person", "Piping", "Sump", and "Tank capacity"; added "Amendment to certification", "Business firm", "Contaminant", "Entire piping run", "Financial responsibility assurance", "Officer", "Out of service storage tank", "Overfill prevention", "Permanent employee", "Release detection observation well", "Remedial action", "Spill prevention", "Treatment works", "Waste oil", and "Wellhead protection area"; and deleted "Cathodic Protection tester", "Corrosion expert", "Discharge detection observation well", "Exposure assessment", "Field constructed tank", "Holiday", "Liquid level indicator", "Liquid trap", "Membrane liner", "Piping containment chambers", "Potential receptor", "Pressure loss sensor", "Qualified Ground Water Consultant", "Stage", "Standard reporting form", "Surface impoundment", "U-tube", "Vacuum loss sensor", "Vadose zone", "Vapor sensor", "Volatile organic substance", and "Water table".

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

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

Added "Annual aggregate", "Dispenser sump", "Occurrence", "Petroleum marketing facility" and "Piping sump"; rewrote "Abandon in 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".

Readoption of special amendment, R.2011 d.251, effective September 8, 2011.

See: 43 N.J.R. 1077(a), 43 N.J.R. 2581(b).

Provisions of R.2009 d.361 readopted without change.

Amended by R.2012 d.095, effective May 7, 2012.

See: 43 N.J.R. 1935(a), 44 N.J.R. 1339(b).

Rewrote definitions "Commissioner", "Remedial action", "Remedial investigation", "Site investigation" and "State Act"; substituted definition "Contamination" or "contaminant" for definition "Contaminant"; rewrote definition "Contamination"; deleted definitions "Free product", "Monitor well" and "Officer"; added definitions "Free-phase non-aqueous phase liquid", "Remediation" or "remediate" and "Unknown source investigation"; and in paragraphs 2 and 3 of definition "Hazardous substances", substituted "that" for "which".

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) The owner or operator shall include in each document submitted in accordance with N.J.A.C. 7:14B-10.3(b)9 the following certification signed by the licensed site remediation professional:

"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(c) 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.”

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”.

Readoption of special amendment, R.2011 d.251, effective September 8, 2011.

See: 43 N.J.R. 1077(a), 43 N.J.R. 2581(b).

Provisions of R.2009 d.361 readopted without change.

Amended by R.2012 d.095, effective May 7, 2012.

See: 43 N.J.R. 1935(a), 44 N.J.R. 1339(b).

Rewrote the introductory paragraph of (d); in the introductory paragraph of (e), substituted the second occurrence of “(c)” for “(e)”; and deleted (g) and (h).

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”.

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”.

Readoption of special new rule, R.2011 d.251, effective September 8, 2011.

See: 43 N.J.R. 1077(a), 43 N.J.R. 2581(b).

Provisions of R.2009 d.361 readopted without change.

Repealed by R.2012 d.095, effective May 7, 2012.

See: 43 N.J.R. 1935(a), 44 N.J.R. 1339(b).

Section was “General requirements”.

SUBCHAPTER 2. REGISTRATION REQUIREMENTS AND PROCEDURES

7:14B-2.1 General registration requirements

(a) The owner or operator shall register each underground storage tank with the Department.

(b) The owner or operator 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 this chapter.

(c) The owner or operator shall only use an underground storage tank upon receipt of a valid Registration Certificate issued by the Department.

(d) The owner or operator that began use of an underground storage tank on or before December 21, 1987 shall register the tank system with the Department no later than 60 days following this date. The owner or operator of 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) The owner or operator of an underground storage tank system that 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) The owner or operator intending to close an underground storage tank system shall register the underground storage tank system with the Department before beginning any closure activities.

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.

Amended by R.2012 d.095, effective May 7, 2012.

See: 43 N.J.R. 1935(a), 44 N.J.R. 1339(b).

In (a) through (d), substituted “The owner or operator” for “Any person that owns or operates an underground storage tank system”; in (a), inserted “underground storage”; in (b), deleted “all requirements set forth in” preceding “this chapter”; in (c), substituted “an underground storage” for “such”; in (d), substituted “an underground storage” for the first occurrence of “the” and “The owner or operator of” for the second occurrence of “Any person that owns or operates”; in (e), substituted “The owner or operator of” for “Any person that owned or operated” and the first occurrence of “that” for “which”; and in (f), substituted “The” for “Any” and “beginning any” for “these”, and deleted “are begun” from the end.

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) The owner or operator shall file registration and certification information on the New Jersey Underground Storage Tank Facility Certification Questionnaire.

(b) The owner or operator shall obtain all registration and certification forms from and accurately complete, sign, date, and return all such documents to the address below:

New Jersey Department of Environmental
Protection
Bureau of Case Assignment and Initial Notice
Mail Code 401-05G
PO Box 434
401 East State Street, 5th floor
Trenton, New Jersey 08625-0434
Telephone: (609) 292-2943

(c) The owner or operator shall complete the New Jersey Underground Storage Tank Facility Certification Questionnaire prior to the 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 shall, during initial registration, supply the following information on the New Jersey Underground Storage Tank Facility Certification Questionnaire:

1. The facility name and location;
2. The name, location, and contact person for the facility;
3. The name and address of the facility owner;
4. 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;
5. 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
6. 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 shall, during Certificate renewal, 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 who made any change in status of the underground storage tank system since the initial registration shall 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).

Amended by R.2012 d.095, effective May 7, 2012.

See: 43 N.J.R. 1935(a), 44 N.J.R. 1339(b).

In (a), substituted "The owner or operator" for "Any person that owns or operates a facility"; rewrote (b); in (c), and the introductory paragraphs of (d) and (e), deleted "of a facility" preceding "shall"; in (c), inserted the second occurrence of "the"; in the introductory paragraphs of (d) and (e), inserted a comma following "shall" and deleted "at a minimum," preceding "supply"; added new (d)1; recodified former (d)1 through (d)5 as (d)2 through (d)6; and in the introductory paragraph of (f), substituted "who" for "of a facility having" and "of" for "to", and deleted ", at a minimum," preceding "supply".

7:14B-2.3 Transfer of registration

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

(b) The owner or operator 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.

Amended by R.2012 d.095, effective May 7, 2012.

See: 43 N.J.R. 1935(a), 44 N.J.R. 1339(b).

In (b), deleted "of an underground storage tank system" following "operator".

7:14B-2.4 Changes to registration

(a) The owner or operator 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.

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).

Readoption of special amendment, R.2011 d.251, effective September 8, 2011.

See: 43 N.J.R. 1077(a), 43 N.J.R. 2581(b).

Provisions of R.2009 d.361 readopted without change.

Amended by R.2012 d.095, effective May 7, 2012.

See: 43 N.J.R. 1935(a), 44 N.J.R. 1339(b).

In (a), deleted "of a facility" following "operator"; and deleted (d).

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.