

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-5.1d, 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).

Chapter Historical Note

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

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

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

Pursuant to Executive Order No. 66(1978), Chapter 14B was adopted as R.1997 d.487, effective October 22, 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Requirements for Underground Storage Tank Systems; and Subchapter 13, Underground Storage Tank Loan Program, were repealed; and Subchapter 4, Underground Storage Tank Systems Design, Construction and Installation; Subchapter 5, General Operating Requirements; Subchapter 6, Release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. See: Source and Effective Date. As a part of R.2003 d.197, Subchapter 15, Financial Responsibility Requirements, was adopted as new rules. 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).

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

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“Corrosion” means the deterioration of a material by direct or electrochemical reaction with its environment.

“Daily” means at least five days per week.

“Decommissioning” means the excavating, cleaning, degassing, removal or abandonment in place of an underground storage tank system.

“Department” means the Department of Environmental Protection.

“Discharge” means an intentional or unintentional action or omission resulting in the releasing, spilling, leaking, pumping, pouring, emitting, emptying or dumping of a hazardous substance into the waters or onto the lands of the State or into the waters outside the jurisdiction of the State, when damage may result to the lands, waters, or natural resources within the jurisdiction of the State.

“Discharge detection system” means a method of detecting a discharge of hazardous substances from an underground storage tank system.

“Dispenser sump” means a liquid tight container designed to contain leaks from dispensers, pumps and associated fittings.

“Double-walled tank” means an underground storage tank in which a rigid secondary container is attached to the primary container and which has an annular space.

“Electrical equipment” means underground equipment which contains dielectric fluid which is necessary for the operation of equipment such as transformers and buried electrical cable.

“Empty” means all hazardous substances have been removed that can be removed by direct pumping or drainage and no more than 2.5 centimeters (one inch) of residue, or 0.3 percent by weight of the total capacity of the system remains, whichever is the smaller amount.

“Entire piping run” means the total length of piping from the tank to the dispenser.

“Excavation area” means the area containing the underground storage tank system and backfill material and bounded by the above ground surface, walls, and pit and trenches into which the underground storage tank system is placed at the time of installation.

“Existing underground storage tank system” means an underground storage tank system which was installed before September 4, 1990.

“Facility” means one or more underground storage tank systems owned by one person on a contiguous piece of property.

“Facility certification” means the periodic renewal of the registration of a facility with the Department pursuant to this chapter.

“Farm” means “farm” as defined in the Farmland Assessment Act of 1964, N.J.S.A. 54:4-23.1 et seq.

“Farm tank” means an underground storage tank which contains or contained hazardous substances located on a tract of land devoted to the production of crops or raising animals pursuant to the Farmland Assessment Act of 1964, (N.J.S.A. 54:4-23.1 et seq.), and including fish hatcheries, rangeland, and nurseries with growing operations.

“Financial responsibility assurance” means the assurance, through one or more allowable mechanisms pursuant to N.J.A.C. 7:14B-13.8, of the availability of funds necessary for the cleanup or mitigation of a discharge of hazardous substances.

“Flow-through process tank” means a tank that forms an integral part of a production process through which there is a steady, variable, recurring, or intermittent flow of materials during the operation of the process. Flow-through process tanks do not include tanks used for the storage of materials prior to their introduction into the production process or for the storage of finished products or by-products from the production process.

“Free product” means a nonaqueous phase liquid present in concentrations greater than a contaminant’s residual saturation point, with a positive pressure such that the material can flow.

“Hazardous substances” means:

1. Motor fuel;
2. Petroleum products which are liquid at standard conditions of temperature and pressure (60 degrees Fahrenheit and 14.7 pounds per square inch absolute);
3. All substances which are liquid at standard conditions of temperature and pressure (60 degrees Fahrenheit and 14.7 pounds per square inch absolute) listed in Appendix A of N.J.A.C. 7:1E; and
4. Waste oil.

“Heating oil” means any grade of petroleum product including, but not limited to, No. 1, 2, 4 (light and heavy), 5 (light and heavy) and 6 fuel oils, diesel and kerosene of any grade or type used to heat residential, industrial or commercial premises.

“Hydraulic lift tank” means a tank holding hydraulic fluid for a closed-loop mechanical system that uses compressed air and hydraulic fluid to operate lifts, elevators and other similar devices.

“Installation” means the emplacement of a new underground storage tank or underground storage tank system

including the replacement of an existing underground storage tank or underground storage tank system.

“Inventory controls” means the techniques used to identify a loss of product that are based on volumetric measurements in the underground storage tank and reconciliation of these measurements with hazardous substance delivery and withdrawal records.

“Leak” means the release of a hazardous substance from an underground storage tank system into a space created by a method of secondary containment wherein hazardous substances can be detected by visual inspection or a monitoring system before it enters the environment.

“Leak detection system” means a method of detecting a leak in the space created by a method of secondary containment.

“Legal entity” means all public and private entities including all political subdivisions of the State such as counties and municipalities as well as utility authorities.

“Lining” means a layer of non-corrodible material resistant to the hazardous substance stored and bonded firmly to the interior surface of the tank, pipe, line, fixture or other equipment.

“Liquid” means any material which has a fluidity greater than that of 300 penetration asphalt when tested in accordance with the ASTM D-5-97 Test for Penetration of Bituminous Materials. If not specified, liquid shall mean both combustible and noncombustible liquids.

“Liquid sensor” means a monitoring system which detects the liquid phase of a hazardous substance.

“Modify” or “modification” means a revision, update, adjustment, correction or change in any information included in a facility’s registration material.

“Monitor well” means a well used to observe the elevation of the water table or potentiometric surface, or to determine water quality in an aquifer.

“Monitoring system” means either a discharge detection system or leak detection system capable of detecting leaks or discharges, or both, other than an inventory control system, used in conjunction with an underground storage tank, or a facility conforming to criteria established in N.J.A.C. 7:14B-6.

“Motor fuel” means any petroleum product that includes, but is not limited to, all grades of gasoline, diesel fuel and kerosene used in the operation of any type of engine.

“New underground storage tank system” means an underground storage tank system that was installed on or after September 4, 1990.

“Nonoperational storage tank” means any underground storage tank in which hazardous substances are not contained or from which hazardous substances are not dispensed.

“Non-public water supply” means a water system that is not a public water system.

“Numbers 4, 5, and 6 fuel oil” means grades of fuel oil used for power generation or heating with properties listed with ASTM Specifications D-396 and 975.

“Occurrence” means a discharge from an underground storage tank system.

“Officer” means an officer as defined in N.J.S.A. 14A:6-15.

“Operational storage tank” means any underground storage tank in which hazardous substances are contained or from which hazardous substances are dispensed.

“Operator” means any person who leases, operates, controls, supervises or has responsibility for, the daily operation of a facility, or any person who has the authority to operate, control or supervise the daily operation of a facility.

“Out of service storage tank” means any underground storage tank system in which hazardous substances are contained or have been contained, but from which hazardous substances are not or have not been introduced or dispensed pending a decision to close the system or begin reuse of the system.

“Overfill prevention” means the use of a mechanical or electrical device designed to restrict or stop the transfer of hazardous substances from a delivery vehicle to a tank or alert the operator that the tank is nearly full.

“Owner” means any person who owns a facility, or any person who has a legal or equitable title to a site containing a facility and has exercised control of the facility. In the case of a nonoperational storage tank, the person who owned the facility containing the nonoperational storage tank immediately prior to discontinuation of its use.

“Periodic” means the time period for renewal of a facility certification; the period may be one, two, or three years.

“Permanent employee” means any individual who is employed by a business firm for greater than two calendar months, working 20 hours or more per week.

“Permit” means an authorization or license or equivalent control document issued by the Department or its designee to implement the requirements of N.J.A.C. 7:14B-10.

“Person” means any individual or entity, including without limitation, a public or private corporation, company, association, society, business firm, partnership, joint stock company, foreign individual or entity, interstate agency or authority, the United States and any of its political subdivisions, the State of New Jersey, or any of the political subdivisions of or found

within the State of New Jersey, or any of the other meanings which apply to the common understanding of the term.

“Petroleum” or “petroleum products” means all hydrocarbons which are liquid at one atmosphere pressure (760 millimeters or 29.92 inches Hg) and temperatures between -20°F and 120°F (-29°C and 49°C), and all hydrocarbons which are discharged in a liquid state at or nearly at atmospheric pressure at temperatures in excess of 120°F (49°C) including, but not limited to, gasoline, kerosene, fuel oil, oil sludge, oil refuse, oil mixed with other wastes, crude oil, and purified hydrocarbons that have been refined, re-refined, or otherwise processed for the purpose of being burned as a fuel to produce heat or useable energy or which is suitable for use as a motor fuel or lubricant in the operation or maintenance of an engine.

“Petroleum marketing facility” means a facility where petroleum is produced or refined, or a facility that sells or transfers petroleum to other petroleum marketers or to the public.

“Piping” or “pipe” means any hollow cylinder or tubular conveyance which contains a hazardous substance or routinely contains a hazardous substance, is in contact with the ground and is constructed of nonearthen materials including any fill pipe, valves, elbows, joints, flanges and flexible connections. Piping does not include vent lines, vapor recovery lines or fittings located on top of the tank.

“Piping sump” means a liquid tight container designed to contain leaks from tank top fittings, pumps and associated equipment.

“Primary container” means the first level of containment which comes into immediate contact on its inner surface with the hazardous substance being contained (for example, single-walled tank).

“Product tight” means impervious to the hazardous substance contained or to be contained so as to prevent a release.

“Public community water system” means a public water system which serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents.

“Public non-community water system” means a public water system that is not a community water system.

“Public water system” means a system for the provision to the public of piped water for human consumption, if such system has at least 15 service connections or regularly serves at least 25 individuals daily at least 60 days out of the year.

“Registration Certificate” means a control document issued by the department to implement the registration requirements of this Chapter.

“Release” means a leak or discharge.

“Release detection observation well” means an access point constructed of screen and casing used in conjunction with a monitoring system to detect a release of hazardous substance in the vapor or liquid phase which is stored in the underground storage tank system, for the operational life of the underground storage tank system.

“Remedial action” means remedial action as defined in N.J.A.C. 7:26E.

“Remedial investigation” means remedial investigation as defined in N.J.A.C. 7:26E-1.8.

“Removal” or “removed” means an underground storage tank(s) that has been taken out of the ground and been disposed of in accordance with applicable local, State and Federal laws.

“Residential building” means a single or multi-family dwelling, nursing home, trailer, condominium, boarding house, apartment house, or other structure designed and used primarily as a dwelling.

“Saturated zone” or “zone of saturation” means that part of the subsurface under greater than atmospheric pressure in which all voids are filled with water.

“Screen” means a pipe used to support the sides of a hole which allows the entrance of water, vapor, or other fluid into the hole.

“Secondary containment” means an additional layer of impervious material creating a space wherein a leak of hazardous substances from an underground storage tank system may be detected before it enters the environment.

“Site” means the contiguous piece of property at which a facility is located.

“Site investigation” means site investigation as defined in N.J.A.C. 7:26E-1.8.

“Spill prevention” means the use of a device on the fill pipe to prevent a discharge during the transfer of hazardous substances from a delivery vehicle to a tank.

“State Act” means P.L. 1986, c.102 (codified at N.J.S.A. 58:10A-21 et seq.) and any amendments thereto.

“Substantial modification” means any construction at, or restoration, refurbishment or renovation of, an existing facility which increases or decreases the in-place storage capacity of the facility or alters the physical configuration or impairs or affects the physical integrity of the facility or its monitoring systems.

“Sump” means any pit or reservoir that meets the definition of an underground storage tank (including pipes, troughs or trenches connected to it) that serves to collect or contain a hazardous substance for no more than 48 hours.

“Tank” means a stationary device designed to contain an accumulation of hazardous substances which is constructed of non-earthen materials (for example, concrete, steel, plastic) that provide structural support.

“Tank capacity” means the manufacturer’s nominal tank size, when referring to a single tank. When referring to multiple tanks storing hazardous substances used for the same purpose at the same site within one of the following two categories: motor fuel and heating oil, the aggregate of the nominal tank sizes will be used to determine capacity.

“Test” means the testing of underground storage tanks in accordance with standards adopted by the Department.

“Transfer of ownership” means a change in the ownership of a facility.

“Treatment works” means a treatment works as defined within the New Jersey Pollutant Discharge Elimination System regulations at N.J.A.C. 7:14A-1.2.

“Underground storage tank” means any one or combination of tanks as set forth in N.J.A.C. 7:14B-1.4, including appurtenant pipes, lines, fixtures, and other related equipment, used to contain an accumulation of hazardous substances, the volume of which, including the volume of the appurtenant pipes, lines, fixtures and other related equipment, is 10 percent or more beneath the surface of the ground.

“Underground storage tank program” means the regulatory requirements and activities conducted pursuant to the authority of N.J.S.A. 58:10A-21 et seq.

“Underground storage tank system” or “tank system” means an underground storage tank and its associated ancillary equipment and containment system, if any.

“Unregulated heating oil tank system” means any one or combination of tanks, including appurtenant pipes, lines, fixtures, and other related equipment, used to contain an accumulation of heating oil for on-site consumption in a residential building, or those tanks with a capacity of 2,000 gallons or less used to store heating oil for on-site consumption in a nonresidential building, the volume of which, including the volume of the appurtenant pipes, lines, fixtures and other related equipment, is 10 percent or more below the ground.

“Unsaturated zone” means the subsurface zone containing water under a hydrostatic pressure less than atmospheric, including water held by capillary forces within the soil containing air or gases generally under atmospheric pressure. This zone is limited above by the ground surface and below by the upper surface of the zone of saturation.

“Use” means the filling, dispensing or storing of any hazardous substance from or in an underground storage tank system.

“Waste oil” means but is not limited to used oil and waste oil as defined in N.J.A.C. 7:26.

“Wastewater treatment tank” means a tank that is part of a wastewater treatment facility regulated under either section 402 or 307(b) of the Federal Water Pollution Control Act (33 U.S.C. §§ 1251 et seq.) and receives and treats or stores an influent wastewater which contains a hazardous substance, or is regulated as a treatment works pursuant to N.J.A.C. 7:14A-1 et seq.

“Wellhead protection area” means:

1. The area within a 2,000 foot radius surrounding a public community or public noncommunity water system well when there is an underground storage tank containing gasoline or nonpetroleum hazardous substances located within that area; or

2. The area within a 750 foot radius surrounding a public community or public noncommunity water system well when there is an underground storage tank containing petroleum products other than gasoline located within that area.

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).

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.

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

- 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.

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.

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 oversight cost fees

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

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

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

(c) The fee schedule is as follows:

Activity	Fee
1. Permit for the installation or substantial modification of an underground storage tank system	\$ 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-9.

(e) The owner or operator shall submit oversight cost fees pursuant to the provisions found in the rules for Department Oversight of the Remediation of Contaminated Sites at N.J.A.C. 7:26C-9.3 and submit payment pursuant to N.J.A.C. 7:26C-9.5. 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).

7:14B-3.6 Payment for Department services

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

New Jersey Department of Environmental Protection
Division of Remediation Support
Oversight Resources Allocation Element
PO Box 028
401 East State Street
Trenton, NJ 08625-0028

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

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

New Rule, R.1994 d.98, effective February 22, 1994.
See: 25 N.J.R. 1363(a), 26 N.J.R. 1132(a).
Amended by R.1997 d.487, effective November 17, 1997.
See: 29 N.J.R. 1593(a), 29 N.J.R. 4866(a).
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-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 rules for Department Oversight of the Remediation of Contaminated Sites, N.J.A.C. 7:26C-9.3, the contestor shall follow the procedures found in N.J.A.C. 7:26C-9.4.

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.

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 classification 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.

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).

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.

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

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.

Case Notes

Penalty of \$15,000 was appropriately assessed against a gas station operator for violating N.J.A.C. 7:14B-4.1(a)3(ii) by maintaining inoperable underground storage tank (UST) overfill devices; an inspection revealed that tank gauge sticks broken at both ends had been inserted into the fill ports of two of the three USTs, preventing the overfill devices from functioning properly. Although it was the operator's first offense, the severity of the violation weighed against reduction of the penalty from the midpoint (adopting in part, and rejecting in part, 2006 N.J. AGEN LEXIS 843). N.J. Dep't of Env'tl. Prot. v. Singh, OAL Dkt. No. EWR 2913-05, Final Decision (December 14, 2007).

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 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;
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.

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).

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, 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 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) Iiv 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).

Case Notes

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) 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".

Case Notes

Initial Decision (2006 N.J. AGEN LEXIS 420) adopted, which concluded that a gas station operator's failure to perform release detection monitoring every thirty days on its underground storage tanks as required by N.J.A.C. 7:14B-6.2, 7:14B-6.5, 7:14B-6.1, and 7:14B-6.6 was a moderately serious violation, and was moderately improper conduct, as the violation had the potential to cause substantial harm to human health and the environment. 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-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;

(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.

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 overflow 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 within 60 calendar days of discovery of a suspected release 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.

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 Department has information indicating that a facility may be the source of a discharge, the Department shall require the owner or operator of the facility to 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 and to prepare a site investigation report in accordance with N.J.A.C. 7:26E-3.13 within 90 calendar days after the Department's written request for a site investigation. The Department shall require the owner or operator of a facility that is the suspected source of a discharge to perform additional investigation(s) as the Department determines to be necessary.

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

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

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 De-

partment 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).

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, accompanied by all applicable fees required in N.J.A.C. 7:14B-3, within 120 calendar days after the notification required by N.J.A.C. 7:14B-7.3(a).

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) The report described in (a) above shall be prepared by an individual certified in subsurface evaluation pursuant to N.J.A.C. 7:14B-13. The report(s) shall include the name and address for both the owner and the operator.

(c) In addition to the requirements listed in (a) 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 (c)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.

(d) Within 90 calendar days after the Department's approval of the remedial investigation workplan submitted pursuant to c(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 (c) 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.

(e) 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.

(f) 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 revise 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 (c) above and a new fee pursuant to N.J.A.C. 7:14B-3.5.

(g) If the Department notes any deficiencies in any of the items submitted in accordance with (c)2 and 3 above, the Department may conditionally approve the submittal. Within the timeframe specified by the Department, the owner or operator shall, in writing, accept or reject the Department's conditions. If the owner or operator rejects any one of the Department's conditions, the owner or operator shall submit a revision to the remedial investigation workplan or remedial action workplan within 30 calendar days of receipt of the conditional approval, unless otherwise specified by the Department, addressing the noted deficiencies. If the revision does not address the deficiency(ies) to the Department's satisfaction, the Department shall disapprove the submittal and require a new submittal pursuant to (c) above and a new fee pursuant to N.J.A.C. 7:14B-3.5.

(h) The owner or operator may request an extension of time to submit the remedial investigation report in accordance with (d) 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 received by the Department at least 14 calendar days prior to any schedule deadline. The Department shall approve or disapprove the extension request in writing.

(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 (c) 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, within 45 calendar days of the request from the Department, submit to the Department a detailed remedial action workplan that shall be prepared and presented in accordance with N.J.A.C. 7:26E-6.2 and be specific to the discharge to the affected media identified by the Department.

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).

7:14B-8.4 Implementation of the remedial action requirements

(a) 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.

(b) 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.

(c) 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.

(d) 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-6.5 and the remedial action workplan approval letter.

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

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".

7:14B-8.5 Remedial action reports

(a) 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-6.6, 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.

(b) 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.

(c) 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.

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".

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-1.9.

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.

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 30 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 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.

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".

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; and

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) 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. A variance from the site investigation requirements of N.J.A.C. 7:26E may be requested pursuant to N.J.A.C. 7:26E-1.6(d) and included with the closure plan.

(d) The owner or operator of an underground storage tank system shall ensure the system is closed by an individual certified for closure in accordance with N.J.A.C. 7:14B-13.

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)1v. 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).

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 an individual certified for closure in accordance with N.J.A.C. 7:14B-13.

(d) 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.

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).

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 120 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 conduct a remedial investigation in accordance with the requirements of N.J.A.C. 7:14B-8. 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).

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".

7:14B-9.5 Reporting and recordkeeping requirements

(a) The owner or operator of an underground storage tank shall, within 120 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 N.J.A.C. 7:26E-3.13 accompanied by the appropriate fees required pursuant to N.J.A.C. 7:14B-3.5.

(b) The report described in (a) above shall be prepared by an individual certified in subsurface evaluation pursuant to N.J.A.C. 7:14B-13. 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).

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/remedial action workplan in accordance with requirements N.J.A.C. 7:14B-8 and 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).

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 number and locations of all vapor or product monitoring points is sufficient to monitor the underground storage tank system should this method of monitoring be chosen.

(c) The Department shall make an administrative review of each application as follows:

1. If the application does not contain all documents and information required pursuant to (a) and (b) above, the Department shall within 30 working days of receipt of the application, either return the application or advise the applicant in writing as to the additional information required to make the application administratively complete and the date by which the additional information must be

received by the Department. If an application is returned, the applicant shall be advised in writing as to the additional information required to make the application complete.

2. If the application contains all documents and information required pursuant to (a) and (b) above and is determined to be administratively complete, the Department, within 30 working days of receipt of the application, shall so advise the applicant in writing.

(d) The Department shall make a technical review of each application within 60 working days after it declares the application administratively complete as follows:

1. If the application does not contain sufficient technical information as required pursuant to (b) above or if the technical information requires clarification, the Department shall so advise the applicant in writing and establish a date by which additional or clarifying information must be received by the Department. If additional or clarifying information is not received by the specified date, the Department may:

- i. Return the application;
- ii. Extend the date by which the applicant must provide the additional or clarifying information; or
- iii. Deny the application pursuant to N.J.A.C. 7:14B-10.8.

(e) The Department shall perform a detailed analysis of the technically complete application and shall develop a staff recommendation to issue the permit or deny the application. The staff recommendation shall include any conditions to be attached to the permit if the recommendation is to issue the permit, or an explanation of the reasons for denial if the recommendation is to deny the application.

(f) The Department shall issue a permit, with any conditions deemed appropriate or the Department shall deny the application in writing with an explanation of the reasons for denial pursuant to the criteria contained in N.J.A.C. 7:14B-10.8.

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-10.4 Public access to permit information

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

(b) Interested persons shall submit a written request for an appointment to review the public records. This written request shall be sent to:

New Jersey Department of Environmental Protection
Bureau of Risk Management,
Initial Notice and Case Assignment
PO Box 435
491 East State Street
Trenton, New Jersey 08625-0435

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-10.5 Display of permit and availability of approved plans

(a) The owner or operator of an underground storage tank system for which a Department permit has been issued shall prominently display the valid permit at the facility site during the course of the permitted activity and shall make the permit available for inspection by an authorized local, State or Federal representative.

(b) The owner or operator of an underground storage tank system for which a Department permit has been issued shall maintain one set of approved plans at the facility site during the course of the permitted activity and shall make the approved plans available for inspection by any authorized local, State or Federal representative.

7:14B-10.6 Emergency permits

(a) The Department may, in its discretion based upon the criteria listed in (a)1 and 2 below, issue an emergency underground storage tank permit in the specific instance where a building's sole source of heat is from an oil burner and that building's underground storage tank system containing heating oil is determined to be discharging.

1. When this type of underground storage tank system is discovered to have released a hazardous substance into the environment, the owner or operator shall request an emergency permit to remove and replace, or repair, the discharging underground storage tank system; and

2. All permitted activities shall be performed in accordance with the requirements set forth in this chapter.

(b) The owner or operator of an underground storage tank system, requesting an emergency permit, shall contact the Department on the day of the emergency or, when the emergency occurs after business hours, on a weekend or on a holiday, the owner or operator shall contact the Department on the next working day thereafter at (609) 633-0708 for issuance of an emergency permit. The owner or operator shall, within 14 calendar days of receipt of the emergency permit, submit a permit application pursuant to this subchapter, including the appropriate fee, to the Department for review of compliance with the requirements of this chapter.