

Notes for the Draft Rules Documents

1. Please note that in the rule text, additions to existing text are noted in bold typeface. Deletions from existing text are shown within [brackets].
2. Please submit your comments to SRRA@dep.state.nj.us by January 14, 2011. To be considered, the email subject line MUST read: Stakeholder Input.

**N.J.A.C. 7:14B
UNDERGROUND STORAGE TANKS**

SUBCHAPTER 1. GENERAL INFORMATION

7:14B-1.1 Scope

This chapter shall constitute the rules of the Department of Environmental Protection for all underground storage tank facilities and individuals and business firms regulated by N.J.S.A. 58:10A-21 et seq.

7:14B-1.2 Construction

This chapter shall be construed so as to permit the Department to implement its statutory functions and to effectuate the purposes of the law.

7:14B-1.3 Purpose

(a) This chapter is promulgated for the following purposes:

1. To establish the Department's underground storage tank program;
2. To implement the registration requirements of the State Act;
3. To establish Initial Registration and Annual Certification fees;
4. To implement the technical requirements of the State Act;
5. To implement the reporting requirements of the State Act;
6. To implement the corrective action requirements of the State Act;
7. To implement the permitting requirements for the State Act;
8. To implement the underground storage tank services certification requirements of the State Act;
9. To establish financial responsibility assurance requirements for remediation of discharged hazardous substances and compensating third parties for bodily injury and property damage caused by a discharge from an underground storage tank system;

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10. To protect human health and the environment of the State by ensuring sound underground storage tank management, thereby preventing, controlling, remediating and/or abating actual or potential groundwater contamination; and

11. To establish a certification program for individuals and business firms who provide certain services on regulated underground storage tank systems and unregulated heating oil tank systems pursuant to N.J.S.A. 58:10A-24 and this chapter.

7:14B-1.4 Applicability

(a) This chapter contains the requirements for the registration, operation, design, construction and installation, permitting, release reporting and investigation, remediation, and closure of underground storage tanks and underground storage tank systems that contain hazardous substances, as well as the requirements for certification of individuals and business firms performing services on underground storage tanks and underground storage tank systems and on unregulated heating oil tank systems.

(b) The following types of underground storage tank systems are exempt from the requirements of this chapter:

1. Farm or residential tanks of 1,100 gallons or less capacity used for storing motor fuel for noncommercial purposes;
2. Tanks with a capacity of 2,000 gallons or less used to store heating oil for onsite consumption in a nonresidential building;
3. Tanks used to store heating oil for onsite consumption in a residential building;
4. Septic tanks installed in compliance with rules adopted by the Department pursuant to The Realty Improvement Sewerage and Facilities Act (1954), [Pub. L. 1954, c.199 (N.J.S.A. 58:11-23 et seq.)];
5. Pipelines, including gathering lines, regulated under the Natural Gas Pipeline Safety Act of 1968, [Pub. L. 90-481 (49 U.S.C. §§ 1678 et seq.)], the Hazardous Liquid Pipeline Safety Act of 1979, [Pub. L. 96-129 (49 U.S.C. §§ 2001 et seq.)], or intrastate pipelines regulated under State law as approved by the Department;
6. Surface impoundments, pits, ponds, lagoons, storm water or wastewater collection systems operated in compliance with N.J.A.C. 7:14A-1 et seq.;
7. Liquid traps or associated gathering lines directly related to oil and gas production and gathering operations;

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8. Tanks situated in an underground area including, but not limited to, basements, cellars, mines, drift shafts, or tunnels, if the storage tank is situated upon or above the surface of the floor;

9. Tanks situated in an underground area including, but not limited to, basements, cellars, mines, drift shafts, or tunnels if the storage tank is equipped with secondary containment, and is uncovered so as to allow visual inspection of the exterior of the tank;

10. Any pipes, lines, fixtures or other related equipment connected to any tank exempted from the provisions of this chapter as set forth in (b)1 to 9 above, and 11 to 14 below;

11. Flow-through process tanks;

12. Wastewater treatment tanks;

13. Electrical equipment; and

14. Hydraulic lift tanks.

(c) The following types of underground storage tank systems are subject only to N.J.A.C. 7:14B-2, 3, 7 and 8.

1. Tanks used to contain radioactive materials that are regulated under the Atomic Energy Act of 1954; and

2. Tanks that are part of an emergency generator system at nuclear power generator facilities regulated by the Nuclear Regulatory Commission under 10 CFR 50 Appendix A.

(d) Underground storage tank systems used to store motor fuel solely for use by emergency power generators are exempt from the requirements N.J.A.C. 7:14B-6.

(e) Underground storage tank systems identified as sumps are subject only to N.J.A.C. 7:14B-2, 3, 4.1(a), 4.1(e) through (l), 4.2, 5.2 through 5.7, 7 and 8.

(f) Underground storage tank systems storing a mixture of petroleum and other hazardous substances are considered petroleum storage tank systems if the quantity of other hazardous substances does not alter the detectability, effectiveness of remedial action, or toxicity of the petroleum to any significant degree.

(g) For the purpose of this chapter, all underground storage tank systems shall be regulated based upon the most stringent regulated use of the underground storage tank system, when there are multiple uses of the tank at the site.

(h) The owners and operators of a facility are strictly liable, jointly and severally, for compliance with the provisions of N.J.S.A. 58:10A-21 et seq., and this chapter, including penalty liability.

7:14B-1.5 Severability

If any section, subsection, provision, clause or portion of this chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected thereby.

7:14B-1.6 Definitions

As used in this chapter, the following words and terms shall have the following meanings, unless the context clearly indicates otherwise.

"Abandon in place" or "abandonment in place" means a tank rendered permanently nonoperational by following the procedures in American Petroleum Institute Recommended Practice 1604, "Closure of Underground Petroleum Storage Tanks," and left in the ground.

"Activity" means any one of the following:

1. Installation of a new underground storage tank system;
2. Closure of an underground storage tank system; or
3. Substantial modification of an underground storage tank system.

"Amendment to certification" means any change of the certification for the purpose of correction, addition or deletion of information.

"Annual aggregate" means the total remediation costs incurred within a single year for all discharges from underground storage tank systems covered by a single financial instrument.

"Annular space" means the space created between the primary and secondary container of a secondarily contained underground storage tank system.

"Aquifer" means a geological formation, group of formations, or part of a formation that is capable of yielding a significant amount of water to a well or spring.

"Beneath the surface of the ground" means beneath the ground surface or otherwise covered with earthen materials.

"Business firm" means any entity, whether a sole proprietorship, partnership, or corporation, which provides services to underground storage tanks, such services being required for the purposes of complying with the provisions of N.J.S.A. 58:10A-21 et seq. The service does not have to be performed for profit.

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"Casing" means a pipe used to support the sides of a hole to prevent caving or the entrance of water or other fluids into the hole.

"Cathodic protection" means a technique to prevent corrosion of a metal surface by making that surface the cathode of an electrochemical cell.

"Close" or "closure" means the permanent elimination from service of any underground storage tank system by removal or abandonment in place.

"Commercial" means any activity involving a hazardous substance from an underground storage tank system including, but not limited to, the resale, distribution, processing and transportation of any hazardous substance, as well as the use of any hazardous substance to perform or carry out these or other activities, that results in monetary gain.

"Commissioner" means the Commissioner of the Department of Environmental Protection.

"Compatible" means the ability of two or more substances to maintain their respective physical and chemical properties upon contact with one another for the design life of the tank system under conditions likely to be encountered in the tank system.

["Contaminant" means any discharged hazardous substance.]

"Continuous monitoring" means a monitoring system that incorporates automatic equipment that can detect leaks and/or discharges without interruption.

"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.

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"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.

"Final remediation document" means a document defined as such pursuant to the Administrative Requirements for the Remediation of Contaminated Sites rules at N.J.A.C. 7:26C-1.3.

"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

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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] **as defined in the Technical Requirements for Site Remediation rules, N.J.A.C. 7:26E-1.8.**

"Hazardous substances" means:

1. Motor fuel;
2. Petroleum products [which] **that** are liquid at standard conditions of temperature and pressure (60 degrees Fahrenheit and 14.7 pounds per square inch absolute);
3. All substances [which] **that** 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.

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"Licensed site remediation professional" means a person defined as such pursuant to the Administrative Requirements for the Remediation of Contaminated Sites rules at N.J.A.C. 7:26C-1.3.

"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.

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"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[degrees]F and 120[degrees]F (-29[degrees]C and 49[degrees]C), and all hydrocarbons which are discharged in a liquid state at or nearly at atmospheric pressure at temperatures in excess of 120[degrees]F (49[degrees]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.

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"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 **the Technical Requirements for Site Remediation rules**, N.J.A.C. 7:26E.

"Remedial investigation" means remedial investigation as defined in **the Technical Requirements for Site Remediation rules**, N.J.A.C. 7:26E-1.8.

“Remediation” or “remediate” means all actions defined as such pursuant to the Technical Requirements for Site Remediation rules, 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 **the Technical Requirements for Site Remediation rules, 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

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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:

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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.

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."

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(d) [Any individual certified in accordance with N.J.A.C. 7:14B-13 in the classification of subsurface evaluator] **The owner or operator of an underground storage tank system** submitting documents in accordance with N.J.A.C. 7:14B-10.3(b)9 shall **ensure that its licensed site remediation profession** [sign and submit] **signs and submits** 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] **The owner or operator of an underground storage tank system** submitting documents in accordance with N.J.A.C. 7:14B-13.3(c) and 16.4[(e)](c) shall sign and submit to the Department the following certification:

"I certify under penalty of law that the information provided in this document is true, accurate and complete. I am aware that there are significant civil penalties for knowingly submitting false, inaccurate or incomplete information and that I am committing a crime of the fourth degree if I make a written false statement which I do not believe to be true. I am also aware that if I knowingly direct or authorize the violation of any statute, I am personally liable for the penalties."

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

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

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

"I certify under penalty of law that the work was performed under my oversight and I have reviewed the report and all attached documents, and the submitted information is true, accurate and complete in accordance with the requirements of N.J.A.C. 7:14B and **the Technical Requirements for Site Remediation rules**, 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."

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

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this report and all attached documents, and that based on my inquiry of those individuals responsible for obtaining the information, I believe that the submitted information is true, accurate and complete in accordance with the requirements of N.J.A.C. 7:14B and N.J.A.C. 7:26E. I certify under penalty of law that the onsite work was performed by a certified subsurface evaluator. I am aware that there are significant civil and criminal penalties for submitting false, inaccurate or incomplete information, including fines and/or imprisonment."

7:14B-1.8 [General requirements] (Reserved)

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

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

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

SUBCHAPTER 2. REGISTRATION REQUIREMENTS AND PROCEDURES

7:14B-2.1 General registration requirements

(a) [Any person that owns or operates] **The owner and operator of** an underground storage tank system shall register each tank with the Department.

(b) [Any person that owns or operates] **The owner and operator of** 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 **of the** requirements [set forth] in this chapter.

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(c) [Any person that owns or operates] **The owner and operator** of 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] **The owner and operator** of 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] **The owner and operator** of 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] **The owner or operator an underground storage tank system** intending to close an underground storage tank system shall register the underground storage tank system with the Department before [these closure activities are begun] **beginning any closure activities.**

7:14B-2.2 Registration and certification procedures

(a) [Any person that owns or operates] **The owner or operator** 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]

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

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(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 facility name and location;

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

[2.] **3.** The name and address of the facility owner;

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

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

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

i. Type of mechanism;

ii. Carrier or issuing institution;

iii. Date of coverage;

iv. Policy number (if applicable); and

v. Policy amount (if applicable).

(e) The owner or operator 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

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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).

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.

7:14B-2.4 Changes to registration

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

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

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

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

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

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.

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.

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, **including, without limitation, the requirement to hire a licensed site remediation professional to conduct the remediation of a discharge from the underground storage tank system.**

(b) The Department may revoke the registration of a facility upon a determination [of the following] **that the owner or operator of an underground storage tank system:**

1. [The] **Submits a** New Jersey Underground Storage Tank Facility Certification Questionnaire **that** contains false or inaccurate information;

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2. [The owner or operator has failed to submit] **Fails 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] **Fails** to pay the Facility Certification fee pursuant to N.J.A.C. 7:14B-3.2;

4. [An] **Denies the Department or its** authorized representative [is denied] access to the [facility] **system** during any reasonable hour; or

5. The owner or operator has failed to comply with any requirement of the State Act or this chapter, **including, without limitation, the requirement to hire a licensed site remediation professional to conduct the remediation of a discharge from the underground storage tank system.**

(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).

7:14B-2.8 (Reserved)

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.

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.

7:14B-3.3 Duplicate Registration Certificate charges

The fee for duplicate Registration Certificates will be \$35.00 per document.

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.

7:14B-3.5 Program fees and oversight costs

(a) The owner or operator of an existing, former or proposed underground storage tank system shall pay all required fees and costs pursuant to this chapter [and the Administrative Requirements for the Remediation of Contaminated Sites rules at N.J.A.C. 7:26C-4, as applicable,] and shall:

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

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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]

The owner or operator of an underground storage tank facility shall pay a permit fee of \$450.00 for the installation or substantial modification of an underground storage tank system and shall::

1. Make all payments of fees required by this subchapter by either:

i. Certified check, attorney check, money order, or personal check made payable to "Treasurer, State of New Jersey"; or

ii. E-check or credit card after the Department posts a notice for either on its website at www.nj.gov/dep/srp/srra or in the New Jersey Register that the Department's portal for making payments by E-check or credit card is available.

2. Mail all payments to the following address unless otherwise indicated on the first page of the Department's billing invoice:

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

(d) The Department will not pro-rate any fees or charges required by this chapter.

[(d)] (e) . **The owner or operator of an underground storage tank facility shall pay fees and oversight costs related to investigation, closure and remediation or an underground**

storage tank system pursuant to the Administrative Requirements for the Remediation of Contaminated Sites rules, N.J.A.C. 7:26C-4.

[(e) When required, the owner or operator shall submit oversight costs pursuant to the provisions found in the Administrative Requirements for the Remediation of Contaminated Sites rules at N.J.A.C. 7:26C-4.5 and submit payment pursuant to N.J.A.C. 7:26C-4.7. In addition, the Department may consider the failure to pay a fee to be a violation of the Act.]

7:14B-3.6 [Payment for Department services

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

1. By either:

i. Certified check, attorney check, money order, or personal check made payable to "Treasurer, State of New Jersey"; or

ii. E-check or credit card after the Department posts a notice for either on its website at www.nj.gov/dep/srp/srra or in the New Jersey Register that the Department's portal for making payments by E-check or credit card is available.

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

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

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

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] **Any person required to submit any information pursuant to this chapter which in the person's opinion constitutes trade secrets, proprietary information may assert a confidentiality claim by following the procedures set forth in the Administrative Requirements for the Remediation of Contaminated Sites rules, N.J.A.C. 7:26C-14.**

7:14B-3.8 [Oversight cost review

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

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.] **(RESERVED)**

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.

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 **of an underground storage tank system** shall report, investigate, and remediate any [spills and overfills] **discharge from the underground storage tank system** in accordance with **the Administrative Requirements for the Remediation of Contaminated Sites rules**, N.J.A.C. [7:14B-8] **7:26C**.

(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;

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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.

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-

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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.

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.

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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

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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."

7:14B-5.5 Release response plan

(a) The owner or operator of an underground storage tank system shall prepare, **and update as necessary to reflect facility and regulatory changes**, a release response plan which includes the following information:

1. The emergency telephone numbers of the local fire department, local health department, Department of Environmental Protection Hotline 1-877 WARN DEP or 1-877-927-6337, and any other appropriate local or State agencies;
2. The name and telephone number(s) of the person responsible for the operation of the facility during an emergency;
3. The name and telephone number of any retained [corrective action contractor] **licensed site remediation professional**; and
4. The procedures to be followed in the event of a leak or discharge of a hazardous substance, pursuant to N.J.A.C. 7:14B-7.3 and 8, and **the Administrative Requirements for the Remediation of Contaminated Sites rules**, N.J.A.C. 7:26C[-2], and N.J.A.C. 7:14B-9 if the underground storage tank system must be closed.

(b) [The] **The owner or operator of an underground storage tank system shall ensure that the release response plan [shall be] is 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., **and the Discharges of Petroleum and Other Hazardous Substances, N.J.A.C. 7:1E**, shall suffice for this requirement.

7:14B-5.6 Recordkeeping

(a) Owners and operators shall maintain the following information until the owner or operator receives the Department's written permission to discard the records pursuant to (c) below:

1. For underground storage tank systems susceptible to corrosion:
 - i. A corrosion expert's analysis of site corrosion potential if corrosion protection equipment is not used in accordance with N.J.A.C. 7:14B-4.1(a) 1iv and 2iii; and

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ii. Documentation of operation of corrosion protection equipment pursuant to N.J.A.C. 7:14B-5.2;

2. Documentation of underground storage tank system repairs made in accordance with N.J.A.C. 7:14B-5.4;

3. Recent compliance with release detection requirements pursuant to N.J.A.C. 7:14B-6.7;

4. All remediation documents prepared or required pursuant to this chapter;

5. An installation checklist as required by N.J.A.C. 7:14B-4.1(a)5; and

6. Documentation of compliance with N.J.A.C. 7:14B-5.1(d).

(b) Owners and operators shall keep the records required either:

1. At the underground storage tank site and immediately available for inspection by the implementing agency; or

2. At a readily available alternative site and be provided for inspection to the implementing agency upon request.

(c) After a site is no longer operational, an owner or operator may make a written request to discard any such documents. Such a request shall be accompanied by a description of the documents involved. Upon written approval by the Department, the owner or operator may discard only those documents that are not required to be preserved for a longer time period.

(d) A request for written approval to discard documents shall be sent to:

[New Jersey Department of Environmental Protection
Division of Remediation Management and Response
Bureau of Southern Case Management
PO Box 433
401 East State Street
Trenton, NJ 08625-0433]

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

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] **Conduct remediation of any discharge.**

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] **N.J.A.C. 7:14B-8.1(c)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.

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.

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;

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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; **or**

6. Collect, using a licensed site remediation professional, a soil and/or groundwater sample, as necessary, in the immediate area of any photoionization detector reading above 50 units.

(b) If **either** the investigation conducted in accordance with (a) above is inconclusive in confirming or disproving a suspected release, **or if the owner or operator of an underground storage tank system has any other information that indicates that the system may be the source of a discharge**, the owner or operator shall, in accordance with the schedule [at] **in the Technical Requirements for Site Remediation, N.J.A.C. [7:26E-3.3(e)] 7:26E-3.3(f)**, conduct and complete a site investigation designed to confirm or disprove a suspected discharge in accordance with **the Technical Requirements for Site Remediation rules, 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] **The owner or operator of an underground storage tank facility shall keep documentation** of an investigation in accordance with this section [which] **that** disproves a suspected discharge [shall be kept] at the facility and [made] **make it** available for inspection by the Department for the operational life of the underground storage tank system.

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[,] **or** 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] **through -6.5** that indicate that a discharge has occurred;

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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] **implemented** 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] **remediate any confirmed discharge from the underground storage tank system, in accordance with this chapter and the Administrative Requirements for the Remediation of Contaminated Sites, N.J.A.C. 7:26C-2.4.**

(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 **also** 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.

7:14B-7.4 [Unknown sources]

If the owner or operator of a facility has information indicating that a facility may be the source of a discharge, the owner or operator of the facility shall perform a site investigation of the underground storage tank system(s) at the facility in accordance with N.J.A.C. 7:26E-3.3, prepare a site investigation report in accordance with the Technical Requirements for Site Remediation rules at N.J.A.C. 7:26E-3.13, and submit the report to the Department within the timeframe indicated at N.J.A.C. 7:26E-3.3(e). The owner or operator of a facility that is the suspected source of a discharge shall perform additional investigation(s) as the Department determines to be necessary and shall remediate any discharge discovered during the additional site investigation(s).] **(Reserved)**

SUBCHAPTER 8. REMEDIATION [ACTIVITIES]

7:14B-8.1 [Immediate corrective action requirements and procedures] Responses to leaks and discharges

(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 owner or operator shall maintain a copy of the report on site and make it available for inspection by any Department representative.

[(a)] **(c) The owner or operator of an underground storage tank system shall, upon confirming a [release] discharge, take immediate action to:**

- 1. Determine the source of the discharge;**
- 2. Cease use of the underground storage tank system, provided, however that:**

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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] **owner or operator** shall cease use of the underground storage tank system immediately subsequent to taking all necessary actions to abate the emergency[.]; **and**

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]; **then upon** providing an alternate source of heat, the [owner/operator] **owner or operator** shall immediately cease use of the underground storage tank system which [has discharged] **is the source of a discharge**.

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] **remediate** the discharge **pursuant to the Administrative Requirements for the Remediation of Contaminated Sites, N.J.A.C. 7:26C**;

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;

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4. Remove all nonhazardous waste from the site to an approved treatment, recycling, or disposal facility, in accordance with N.J.A.C. 7:26-1.1 and 1.4 or treat soils on site in accordance with N.J.A.C. 7:26E-5 and 6, or reuse soils in accordance with N.J.A.C. 7:26E-6.2(b) upon Department approval, within six months after generation; and

5. Remove all hazardous waste to an approved facility, in accordance with N.J.A.C. 7:26, within 90 calendar days after generation. Interim storage of hazardous waste shall be in accordance with N.J.A.C. 7:26-9.] **(Reserved)**

7:14B-8.3 Reporting [requirements] requirement

[(a) The owner or operator of an underground storage tank system which has discharged hazardous substances shall provide the local health department and the Department with a remedial investigation report prepared and presented pursuant to N.J.A.C. 7:26E-4.8, and shall pay all required fees and costs pursuant to this chapter and the Administrative Requirements for the Remediation of Contaminated Sites Rules at N.J.A.C. 7:26C-4, as applicable, within 270 calendar days after the notification required by N.J.A.C. 7:14B-7.3(a) or by November 26, 2010, which ever is later.

1. If required pursuant to N.J.A.C. 7:26E-5, the owner or operator shall submit a remedial action selection report prepared and presented in accordance with N.J.A.C. 7:26E-5.2. Unless otherwise allowed by the Department, the remedial action selection report shall be submitted in the sequence required by N.J.A.C. 7:26E-5.2(d) and (e).]

[(b)] (a) For all confirmed releases from an underground storage tank subject to regulation at 40 CFR Part 280, the owner or operator shall report to the Department the source and cause of the confirmed release on a Confirmed Discharge Notification form available from the Department at <http://www.nj.gov/dep/srp/srra/forms/> in accordance with the timeframe applicable for submittal of the site investigation or remedial investigation report, regardless of whether the remediation is being conducted pursuant to N.J.A.C. 7:14B-1.8(a)1 or 2.

[(c) As required pursuant to N.J.A.C. 7:14B-1.8, the report described in (a) above, and the form described in (b) above if applicable, shall be prepared either by an individual certified in subsurface evaluation pursuant to N.J.A.C. 7:14B-13 or by a licensed site remediation professional. The report(s) shall include the name and address for both the owner and the operator.

(d) When the owner or operator is conducting the remediation pursuant to N.J.A.C. 7:14B-1.8(a)1, in addition to the requirements listed in (a) and (b) above, the owner or operator of an underground storage tank system which has discharged a hazardous substance shall submit one of the documents listed in (d)1 through 3 below, and all of the appropriate fees pursuant to N.J.A.C. 7:14B-3.5 with the remedial investigation report to the address specified in N.J.A.C. 7:14B-2.2(b):

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1. A request for a letter requiring no further action at the site if the remedial investigation indicates that no contamination at the site, or which has migrated off-site, exceeds any applicable remediation standard;

2. A proposed remedial investigation workplan prepared and presented pursuant to N.J.A.C. 7:26E-4.2 if the remedial investigation indicates that contamination remains in excess of any applicable remediation standard and the contamination on and off site has not been fully delineated vertically or horizontally; or

3. A proposed remedial action workplan, prepared and presented pursuant to N.J.A.C. 7:26E-6.2.

(e) When the owner or operator is conducting the remediation pursuant to N.J.A.C. 7:14B-1.8(a)1, within 90 calendar days after the Department's approval of the remedial investigation workplan submitted pursuant to (d)2 above, the owner or operator shall submit a remedial investigation report prepared in accordance with N.J.A.C. 7:26E-4.8 and (d) above that presents all the data and information collected in accordance with the approved remedial investigation workplan, or any other sampling conducted in accordance with N.J.A.C. 7:26E, accompanied by the applicable fee required in N.J.A.C. 7:14B-3.

(f) If the Department determines at any time prior to the approval of a proposed request for no further action that additional sampling and analysis is required, the owner or operator shall conduct the additional sampling and analysis as required, which may include submission of a remedial investigation workplan in the time frame specified by the Department.

(g) If the Department determines that any submittal made under this section is inadequate or incomplete, the Department shall provide the owner or operator with written notification of the deficiencies, and the owner or operator shall correct the deficiencies and resubmit the required information within 30 calendar days of receipt of the notification unless otherwise specified by the Department. If the revision does not address the deficiency(ies) to the Department's satisfaction, the Department shall disapprove the submittal and require the owner or operator to present a new submittal pursuant to (d) above and a new fee pursuant to N.J.A.C. 7:14B-3.5.

(h) When the owner or operator is conducting the remediation pursuant to N.J.A.C. 7:14B-1.8(a)1, the owner or operator may request an extension of time to submit the remedial investigation report required in (e) above. The request shall be in writing and include a justification for such a change and outline a new detailed schedule for the submission of the report. All requests for extensions shall be submitted pursuant to the Administrative Requirements for the Remediation of Contaminated Sites rules at N.J.A.C. 7:26C-3.2(b).

(i) The owner or operator of the facility shall provide the Department with 14 calendar days notice of the onset of all remedial activities and shall allow site access to observe all said activities.

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(j) If the Department approves a revised remedial investigation workplan submitted pursuant to (d) above, the owner or operator shall perform the additional work in accordance with the timeframes specified therein.

(k) If the Department determines that a remedial action for affected media at or emanating from any portion of the facility is necessary prior to full contaminant delineation due to a discharge posing an immediate threat to public health or the environment, the owner or operator shall comply with N.J.A.C. 7:26E-1.14.

(l) When the owner or operator is conducting the remediation pursuant to N.J.A.C. 7:14B-1.8(a)2, the owner or operator shall implement the remedial investigation and submit reports pursuant to the Administrative Requirements for the Remediation of Contaminated Sites rules at N.J.A.C. 7:26C-2.4 and pay all required fees and costs pursuant to N.J.A.C. 7:26C-4, within the timeframe specified at (a) above.]

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

(a) When the owner or operator is conducting the remediation pursuant to N.J.A.C. 7:14B-1.8(a)1, the following requirements shall apply:

1. After written Department approval of the remedial action workplan, including any workplan amendments, the owner or operator shall implement the remedial action workplan and any amendments thereto in accordance with the timeframes specified therein. The owner or operator shall obtain any necessary permits in accordance with N.J.A.C. 7:26E-7
2. The owner or operator may request, in writing, an extension of time to complete implementation of the remedial action workplan. The request shall include a justification for such a change and outline a new detailed schedule for the submission of the remedial action report. All requests for extensions shall be received by the Department 14 calendar days prior to any schedule deadline. The Department shall approve or disapprove the extension request in writing;
3. The owner or operator shall submit an amendment to the approved remedial action workplan at any time during the implementation of the workplan, if new information, such as a new discharge, becomes available which was not adequately addressed in the original workplan. All remedial action workplan amendments shall be accompanied by a revised schedule and the appropriate additional fee pursuant to N.J.A.C. 7:14B-3.5;
4. The owner or operator of the facility shall submit progress reports to the Department in the time frame specified by the remedial action workplan approval letter. The progress reports shall contain the information required in accordance with N.J.A.C. 7:26E-6.6 and the remedial action workplan approval letter; and
5. The Department may conduct inspections of the facility that is subject to a remedial action workplan to determine compliance with the workplan.

(b) When the owner or operator is conducting the remediation pursuant to N.J.A.C. 7:14B-1.8(a)2, the owner or operator shall implement the remedial action and submit reports as required pursuant to the Administrative Requirements for the Remediation of Contaminated Sites rules at N.J.A.C. 7:26C-2.4, pay all required fees and costs pursuant to N.J.A.C. 7:26C-4, and if necessary, submit any request for an extension of a regulatory timeframe in this subchapter in accordance with the procedures and timeframes at N.J.A.C. 7:26C-3.1(b).] **(Reserved)**

7:14B-8.5 [Remedial action reports

(a) When the owner or operator is conducting the remediation pursuant to N.J.A.C. 7:14B-1.8(a)1, the following requirements shall apply:

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

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

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

(b) When the owner or operator is conducting the remediation pursuant to N.J.A.C. 7:14B-1.8(a)2, the owner or operator shall implement the remedial action and submit reports, and address any deficiencies identified by the Department in accordance with N.J.A.C. 7:26C-2.4, and shall submit a response action outcome issued by the licensed site remediation professional hired by the owner or operator to conduct the remediation.] **(Reserved)**

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.] **(Reserved)**

7:14B-8.7 [Health and safety requirements]

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

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.] **(Reserved)**

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

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

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

1. Notify the Department of such in writing, on forms obtained from the Department within five calendar days of the tank becoming out of service. The information shall include:
 - i. The location of the underground storage tank facility;
 - ii. The underground storage tank facility registration number;
 - iii. The underground storage tank number; and
 - iv. A description of the activity being performed.

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2. Remain in compliance with all applicable environmental rules, including N.J.A.C. 7:14B-7 and **the Technical Requirements for Site Remediation rules, N.J.A.C. 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 **the Administrative Requirements for the Remediation of Contaminated Sites rules, N.J.A.C. 7:26C-2.4 and the Technical Requirements for Site Remediation rules, N.J.A.C. 7:26E-3.3(e) and -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 **the Technical Requirements for Site Remediation rules, N.J.A.C. 7:26E.**

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

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

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

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

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

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] **using the Department's NJDEP Online Service at NJDEPONLINE.COM at least 5 calendar days prior to the anticipated closure date, and include the following information in the notification:**

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)] **The tank number listed for the registration of the underground storage tank system being closed;**

iii. [The date the underground storage tank system is to be closed;

iv. The certification numbers and categories of service of the business firm(s) performing the closure activities and subsurface evaluation required pursuant to N.J.A.C. 7:14B-13 or the] **The license number of the licensed site remediation professional[, if applicable;] overseeing the closure activities required pursuant to the Administrative Requirements for the Remediation of Contaminated Sites rules, N.J.A.C. 7:26C;**

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.] **necessary to ensure the notification is complete and the closure will be performed in accordance with this chapter and the Technical Requirements for Site Remediation rules, N.J.A.C. 7:26E (for example: abandonment-in-place versus removal of the tank system; or removal of piping only);**

2. **Conduct remediation in accordance with the Administrative Requirements for the Remediation of Contaminated Sites rules, N.J.A.C. 7:26C-2.4;**

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

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

[4.] 5. If the facility is not registered as required by N.J.A.C. 7:14B-2.2, the owner or operator shall **register the underground storage tank system. 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. The owner or operator may complete the notification of closure using NJDEPONLINE.COM only after the facility is properly registered and the information entered into the Department's Underground Storage Tank Registration Database.**

(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] **in the Technical Requirements for Site Remediation rules, N.J.A.C. 7:26E-6.3(b).** {**THE DEPARTMENT WILL AMEND THIS CITATION TO REFLECT AMENDMENTS TO THE TECHNICAL RULES**} The owner or operator shall keep the closure plan at the facility and make it available for inspection by the Department, the local construction code enforcement official, or a county or municipal health official.

(c) [When the owner or operator is conducting the remediation pursuant to N.J.A.C. 7:14B-1.8(a)1, the owner or operator of an underground storage tank system may choose to submit a closure plan to the Department for review. The appropriate fees pursuant to N.J.A.C. 7:14B-3.5 shall accompany the closure plan.

(d) The owner or operator of an underground storage tank system shall ensure:

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

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

1. The system is closed by an individual certified for closure in accordance with N.J.A.C. 7:14B-13; and

2. The remediation is:

i. Conducted pursuant to the Administrative Requirements for the Remediation of Contaminated Sites rules, N.J.A.C. 7:26C-2.4; and

ii. **Overseen by a licensed site remediation professional.**

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

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

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

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

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

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

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

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

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

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;

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2. Prior to storing the nonregulated substance, conduct a site investigation of the underground storage tank system in accordance with **the Technical Requirements for Site Remediation rules, N.J.A.C. 7:26E-3**; and

3. [Submit a site investigation report prepared and presented in accordance with N.J.A.C. 7:26E-3.13 within 270 calendar days after the tank cleaning] **Conduct a site investigation of the underground storage tank system in accordance with the Administrative Requirements for the Remediation of Contaminated Sites, N.J.A.C. 7:26C-2.4 and the Technical Requirements for Site Remediation rules, N.J.A.C. 7:26E-3.3(e).**

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

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

7:14B-9.5 [Reporting and recordkeeping] Recordkeeping requirements

(a) The owner or operator of an underground storage tank shall, within 270 calendar days of initiation of closure activities, such as breaking ground for removal or cleaning for abandonment, [submit to the Department] **conduct** a site investigation [report prepared and presented] in accordance with **the Administrative Requirements for the Remediation of Contaminated Sites, N.J.A.C. 7:26C-2.4** and the Technical Requirements for Site Remediation rules at N.J.A.C. 7:26E-[3.13] **3.3(e)**], accompanied by the appropriate fees required pursuant to N.J.A.C. 7:14B-3.5 and the Administrative Requirements for the Remediation of Contaminated Sites rules at N.J.A.C. 7:26C-4, as applicable]. **THIS RAISES TWO QUESTIONS: FIRST, DOES THIS REQUIREMENT TRIGGER THE ANNUAL REMEDIATION FEES? IF SO, THEN WE NEED TO REFER TO 7:26C AND NOT JUST 2.4. SECOND, DOESN'T THIS SCHEDULE BELONG IN THE TECH RULES?**

(b) [As required pursuant to N.J.A.C. 7:14B-1.8, the report described in (a) above shall be prepared either by an individual certified in subsurface evaluation pursuant to N.J.A.C. 7:14B-13 or by a licensed site remediation professional.] The report shall include the name and address for both the owner and the operator, the underground storage tank system facility registration number, and all applicable case numbers or tank closure approval numbers.

(c) The owner of the property on which an underground storage tank system exists [and] **or existed previously**, was closed shall:

1. [maintain] **Maintain** all records generated to comply with the requirements of this subchapter[. These records shall be made];

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2. **Make all such records** available to the Department upon request for an indefinite period of time[. These records shall be made available for inspection by] **and to** any authorized local, State and/or Federal representative; and [shall be submitted]
3. **Submit such records** to the Department upon request.

SUBCHAPTER 12. PENALTIES, REMEDIES, AND ADMINISTRATIVE HEARING PROCEDURES

7:14B-12.1 Penalties

(a) Failure by any person to comply with any requirement of the State Act or this chapter may result in denial or revocation of an owner's or operator's registration or permit for the tank system; and/or denial, suspension, revocation or refusal to renew a certified individual's or business firm's certification issued pursuant to N.J.A.C. 7:14B-13 or 16.

(b) Failure by any person to comply with any requirement of N.J.A.C. 7:14B-1, 3 and 7 through 14, may result in the assessment of civil administrative penalties, pursuant to the Department Oversight of the Remediation of Contaminated Sites rules, N.J.A.C. 7:26C-10, and any other enforcement action, or any action pursuant to N.J.A.C. 7:14B-16.11.

(c) Failure by any person to comply with any requirements of N.J.A.C. 7:14B-2, 4, 5, 6 or 15 may result in the assessment of civil administrative penalties pursuant to the Water Pollution Control Act Rules, at N.J.A.C. 7:14-8.

(d) An owner, operator, certified individual or certified business firm, may request an administrative hearing for appealing a penalty issued pursuant to the Underground Storage of Hazardous Substances Act, N.J.S.A. 58:10A-21 et seq. or N.J.A.C. 7:14-8 by meeting the requirements of N.J.A.C. 7:14-8.4, or the Department Oversight of the Remediation of Contaminated Sites rules, at N.J.A.C. 7:26C-10.9, as applicable.]

(a) Upon a finding that an owner or operator has failed to comply with any requirement of the State Act or N.J.A.C. 7:14B-1, 3, 7 through 14, or 16, the Department may:

1. Deny or revoke an owner's or operator's registration or permit for an underground tank system;

2. Order compliance with the State Act or regulatory provision violated; and

3. Assess a civil administrative penalty pursuant to the Administrative Requirements for the Remediation of Contaminated Sites rules, N.J.A.C. 7:26C-9 or N.J.A.C. 7:14B-16.11.

(b) Upon a finding that an owner or operator has failed to comply with any requirement of the State Act or N.J.A.C. 7:14B-2, 4, 5, 6 or 15, the Department may:

1. Deny or revoke an owner's or operator's registration or permit for an underground tank system;
2. Order compliance with the State Act or regulatory provision violated; and
3. Assess a civil administrative penalty pursuant to N.J.A.C. 7:14-8 or -16.11.

7:14B-12.2 Procedures for requesting hearings after denial or revocation of registration, permits, certifications for individuals and business firms, and denial of ordinance adoption

(a) [Within] A registrant, permittee, certificant or political subdivision, may request an adjudicatory hearing to contest a denial or revocation of a registration, permit, certifications for an individual and business firm, or the denial of ordinance adoption, the registrant, permittee, certificant or political subdivision shall, within 30 calendar days [from] after receipt of notification from the Department denying or revoking a permit, registration, or a certification of an individual or business firm issued pursuant to N.J.A.C. 7:14B-13 or 16 or denying an ordinance adoption, issued pursuant to N.J.A.C. 7:14B-11, [the registrant, permittee, certificant or political subdivision, may request an adjudicatory hearing to contest such action] by submitting a written request to the **Department at the following addresses:**

1. Office of Legal Affairs,
ATTENTION: Adjudicatory Hearing Requests,
Department of Environmental Protection,
PO Box 402, 401 East State Street,
Trenton, New Jersey, 08625-0402,

[which] (b) **The person requesting an adjudicatory hearing** shall include the following information:

1. The name, address, and telephone number, **fax number, and email address** of the registrant, permittee, certificant, or political subdivision and its authorized representative, if any;
2. The Underground Storage Tank registration number for the facility (if applicable);
3. **The date the person received the notification from the Department;**
4. **A copy of the Department's notification;**
5. The registrant's, permittee's, certificant's or political subdivision's [factual position on each question alleged to be at issue, its relevance to the Department's decision,] **admission**

or denial of each of the findings of fact, or a statement of insufficient knowledge, with specific reference to contested conditions as well as suggested revised or alternative conditions;

[4.] **6.** Information supporting the registrant's, permittee's, certificant's or political subdivision's factual position and proposed conditions and copies of other written documents relied upon to support the request for a hearing;

[5.] **7.** An estimate of the time required for the hearing (in days and/or hours); and

[6.] **8.** A request, if necessary, for a barrier-free hearing location for disabled persons.

[(b)](c) A hearing request not received within 30 calendar days after receipt of the denial or revocation by the registrant, permittee, certificant or political subdivision shall be denied by the Department.

[(c)](d) If the registrant, permittee, certificant, or political subdivision fails to include all the information required by (a) above, the Department may deny the hearing request.

[(d)](e) If it grants the request for a hearing, the Department shall file the request for a hearing with the Office of Administrative Law. The hearing shall be held before an administrative law judge and in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

[(e) Pending the decision on appeal to the Department and upon a typewritten request supporting the ongoing need to use the tank, the Department may stay the revocation of the permit, for good cause shown, upon such terms and conditions as are deemed proper. The request for stay of revocation of the permit shall be included in the request for hearing.]

7:14B-12.3 [Liability for compliance

The owner and operator of a facility shall be held jointly and strictly liable for compliance with the provisions of N.J.S.A. 58:10A-21 et seq., and this chapter and subject to penalties pursuant to N.J.S.A. 58:10A-32.] **(RESERVED)**

7:14B-12.4 Civil administrative penalties for violations of N.J.A.C. 7:14B-13 and 16

(a) Any person who violates the provisions of N.J.A.C. 7:14B-13 or 16 is liable to a civil administrative penalty of not more than \$5,000 for the first offense, not more than \$10,000 for the second offense, and \$25,000 for the third and each subsequent offense.

(b) If the violation is of a continuing nature, each day of violation constitutes an additional, separate and distinct offense. No civil administrative penalty shall be levied except subsequent to the notification of the violator by certified mail or personal service. The notice shall include a

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reference to the section of the statute, regulation, order or permit condition violated; a concise statement of the facts alleged to constitute the violation; a statement of the amount of the civil penalty to be imposed; and a statement of the violator's right to a hearing. The violator shall have 20 calendar days from receipt of notice within which to deliver to the Department a written request for a hearing. Subsequent to the hearing and upon a finding that a violation has occurred, the Department may issue a final order assessing the amount of the penalty. If no hearing is requested, the notice shall become a final order upon the expiration of the 20 day period. Payment of the penalty is due when a final order is issued or when the notice becomes a final order. Agreement to, or payment of a civil administrative penalty shall not be deemed to affect the availability of any other enforcement provision in connection with the violation for which the penalty is levied.

(c) The Department may compromise and settle any claim for a penalty under this section in such amount as the Department may determine to be appropriate and equitable under all of the circumstances.

(d) Any person who fails to contest or to pay, in whole or in part, a penalty imposed pursuant to this section, or who fails to agree to a payment schedule, within 30 calendar days of the date that the penalty is due and owing, shall be subject to an interest charge on the amount of the penalty from the date that the amount was due and owing. The rate of interest shall be that established by the New Jersey Supreme Court for interest rates on judgments, as set forth in the Rules Governing the Courts of the State of New Jersey.

(e) The penalty provisions of this section shall be in addition to such penalties as may be assessed pursuant to N.J.S.A. 58:10A-32.

SUBCHAPTER 13. CERTIFICATION OF INDIVIDUALS AND BUSINESS FIRMS

7:14B-13.1 General requirements for certification

(a) No individual shall provide services on an underground storage tank system regulated pursuant to N.J.S.A. 58:10A-21 et seq. and this chapter for the purpose of complying with this chapter, unless the individual is certified or working under the immediate, on-site supervision of a person certified in accordance with this subchapter.

(b) The Department shall issue a certification card to an individual meeting the requirements for certification pursuant to this subchapter. The certification card shall identify the duration and classification(s), for which the individual is certified to perform services. The certified individual shall make this certification card available to the Department or its authorized agent upon request.

(c) The Department shall issue a certificate to a business firm meeting the requirements for certification pursuant to this subchapter. The certificate shall identify the classification(s) for which the business firm is certified to perform services. The business firm shall conspicuously display the certificate for public review in the business office of the business firm. If a business

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firm maintains a business office at more than one location, a duplicate certificate, issued by the Department, shall be conspicuously displayed at each location.

(d) The owner or operator of an underground storage tank system shall ensure that all services performed on regulated underground storage tank systems pursuant to N.J.S.A. 58:10A-21 et seq. and this chapter are performed by an individual certified pursuant to this subchapter or under the immediate, on-site supervision of an individual certified pursuant to this subchapter. If a certified individual is not present at the underground storage tank site, the owner or operator shall suspend all regulated activities in that classification of service.

(e) No individual shall perform any service pursuant to N.J.A.C. 7:14B except as provided for by (f) below, unless:

1. The individual is a permanent employee at a business firm which is certified in the classification of service being performed and the individual is certified in the classification of service being performed; or

2. The individual is working under the immediate, on-site supervision of an individual certified in the classification of service being performed and both individuals are employed at the same business firm which is certified in the classification of service being performed.

(f) An owner or operator of an underground storage tank system, or the permanent employee of an owner or operator may perform any service on the owner's or operator's underground storage tank provided the individual is certified in that classification of service. Certification of the owner or operator as a business firm is not required if the owner or operator can provide to the Department proof of financial responsibility assurance in accordance with N.J.A.C. 7:14B-13.8 or 40 C.F.R. Part 280 for the remediation of a hazardous substance discharge resulting from the performance of such service(s).

(g) Certifications are not transferable.

(h) A certified individual or business firm shall notify the Department in writing, within three business days, at the address in (j) below, of any amendments to the certification, other than those created by passing an examination or the loss of the certification card or certificate.

(i) A business firm or individual performing well drilling or pump installation services at the site of an underground storage tank who is licensed to perform such services pursuant to N.J.S.A. 58:4A-11 shall not be required to be certified to perform these services pursuant to this subchapter.

(j) If a certified individual listed as the business firm's certifying individual pursuant to N.J.A.C. 7:14B-13.3(b) below, either leaves the business firm or loses his or her certification, the certified business firm shall so notify the Department, in writing at the following address:

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New Jersey Department of Environmental Protection
Examination and Licensing Unit
PO Box 441
Trenton, NJ 08625-0441

Notification shall be made within three working days of the individual leaving the business firm or losing his or her certification. The Department shall withdraw the business firm's certification if a replacement name of an individual certified in that classification of service is not submitted within 30 calendar days of notification.

(k) A certified individual shall sign the certification statement pursuant to N.J.A.C. 7:14B-10.3(b) for all documents prepared pursuant to this chapter and submitted to the Department.

(l) When a permit is required to be obtained through the local construction office, for the purposes of complying with N.J.A.C. 7:14B, the individual's certification card and a copy of the certification for the business firm shall be available upon request of the local construction official.

(m) An individual and business firm certified under this subchapter shall comply with the professional business practices referenced in N.J.A.C. 7:14B-13.9.

7:14B-13.2 Classifications of underground storage tank services

(a) An individual or business firm may apply for certification in any one or more of the following classifications of underground storage tank services:

1. Installation which may be either entire system installation or release detection monitoring system installation;
2. Closure;
3. Tank testing; **and**
4. [Subsurface evaluation; and
- 5.] Corrosion protection system analysis which may be either cathodic protection specialist or cathodic protection tester.

(b) The activities which comprise the above classifications include the following:

1. Entire system installation includes all activities required by this chapter to install underground storage tanks, associated piping, release detection monitoring systems, interior tank lining, and appurtenant equipment including factory installed cathodic protection systems, from the time the ground is broken to the restoration of finished grade at the site. Entire system installation includes the performance of an internal inspection for the purpose

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of assessing a tank for corrosion protection and the installation of a field installed cathodic protection system when the installer is under the supervision of a cathodic protection specialist or following the plans designed by a cathodic protection specialist. Entire system installation activities include any maintenance or repair of any part of the underground storage tank system or release detection monitoring system.

i. Individuals holding an entire system installation certification shall also be considered to hold the more limited release detection monitoring system installation certification described in (b)2 below.

ii. Entire system installation does not include the installation of discharge detection observation wells unless installed in the manner described in N.J.A.C. 7:14B-4.1(c).

2. Release detection monitoring system installation includes the activities associated with the installation, repair and maintenance of release detection monitoring systems.

i. Release detection monitoring system installation does not include the installation of discharge detection observation wells unless installed in the manner described in N.J.A.C. 7:14B-4.1(c).

3. Closure includes all physical activities required by N.J.A.C. 7:14B relative to the removal or abandonment in place of an underground storage tank, associated piping and appurtenant equipment, from the time the ground is broken until the excavation is filled or until a determination is made that further subsurface evaluation is necessary and the site falls under the on-site supervision of a subsurface evaluator. A certified subsurface evaluator shall be present at the removal of an underground storage tank from the ground as well as during the activities designed to determine the presence and extent of contamination. Closure activities do not include the preparation or implementation of site investigation or remedial investigation workplans or any other remedial action plans or activities, which are the exclusive purview of an individual certified in subsurface evaluation described in (b)5 below.

4. Tank testing includes all activities required by this chapter relative to testing the physical integrity of an underground storage tank and appurtenant piping from inception of the test until removal of testing apparatus from the tank system. The tank testing classification shall not include the activities of air pressure soap tests of tanks or piping where product is not present, which is the exclusive purview of the individual certified in entire system installation described in (b)1 above.

5. [Subsurface evaluation includes all activities regarding site investigation, remedial investigation and remedial action and the evaluation for selection of release detection monitoring systems, as follows:

i. For site investigation, subsurface evaluation activities include the preparing or reviewing the closure plan required pursuant to N.J.A.C. 7:14B-9.2, witnessing the tank and/or piping removal, inspecting the tank system for possible holes, inspecting the

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excavation for contamination, performing (or overseeing) necessary field screening tests, selecting soil and ground water sampling locations, and submitting or reviewing of the report(s) required under N.J.A.C. 7:14B-9.5.

ii. Site investigation, remedial investigation and remedial action activities include, but are not limited to, the development, implementation, or review of soil and/or ground water sampling plans, quality assurance/quality control plans, health and safety plans; overseeing field screening activities; determining the horizontal and vertical extent of contamination; assessing the actual or potential effect of a discharge on receptors; determining appropriate remedial activities for soil and/or ground water contamination; the submittal or review of appropriate site investigation, remedial investigation and remedial action reports, and recommendations for no further action.

iii. Release detection monitoring system selection activities include selecting locations for soil borings, characterizing soils, and determining soil permeability and depth to ground water.

iv. Subsurface evaluation activities do not include:

(1) The design or installation of any treatment works necessary to perform the remedial action, which is the purview of a licensed professional engineer;

(2) The taking of any soil or groundwater samples for laboratory analyses once a certified subsurface evaluation has determined, through on-site observation, the appropriate sample locations; however, the subsurface evaluator must have knowledge of proper sampling and analytical protocols; and

(3) The performance of well drilling or pump installation services which shall be performed by an individual who is licensed to perform such services pursuant to N.J.S.A. 58:4A-11.

6.] Cathodic protection specialist includes the activities required by this chapter relative to the design, installation, maintenance and testing of cathodic protection systems for underground storage tank systems.

i. Individuals holding the cathodic protection specialist certification are also considered to hold the more limited cathodic protection tester certification described in (b)7 below.

[7.] **6.** Cathodic protection tester includes all activities required by this chapter relative to the testing of cathodic protection systems for underground storage tank systems.

7:14B-13.3 Application procedures

(a) An individual who wishes to be certified in one or more of the classifications described in N.J.A.C. 7:14B-13.2, or if already certified, who wishes to add a classification of certification, or who wishes to renew the certification, shall apply on forms obtained from the Department at the address listed in N.J.A.C. 7:14B-2.2(b). The information required to be submitted to the Department shall include the following:

1. The name and address of certification applicant;
2. The name and address of the employer of the certification applicant;
3. A history of experience documenting the qualification for certification as required at N.J.A.C. 7:14B-13.4;
4. A listing of education and/or training completed demonstrating the fulfillment of the requirement for certification pursuant to N.J.A.C. 7:14B-13.4;
5. A list of the categories of service being applied for; and
6. The issuance and expiration dates and New Jersey Professional Engineer's license number or New Jersey Master Plumber's license number if the certification applicant is applying for an exemption from the examination.

(b) A business firm which wishes to be certified in one or more of the classifications described in N.J.A.C. 7:14B-13.2, or if already certified, wishes to add a classification of certification, or wishes to renew the certification, shall apply on forms obtained from the Department at the address listed in N.J.A.C. 7:14B-2.2(b). The business firm shall submit with the application:

1. Proof of financial responsibility assurance as defined in N.J.A.C. 7:14B-13.8. A copy of the mechanism of financial assurance shall be submitted; and
2. A copy of the certification card noting each of the requested classifications by:
 - i. The owner, in the case of a sole proprietorship;
 - ii. One or more partners in the business firm, in the case of a partnership; or
 - iii. One or more officers of the corporation, in the case of a corporation.

(c) The applicant shall sign and certify the application as follows:

1. The following documents required to be submitted to the Department shall be executed and include a certification pursuant to (c)2 below:

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i. An individual's application for certification, certification renewal, or proficiency examination pursuant to P.L. 1991, c.123; and

ii. Any document prepared by a certified individual or professional engineer in accordance with this chapter.

2. The documents in (c)1 above shall contain an executed certification as set forth in N.J.A.C. 7:14B-1.7(e).

(d) The applicant shall submit with the application, all appropriate fees, pursuant to N.J.A.C. 7:14B-3.10.

7:14B-13.4 Eligibility

(a) Individuals not satisfying the criteria in (b) or (c) below may obtain certification by passing the proficiency examination described in N.J.A.C. 7:14B-13.5. An applicant shall be eligible to take the proficiency examination if the applicant meets the following minimum criteria for each classification for which the applicant is seeking certification:

1. Applicants for the entire system installation classification examination shall meet the following criteria:

i. Either a minimum of two years experience performing installations of underground storage tank systems regulated pursuant to N.J.S.A. 58:10A-21 et seq. with participation in at least five installations during each year of experience or nine months experience with participation in at least 25 installations of underground storage tank systems regulated pursuant to N.J.S.A. 58:10A-21 et seq. in that nine-month period;

ii. Completion of training approved by the manufacturer of the equipment installed by the individual; and

iii. Completion of health and safety training given in accordance with the United States Environmental Protection Agency's Standard Operating Safety Guides (Hazardous Materials Incident Response Operations Course (165.5)) and the United States Department of Labor's Occupational Safety and Health Administration's Safety and Health Standards (29 C.F.R. 1910 and 1926 et seq.).

2. Applicants for the release detection monitoring system installation classification examination shall meet the following criteria:

i. Either a minimum of two years experience performing installations of underground storage tank systems regulated pursuant to N.J.S.A. 58:10A-21 et seq. with participation in at least five installations during each year of experience or nine months experience with participation in at least 25 installations of underground storage tank systems regulated pursuant to N.J.S.A. 58:10A-21 et seq. in that nine-month period;

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ii. Completion of training approved by the manufacturer of the equipment to be installed; and

iii. Completion of health and safety training given in accordance with the United States Environmental Protection Agency's Standard Operating Safety Guides (Hazardous Materials Incident Response Operations Course (165.5)) and the United States Department of Labor's Occupational Safety and Health Administration's Safety and Health Standards (29 C.F.R. 1910 and 1926 et seq.).

3. Applicants for the closure classification examination shall meet the following criteria:

i. Either a minimum of two years experience performing closures of underground storage tank systems regulated pursuant to N.J.S.A. 58:10A-21 et seq. with participation in at least five closures during each year of experience or nine months experience with participation in at least 25 closures of underground storage tank systems regulated pursuant to N.J.S.A. 58:10A-21 et seq. in that nine-month period; and

ii. Completion of health and safety training given in accordance with the United States Environmental Protection Agency's Standard Operating Safety Guides (Hazardous Materials Incident Response Operations Course (165.5)) and the United States Department of Labor's Occupational Safety and Health Administration's Safety and Health Standards (29 C.F.R. 1910 and 1926 et seq.).

4. Applicants for the tank testing classification examination shall meet the following criteria:

i. A minimum of two years experience performing tank testing services of underground storage tank systems regulated pursuant to N.J.S.A. 58:10A-21 et seq. on equipment that satisfies the requirements of N.J.A.C. 7:14B-6.1(a)3 and 6.5(a)3 with participation in at least five tank tests during each year of experience or nine months experience with participation in at least 25 tank tests of underground storage tank systems regulated pursuant to N.J.S.A. 58:10A-21 et seq. within that nine-month period;

ii. Completion of training approved by the manufacturer of the testing equipment; and

iii. Completion of health and safety training given in accordance with the United States Environmental Protection Agency's Standard Operating Safety Guides (Hazardous Materials Incident Response Operations Course (165.5)) and the United States Department of Labor's Occupational Safety and Health Administration's Safety and Health Standards (29 C.F.R. 1910 and 1926 et seq.).

5. Applicants for the cathodic protection specialist classification examination shall possess a certification from NACE International in the category of cathodic protection specialist; and

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6. Applicants for the cathodic protection tester classification examination shall meet the following criteria:

i. A minimum of two years experience performing cathodic protection system testing of underground storage tank systems regulated pursuant N.J.S.A. 58:10A-21 et seq. with participation in at least five tests during each year of experience or nine months experience with participation in at least 25 tests of underground storage tank systems regulated pursuant to N.J.S.A. 58:10A-21 et seq. within that nine-month period;

ii. Fulfill all requirements in accordance with the requirements of NACE International's Certification Committee for the category of cathodic protection tester, corrosion technologist, or senior corrosion technologist; and

iii. Completion of health and safety training given in accordance with the United States Environmental Protection Agency's Standard Operating Safety Guides (Hazardous Materials Incident Response Operations Course (165.5)) and the United States Department of Labor's Occupational Safety and Health Administration's Safety and Health Standards (29 C.F.R. 1910 and 1926 et seq.).

[7. Applicants for the subsurface evaluation classification examination shall meet the following criteria:

i. A bachelor's degree from an accredited institution in a natural (earth, biological, or environmental), physical, or chemical science or appropriate engineering discipline;

ii. Either a minimum of two years experience performing subsurface evaluation services with participation in at least five subsurface evaluation services performed during each year of experience or nine months experience with participation in at least 25 subsurface evaluations in that nine-month period; and

iii. Completion of appropriate health and safety training given in accordance with the United States Environmental Protection Agency's Standard Operating Safety Guides (Hazardous Materials Incident Response Operations Course (165.5)) and the United States Department of Labor's Occupational Safety and Health Administration's Safety and Health Standards (29 C.F.R. 1910 and 1926 et seq.).]

(b) Any individual possessing a valid New Jersey Professional Engineers License, issued pursuant to N.J.S.A. 45:8-27 et seq., shall be eligible for certification in all classifications upon application to the Department and shall be exempt from the examination requirements of (a) above and individual certification fee requirements of N.J.A.C. 7:14B-3.10.

(c) A licensed plumbing contractor, defined pursuant to N.J.S.A. 45:14C, shall be eligible for certification in the classifications of entire system installation, closure and tank testing of waste oil underground storage tank systems upon application to the Department and shall be exempt from the examination requirements of (a) above and fee requirements of N.J.A.C. 7:14B-3.10. Licensed plumbing contractors seeking individual certification in the categories of Corrosion

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Protection System Analysis or Subsurface Evaluation on waste oil underground storage tanks or all regulated services on underground storage tanks other than waste oil are subject to applicable requirements for certification listed in (a) above, including all applicable fees pursuant to N.J.A.C. 7:14B-3.10.

(d) As a condition to the certifications granted in accordance with (b) and (c) above, a certified individual shall attend a Department approved course on the regulations governing underground storage tank system management in New Jersey within one year prior to or after the effective date of the certification.

7:14B-13.5 Examinations

(a) As a condition of initial certification, an individual is required to pass an examination in each classification of service for which the applicant is seeking certification, unless exempted by N.J.A.C. 7:14B-13.4(b) or (c).

(b) Failure to pass an examination shall result in the denial of the application for certification and the forfeiture of all application fees.

(c) Any applicant who submits false, inaccurate or incomplete information when applying for certification may be disqualified from taking the examination or receiving the certification.

(d) The Department shall issue each applicant who passes the examination and pays the appropriate fee pursuant to N.J.A.C. 7:14B-3.10 a certification in the classification for which the applicant passed the appropriate examination.

7:14B-13.6 Continuing education requirements

(a) As a condition for renewal of certification, all certified individuals shall attend annual eight-hour health and safety refresher courses as required by 29 C.F.R. 1910.120(e)(8).

(b) As a condition for renewal of certification, all certified individuals shall complete a Department-approved training course on the Department's rules and regulations concerning underground storage tanks within one year prior to renewal.

7:14B-13.7 Renewal requirements

(a) The certification of each individual and business firm shall be valid for three years.

(b) Individual certifications may be renewed by submitting a complete renewal application and the application fee to the Department at least 60 calendar days prior to expiration of the current certification.

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(c) Business firm certifications may be renewed by submitting a complete renewal application, the application fee, and a copy of the certification of those individuals through which the business firm is certified, to the Department at the address listed in N.J.A.C. 7:14B-13.1(j) at least 60 calendar days prior to expiration of the current certification.

(d) No individual may perform services for which certification is required after the expiration of a certification. An individual who fails to renew his or her certification within 90 calendar days following the expiration date of the certification shall meet the initial certification requirements as required by this subchapter.

(e) Individuals who have acquired additional classifications subsequent to initial certification shall renew all subsequent certifications at the same time as renewing the initial certification.

(f) Proof of the individual's attendance at continuing education courses, required training courses, and supporting documentation of all requisites or prerequisites as required in N.J.A.C. 7:14B-13.6 shall be made available upon request by the Department.

(g) The Department is not responsible for providing notification to any individuals or business firms that certifications are to expire.

7:14B-13.8 Financial responsibility assurance

(a) As a condition of certification or renewal of certification, a business firm engaged in providing underground storage tank services shall maintain evidence of financial responsibility assurance pursuant to this section, for the mitigation or remediation of a hazardous substance discharge resulting from the performance of such services. Financial responsibility assurance in the amount and form required in this section shall be maintained for the term of the certification of the business firm.

(b) A business firm shall provide written notification to the Department 120 calendar days prior to any cancellation or change in status of a mechanism used to provide financial responsibility assurance at the following address:

[New Jersey Department of Environmental Protection
Bureau of Underground Storage Tanks
PO Box 433
401 East State Street
Trenton, NJ 08501-0433]

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

(c) Financial responsibility assurance may be demonstrated through one or more of the following mechanisms:

1. Liability insurance as follows:

i. Liability insurance may be in the form of a separate insurance policy, or an endorsement to an existing policy which covers the remediation of a discharge resulting from the performance of those services which the insured is certified to perform under this subchapter;

ii. The policy shall provide limits of liability for at least \$250,000 per occurrence and at least \$250,000 annual aggregate;

iii. The insurer is responsible for the payment of all monies to the limit of the policy, including any deductible applicable to the policy, to the provider of remediation with a right to reimbursement by the insured for any such payment made by the insurer; and

iv. Each insurance policy shall be issued by an insurer that, at a minimum, is licensed to transact the business of insurance or eligible to provide insurance as an excess or surplus lines insurer in New Jersey; or

2. A surety bond, letter of credit, self-insurance or other security posted with the Department in the amount of no less than \$250,000, provided that prior approval for the use of the surety bond, letter of credit, self-insurance or other security posted with the Department is received in writing from the Department.

7:14B-13.9 Professional business practices

(a) An individual and business firm certified pursuant to this subchapter shall:

1. Perform all services in accordance with all applicable Federal, State and local rules and regulations;

2. Employ fair and reasonable pricing and business practices in all of its dealings with clients and the Department;

3. Upon request, provide all prospective clients a list of the standard price for services in accordance with (c) below that are material to the work to be provided; and

4. Present a copy of the Department-issued certification card to all prospective clients upon request.

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(b) When providing a service required by this chapter, an individual or business firm certified pursuant to this subchapter shall enter into a written contract with the client. The contract shall contain the following provisions:

1. Clear and detailed descriptions of the work activities to be performed;
2. Lists of all materials, equipment, tools and other incidentals anticipated to be necessary for the execution of the proposed work activities;
3. Lists of the number and types of personnel anticipated to be necessary for the execution of the proposed work activities;
4. The maximum contract price that cannot be exceeded without written amendments to the contract;
5. Estimated time frames for the completion of the work activities listed in the contract; and
6. A listing and description of all services in the contract which exceed the requirements of the applicable local, State or Federal rules and regulations.

(c) Upon request by the client, an individual or business firm certified pursuant to this subchapter shall provide the client with a written standard price list of the services that it provides as applicable:

1. The categories of labor and the daily/hourly rates;
2. Daily and weekly rates for heavy equipment, instrumentation, vehicles and any ancillary equipment that is separately billed;
3. The price or the formula for pricing variable costs such as subcontracted services, transport and disposal of wastes;
4. A listing of all applicable governmental fees and costs typically associated with the contracted service, including, but not limited to, all application fees, local and State permit fees and State inspection fees, and a statement that State oversight costs may also be incurred; and
5. All ancillary administrative costs typically incurred such as document reproduction costs, mailing costs and phone calls.

(d) For services being performed with financial assistance from the Petroleum Underground Storage Tank Remediation, Upgrade and Closure Fund (the Fund), the certified individual or business firm shall:

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1. Submit documentation to the Department at the address listed in N.J.A.C. 7:14B-2.2(b) of the individual or business firm's cost for providing the services for which the Fund is providing the financial assistance. The documentation shall include, but is not limited to, documentation of the direct cost to provide the services, and all tiers of subcontractors' costs such as materials, equipment rentals and services; and

2. Cooperate in and help facilitate an audit by the Department of the individual or business firm's pricing and business practices conducted with industry standards and performed at the expense of the Department by a certified public accounting firm under contract to the Department.

(e) Upon request by the Department, provide the Department with any and all information that will aid in its review of loan and grant applications, investigation of complaints against the certified individual or business firm, investigation of known or suspected discharges of hazardous substances, and investigation of any known or suspected violation of this subchapter. This information shall include, but shall not be limited to, the following:

1. All direct subcontractor invoices for services such as, but not limited to, laboratory analyses, well drilling, contaminated soil disposal, oil/water/sludge disposal, vacuum truck services, property restoration, engineering services, etc.;

2. All receipts for rental equipment, including, but not limited to, sampling equipment or instrumentation, heavy equipment, etc.;

3. All receipts for material purchases, including, but not limited to, clean fill material, top soil, stone, etc.;

4. All receipts for miscellaneous costs necessary to conduct remediation such as local police traffic control and local permits; and

5. Documents associated with the services provided for underground storage tank systems such as copies of field notes, contracts, manifests, timesheets, and invoices.

7:14B-13.10 Denial, suspension, revocation and refusal to renew a certification

(a) The Department may deny, suspend, revoke, or refuse to renew a certification issued pursuant to N.J.A.C. 7:14B-13 for good cause, including:

1. A violation, or abetting another to commit a violation of any provision of this chapter or of N.J.S.A. 58:10A-21 et seq., or of an order issued pursuant to the Act;

2. Making a false, inaccurate or incomplete statement on an application for certification or other information required by the Department pursuant to this chapter or N.J.S.A. 58:10A-21 et seq.;

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3. Misrepresentation or the use of fraud in obtaining certification or performing underground storage tank services;
4. Failure to attend a Department approved course on the regulations as required pursuant to N.J.A.C. 7:14B-13.4(d);
5. Failure to adhere the professional business practices listed in N.J.A.C. 7:14B-13.9; or
6. Any other violation of this subchapter, the Technical Requirements for Site Remediation rules, N.J.A.C. 7:26E, the Department Oversight of the Remediation of Contaminated Sites rules, N.J.A.C. 7:26C, the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11 et seq., the Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq., or of an order issued pursuant to any of these Acts.

(b) Within 30 calendar days after receipt of notification of the Department's intent to suspend, revoke, deny or refuse to renew a certification, the applicant or certificate holder may request an adjudicatory hearing pursuant to N.J.A.C. 7:14B-12.2.

(c) The Department may order the certificate holder to cease operations pending the outcome of the adjudicatory hearing if the Department has reason to believe that a condition exists that poses an imminent threat to the public health, safety or welfare.

(d) Suspension, revocation, denial, or refusal to renew a certification shall not bar the Department from pursuing any other lawful remedy available to the Department against the applicant or certificate holder.

(e) Any business firm or person whose certification is revoked shall be ineligible to apply for certification for three years from the date of the revocation. Reapplication shall be for initial certification as per this subchapter.

[SUBCHAPTER 14. CONFIDENTIALITY] (Reserved) (moved to ARRCs rule)

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

7:14B-16.1 Scope and applicability

(a) This subchapter establishes the certification program for any individual or business firm providing services on unregulated heating oil tank systems, except closure of an unregulated heating oil tank system located on a farm.

(b) An individual or business firm certified in one or more classifications of regulated underground storage tank system services in accordance with N.J.A.C. 7:14B-13 is also certified

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under this subchapter for those same classifications for unregulated underground storage tank system services.

(c) An individual or business firm that is licensed to perform well drilling or pump installation services at the site of unregulated heating oil tank systems pursuant to N.J.S.A. 58:4A-11 shall not be required to be certified under this subchapter in order to provide well drilling or pump installation services on unregulated heating oil tank systems.

(d) As of July 6, 2009, any individual or business firm providing services on unregulated heating oil tank systems in any of the categories listed in N.J.A.C. 7:14B-16.3 shall meet the requirements of N.J.A.C. 7:14B-16.5.

7:14B-16.2 General requirements for certification

(a) No individual shall perform any service on unregulated heating oil tank systems unless the individual is certified under this subchapter or is working under the immediate, on-site supervision of a person certified in accordance with this subchapter.

(b) The Department shall issue a certification card to an individual meeting the requirements for certification pursuant to this subchapter. The certification card shall identify the duration and classification(s) for which the individual is certified to perform services. The certified individual shall make this certification card available to the Department or its authorized agent upon request.

(c) The Department shall issue a certificate to a business firm meeting the requirements for certification pursuant to this subchapter. The certificate shall identify the classification(s) for which the business firm is certified to perform services. The business firm shall conspicuously display the certificate for public review in the business office of the business firm. If a business firm maintains a business office at more than one location, a duplicate certificate, issued by the Department, shall be conspicuously displayed at each location.

(d) The owner or operator of an unregulated heating oil tank system shall ensure that all services performed on the unregulated heating oil tank system are performed by an individual or under the immediate, on-site supervision of an individual certified under N.J.A.C. 7:14B-13 or under this subchapter, unless exempt pursuant to (n) below. If a certified individual is not present at the unregulated heating oil tank system site, the owner or operator shall suspend all activities in that classification of service.

(e) Except as provided in (n) below, no individual shall perform any service on an unregulated heating oil tank system unless:

1. The individual is a permanent employee at a business firm which is certified in the classification of service being performed and the individual is certified in the classification of service being performed; and

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2. The individual is working under the immediate, on-site supervision of an individual certified in the classification of service being performed and both individuals are employed at the same business firm which is certified in the classification of service being performed.

(f) An individual or firm certified to perform services on unregulated heating oil tank systems shall perform such services pursuant to all applicable:

1. Federal and State laws, regulations and permits;
2. Local ordinances or codes;
3. Department of Community Affairs Bulletins and notices published in the "Construction Code Communicator" (www.nj.gov/dca/publications/);
4. Manufacturer's installation instructions; and
5. Industry standards, including the following, as incorporated herein by reference, as amended and supplemented, as applicable:
 - i. American Petroleum Institute Publication 1604, "Closure of Underground Petroleum Storage";
 - ii. American Petroleum Institute Publication 1615, "Installation of Underground Storage-Petroleum-Systems" (obtained from Global Engineering Documents at 15 Inverness Way East, Englewood Colorado 80122);
 - iii. Petroleum Equipment Institute Publication RP100, "Recommended Practices for Installation of Underground Liquid Storage Systems" (obtained from P.O. Box 2380, Tulsa, OK 74101-2380);
 - iv. American Petroleum Institute Publication 1632, "Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems";
 - v. 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);
 - vi. National Fire Protection Association (NFPA) 30 "Flammable and Combustible Liquids Code", Batterymarch Park, Quincy, MA 02269 -9990; and
 - vii. International Code Council's International Building Code at N.J.A.C. 5:23-3.14.

(g) An individual or business firm certified under this subchapter shall:

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1. Cooperate in and help facilitate any audit of its pricing and business practices, conducted in accordance with industry standards and performed at the expense of the Department by a certified public accounting firm under contract to the Department; and

2. For services being performed with financial assistance from the Petroleum Underground Storage Tank Remediation Upgrade and Closure Fund (the Fund), submit documentation to the Department at the address listed in N.J.A.C. 7:14B-2.2(b) of the individual's or business firm's cost for providing the services for which the Fund is providing the financial assistance. The documentation shall include, but is not limited to, documentation of the direct cost to provide the services, and all tiers of subcontractors' costs, including, by way of example, materials, equipment rentals and services.

(h) Certifications are not transferable.

(i) A certified individual or business firm shall notify the Department in writing, within three business days, at the address in (j) below, of any amendments to the certification, other than those created by passing an examination.

(j) When a certified individual listed as the business firm's certifying individual on the certification card issued pursuant to (c) above leaves the business firm, the certified business firm shall so notify the Department, in writing at the address below. Notification shall be made by the business firm within three working days of the individual leaving the business firm. The Department shall withdraw the business firm's certification if a replacement name of an individual certified in that classification of service is not submitted within 30 calendar days of the individual leaving the business firm.

New Jersey Department of Environmental Protection
Examination and Licensing Unit
428 E. State St.
P.O. Box 441
Trenton, NJ 08625-0441

(k) When a certified individual listed as the business firm's certifying individual on the certification card issued pursuant to (c) above loses his or her certification due to expiration, revocation or suspension, the Department shall withdraw the business firm's certification if a replacement name of an individual certified in that classification of service is not submitted within 30 calendar days of loss of certification. The notice of the loss of certification and the replacement name of an individual certified in that classification of service shall be submitted to the Department, in writing, at the address in (j) above.

(l) When a permit is required to be obtained through the local construction office, for the purposes of providing the services described in this subchapter on an unregulated heating oil tank system, the individual's certification card and a copy of the certification for the business firm shall be made available upon request of the local construction company.

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(m) An individual or business firm may replace a damaged or lost certification card or certificate by contacting the Department at the address listed in (j) above and paying the fee required by N.J.A.C. 7:14B-3.10(h).

(n) Certification in the classification of entire unregulated heating oil tank system installation at N.J.A.C. 7:14B-16.3(a)1i is not required when performing repair or maintenance if a permit is not required from a municipal construction official to perform this activity.

7:14B-16.3 Classifications of unregulated heating oil tank services

(a) An individual or business firm may apply for certification in any one or more of the following classifications of unregulated heating oil tank system services:

1. Installation of unregulated heating oil tank systems including:
 - i. Entire unregulated heating oil tank system installation; and
 - ii. Unregulated heating oil tank system release detection monitoring installation;
2. Closure of unregulated heating oil tank systems;
3. Tank testing of unregulated heating oil tank systems;
4. Subsurface evaluation of unregulated heating oil tank systems; and
5. Corrosion protection of unregulated heating oil tank system analysis, which may be either cathodic protection specialist or cathodic protection tester, as applicable to unregulated heating oil tank systems.

(b) The activities which comprise the classifications in (a) above include the following:

1. Entire unregulated heating oil tank system installation includes all activities required to install unregulated heating oil tanks, associated piping, release detection monitoring systems, interior tank lining, and appurtenant equipment including factory installed cathodic protection systems, from the time the ground is broken to the restoration of finished grade at the site. Entire unregulated heating oil tank system installation of unregulated heating oil tank systems shall be performed in accordance with N.J.A.C. 7:14B-16.2(f). Entire system installation includes the performance of an internal inspection for the purpose of assessing a tank for corrosion protection and the installation of a field installed cathodic protection system when the installer is under the supervision of a cathodic protection specialist or following the plans designed by a cathodic protection specialist. Entire unregulated heating oil tank system installation activities include any maintenance or repair of any part of the unregulated heating oil tank system or release detection monitoring system requiring a permit from local officials.

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i. Individuals holding an entire unregulated heating oil tank system installation certification shall also be considered to hold the more limited unregulated heating oil tank system release detection monitoring installation certification described in (b)2 below;

ii. Entire unregulated heating oil tank system installation does not include the installation of discharge detection observation wells unless installed in the manner described in N.J.A.C. 7:14B-4.1(c); and

iii. Entire unregulated heating oil tank system installation does not include routine maintenance performed on appurtenant pipes, lines, fixtures and other related equipment not requiring a permit from local officials.

2. Unregulated heating oil tank system release detection monitoring installation includes the activities associated with the installation, repair and maintenance of any release detection monitoring systems of unregulated heating oil tanks.

i. Unregulated heating oil tank system release detection monitoring installation does not include the installation of discharge detection observation wells unless installed in the manner described in N.J.A.C. 7:14B-4.1(c).

3. Closure of unregulated heating oil tank systems includes all physical activities required by N.J.A.C. 7:14B-16.2(f) as applicable relative to the removal or abandonment in place of an unregulated heating oil tank, associated piping and appurtenant equipment, from the time the ground is broken until the excavation is filled, or until a determination is made that subsurface evaluation is necessary and the site falls under the on-site supervision of a subsurface evaluator.

i. Closure activities do not include the preparation or implementation of site investigation or remedial investigation workplans or any other remedial action plans or activities, which are the exclusive purview of an individual certified in unregulated heating oil tank system subsurface evaluation described in (b)5 below.

ii. Closure of an unregulated heating oil tank system shall be performed in accordance with N.J.A.C. 7:14B-16.2(f), as applicable.

iii. If upon closure of the tank there is evidence of a discharge, no additional closure activities shall proceed unless an individual certified in subsurface evaluation is present.

4. Tank testing of unregulated heating oil tank systems includes all activities relative to testing the physical integrity of an unregulated heating oil tank and appurtenant piping from inception of the test until removal of testing apparatus from the tank system. The tank testing classification shall not include the activities of air pressure soap tests of tanks or piping where product is not present, which is the exclusive purview of the individual certified in entire unregulated heating oil tank system installation described in (b)1 above. Tank testing of an unregulated heating oil tank system shall be performed pursuant to N.J.A.C. 7:14B-16.2(f) as applicable. All volumetric and non-volumetric tank system testing methods used to

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test unregulated heating oil tank systems shall be evaluated by an independent testing laboratory to meet the accuracy described by N.J.A.C. 7:14B-6.5(a)3 for the size and type of tank system being tested in the most current version of the "List of Leak Detection Evaluations for Underground Storage Tanks Systems" available at the time the individual submits the application for certification. The "List of Leak Detection Evaluations for Underground Storage Tanks Systems" is published by the National Work Group on Leak Detection Evaluations (NWGLDE), www.epa.gov/swerust1/pubs/ldlist.htm and is incorporated herein by reference as amended and supplemented.

5. Subsurface evaluation of unregulated heating oil tank systems includes all activities regarding site investigation, remedial investigation and remedial action, and/or the evaluation for selection of release detection monitoring systems, as follows:

i. For site investigation, remedial investigation and/or remedial action, subsurface evaluation activities required pursuant to the Technical Requirements for Site Remediation **rules**, N.J.A.C. 7:26E, inspecting the excavation for contamination, performing (or overseeing) necessary field screening tests, selecting soil and ground water sampling locations, and submitting or reviewing of the report(s) required under N.J.A.C. 7:26E;

ii. Site investigation, remedial investigation and/or remedial action activities include, but are not limited to, the development, implementation, or review of soil and/or ground water sampling plans, quality assurance/ quality control plans, health and safety plans; overseeing field screening activities; determining the horizontal and vertical extent of contamination; assessing the actual or potential effect of a discharge on receptors; determining appropriate remedial activities for soil and/or ground water contamination; the submittal or review of appropriate site investigation, remedial investigation and/or remedial action reports, and recommendations for no further action;

iii. Release detection monitoring system selection activities include selecting locations for soil borings, characterizing soils, and determining soil permeability and depth to ground water as may be applicable;

iv. Subsurface evaluation of unregulated heating oil tank system activities do not include:

(1) The design or installation of any treatment works necessary to perform the remedial action, which is the purview of a licensed professional engineer;

(2) The taking of any soil or groundwater samples for laboratory analyses once a person certified in subsurface evaluation has determined, through on-site observation, the appropriate sample locations; however, the subsurface evaluator shall have knowledge of proper sampling and analytical protocols; and

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(3) The performance of well drilling or pump installation services which shall be performed by an individual who is licensed to perform such services pursuant to N.J.S.A. 58:4A-11; and

v. Subsurface evaluation of an unregulated heating oil tank system shall be performed pursuant to N.J.A.C. 7:14B-16.2(f), as applicable.

6. Unregulated heating oil tank system cathodic protection specialist includes the activities relative to the design, installation, maintenance and testing of cathodic protection systems for unregulated heating oil tank systems.

i. Individuals holding the unregulated heating oil tank system cathodic protection specialist certification are also considered to hold the more limited unregulated heating oil tank system cathodic protection tester certification described in (b)7 below.

7. Unregulated heating oil tank systems cathodic protection tester includes all activities relative to the testing of cathodic protection systems for unregulated heating oil tank systems.

7:14B-16.4 Application procedures

(a) An individual who wishes to be certified in one or more of the classifications described in N.J.A.C. 7:14B-16.3, or if already certified, who wishes to add a classification of certification, or who wishes to renew the certification, shall apply on forms obtained from the Department at the address listed in N.J.A.C. 7:14B-2.2(b). The information required to be submitted to the Department shall include the following:

1. The name and address of certification applicant;
2. The name and address of the employer of the certification applicant;
3. A history of experience documenting the qualification for certification as required at N.J.A.C. 7:14B-16.5;
4. A listing of education and/or training completed demonstrating the fulfillment of the requirement for certification pursuant to N.J.A.C. 7:14B-16.5;
5. A list of the categories of service being applied for; and
6. The issuance and expiration dates and New Jersey Professional Engineer's license number if the certification applicant is applying for an exemption from the examination.

(b) A business firm that wishes to be certified in one or more of the classifications described in N.J.A.C. 7:14B-16.3, or if already certified, wishes to add a classification of certification, or wishes to renew the certification, shall apply on forms obtained from the Department at the address listed in N.J.A.C. 7:14B-16.2(j). The business firm shall submit with the application:

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1. A copy of the mechanism of financial responsibility assurance as required by N.J.A.C. 7:14B-16.9; and

2. A copy of the certifying individual's certification card(s) noting each of the requested classifications by:

- i. The owner, in the case of a sole proprietorship;
- ii. One or more partners in the business firm, in the case of a partnership; or
- iii. One or more officers of the corporation, in the case of a corporation.

(c) The applicant shall sign and certify the application as follows:

1. The following documents required to be submitted to the Department shall be executed and include a certification pursuant to N.J.A.C. 7:14B-1.7:

- i. An individual's application for certification, certification renewal, or proficiency examination pursuant to this subchapter; and
- ii. Any document submitted in accordance with the Technical Requirements for Site Remediation **rules**, N.J.A.C. 7:26E, and prepared by a certified individual or professional engineer in accordance with N.J.A.C. 7:26E.

(d) The applicant shall submit with the application all appropriate fees pursuant to N.J.A.C. 7:14B-3.10.

7:14B-16.5 Eligibility

(a) Individuals not satisfying the criteria in (b) below may obtain certification by passing the proficiency examination described in N.J.A.C. 7:14B-16.6. An applicant shall be eligible to take the proficiency examination if the applicant meets the following minimum criteria for each classification for which the applicant is seeking certification:

1. An applicant for the entire unregulated heating oil tank system installation classification examination shall meet the following criteria:

- i. Either a minimum of two years experience performing installations with participation in at least five installations during each year of experience, or nine months experience with participation in at least 25 installations in that nine-month period, or five years experience with participation in at least 12 installations with no less than two installations during each year of experience;

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ii. Completion of training approved by the manufacturer of the equipment installed by the individual; and

iii. Completion of health and safety training given in accordance with the United States Environmental Protection Agency's Standard Operating Safety Guides (Hazardous Materials Incident Response Operations Course (165.5)) and the United States Department of Labor's Occupational Safety and Health Administration's Safety and Health Standards (29 CFR 1910 and 1926 et seq.).

2. An applicant for the unregulated heating oil tank system release detection monitoring installation classification examination shall meet the following criteria:

i. Either a minimum of two years experience performing release detection monitoring installations with participation in at least five installations during each year of experience, or nine months experience with participation in at least 25 installations in that nine-month period or five years experience with participation in at least 12 installations with no less than two installations during each year of experience;

ii. Completion of training approved by the manufacturer of the equipment to be installed; and

iii. Completion of health and safety training given in accordance with the United States Environmental Protection Agency's Standard Operating Safety Guides (Hazardous Materials Incident Response Operations Course (165.5)) and the United States Department of Labor's Occupational Safety and Health Administration's Safety and Health Standards (29 CFR 1910 and 1926 et seq.).

3. An applicant for the closure of unregulated heating oil tank systems classification examination shall meet the following criteria:

i. Either a minimum of two years experience performing closures with participation in at least five closures during each year of experience, or nine months experience with participation in at least 25 closures in that nine-month period or five years of experience with participation in at least 12 closures with no less than two closures during each year of experience; and

ii. Completion of health and safety training given in accordance with the United States Environmental Protection Agency's Standard Operating Safety Guides (Hazardous Materials Incident Response Operations Course (165.5)) and the United States Department of Labor's Occupational Safety and Health Administration's Safety and Health Standards (29 CFR 1910 and 1926 et seq.).

4. An applicant for the tank testing of unregulated heating oil tank systems classification examination shall meet the following criteria:

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i. A minimum of two years experience performing tank testing services on equipment that satisfies requirements of N.J.A.C. 7:14B-6.1(a)3 and 6.5(a)3 with participation in at least five tank tests during each year of experience or nine months experience with participation in at least 25 tank tests within that nine-month period or five years experience with participation in at least 12 tank tests with no less than two tank tests during each year of experience;

ii. Completion of training approved by the manufacturer of the testing equipment; and

iii. Completion of health and safety training given in accordance with the United States Environmental Protection Agency's Standard Operating Safety Guides (Hazardous Materials Incident Response Operations Course (165.5)) and the United States Department of Labor's Occupational Safety and Health Administration's Safety and Health Standards (29 CFR 1910 and 1926 et seq.).

5. An applicant for the unregulated heating oil tank system cathodic protection specialist classification examination shall possess a certification from NACE International in the category of cathodic protection specialist.

6. An applicant for the unregulated heating oil tank system cathodic protection tester classification examination shall meet the following criteria:

i. A minimum of two years experience performing cathodic protection system testing with participation in at least five tank tests during each year of experience, nine months experience with participation in at least 25 tests within that nine-month period, or five years experience with participation in at least 12 tests with no less than two tests during each year of experience;

ii. Fulfillment of all requirements in accordance with the requirements of NACE International's Certification Committee for the category of cathodic protection tester, corrosion technologist, or senior corrosion technologist; and

iii. Completion of health and safety training given in accordance with the United States Environmental Protection Agency's Standard Operating Safety Guides (Hazardous Materials Incident Response Operations Course (165.5)) and the United States Department of Labor's Occupational Safety and Health Administration's Safety and Health Standards (29 CFR 1910 and 1926 et seq.).

7. An applicant for the subsurface evaluation of unregulated heating oil tank systems classification examination shall meet the following criteria:

i. A bachelor's degree from an accredited institution in a natural (earth, biological, or environmental), physical, or chemical science or appropriate engineering discipline;

ii. Either a minimum of two years experience performing subsurface evaluation services with participation in at least five subsurface evaluation services performed

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during each year of experience or nine months experience with participation in at least 25 subsurface evaluations in that nine-month period; and

iii. Completion of appropriate health and safety training given in accordance with the United States Environmental Protection Agency's Standard Operating Safety Guides (Hazardous Materials Incident Response Operations Course (165.5)) and the United States Department of Labor's Occupational Safety and Health Administration's Safety and Health Standards (29 CFR 1910 and 1926 et seq.).

(b) Any individual possessing a valid New Jersey Professional Engineers License, issued pursuant to N.J.S.A. 45:8-27 et seq., shall be eligible for certification in all classifications upon application to the Department and shall be exempt from the examination requirements of (a) above and individual certification fee requirements of N.J.A.C. 7:14B-3.10.

(c) As a condition to the certification granted in accordance with (b) above, a certified individual shall attend a Department approved course concerning underground storage tank system management in New Jersey within one year prior to or after the effective date of the certification.

7:14B-16.6 Examinations

(a) As a condition of initial certification under this subchapter, an individual is required to pass an examination in each classification of service for which the applicant is seeking certification, unless the individual is exempt under N.J.A.C. 7:14B-16.5(b) or meets the requirements of N.J.A.C. 7:14B-16.1(b) or (c).

(b) Failure to pass an examination shall result in the denial of the application for certification and the forfeiture of all application fees.

(c) Any applicant who submits false, inaccurate or incomplete information when applying for certification may be disqualified from taking the examination or receiving the certification.

(d) The Department shall issue each applicant who passes the examination and pays the appropriate fee pursuant to N.J.A.C. 7:14B-3.10 a certification in the classification for which the applicant passed the appropriate examination.

7:14B-16.7 Continuing education requirements

(a) As a condition for renewal of certification, all certified individuals shall attend annual eight-hour health and safety refresher courses as required by 29 CFR 1910.120(e)(8).

(b) As a condition for renewal of certification, within one year prior to renewal, all individuals certified to perform services on unregulated heating oil storage tank systems shall

complete a Department-approved training course concerning underground storage tank system management in New Jersey.

7:14B-16.8 Renewal requirements

- (a) The certification of each individual and business firm shall be valid for three years.
- (b) An individual certification may be renewed by submitting a complete renewal application and the application fee required pursuant to N.J.A.C. 7:14B-3 to the Department at least 60 calendar days prior to expiration of the current certification.
- (c) A business firm certification may be renewed by submitting a complete renewal application, the application fee required pursuant to N.J.A.C. 7:14B-3, and a copy of the certification of those individuals through which the business firm is certified, to the Department at the address listed in N.J.A.C. 7:14B-16.2(j) at least 60 calendar days prior to expiration of the current certification.
- (d) No individual may perform services for which certification is required after the expiration of a certification. An individual who fails to renew his or her certification within 90 calendar days following the expiration date of the certification shall meet the initial certification requirements as required by this subchapter.
- (e) Individuals who have acquired additional classifications subsequent to initial certification shall renew all subsequent certifications at the same time as renewing the initial certification.
- (f) Proof of the individual's attendance at continuing education courses, required training courses, and supporting documentation of all requisites or prerequisites as required in N.J.A.C. 7:14B-16.7 shall be submitted to the Department with the renewal application.
- (g) The Department is not responsible for providing notification to any individuals or business firms that certifications are to expire.

7:14B-16.9 Financial responsibility assurance

- (a) As a condition of certification or renewal of certification, a business firm engaged in performing unregulated heating oil tank system services shall maintain evidence of financial responsibility assurance pursuant to this section, for the mitigation or remediation of a hazardous substance discharge resulting from the performance of such services. Financial responsibility assurance in the amount and form required in this section shall be maintained for the term of the certification of the business firm.
- (b) A business firm shall provide written notification to the Department 120 calendar days prior to any cancellation or change in status of a mechanism used to provide financial responsibility assurance at the following address:

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[New Jersey Department of Environmental Protection
Bureau of Underground Storage Tanks
P.O. Box 433
401 E. State Street
Trenton, NJ 08501-0433]

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

(c) Financial responsibility assurance may be demonstrated through one or more of the following mechanisms:

1. Liability insurance as follows:

i. Liability insurance may be in the form of a separate insurance policy, or an endorsement to an existing policy which covers the remediation of a discharge resulting from the performance of those services which the insured is certified to perform under this subchapter;

ii. The policy shall provide limits of liability for at least \$250,000 per occurrence and at least \$250,000 annual aggregate;

iii. The insurer is responsible for the payment of all monies to the limit of the policy, including any deductible applicable to the policy, to the provider of remediation with a right to reimbursement by the insured for any such payment made by the insurer; and

iv. Each insurance policy shall be issued by an insurer that, at a minimum, is licensed to transact the business of insurance or eligible to provide insurance as an excess or surplus lines insurer in New Jersey; or

2. A surety bond, letter of credit, self-insurance or other security posted with the Department in the amount of no less than \$250,000, provided that prior approval for the use of the surety bond, letter of credit, self-insurance or other security posted with the Department is received in writing from the Department.

7:14B-16.10 Professional business practices

(a) An individual or business firm certified pursuant to this subchapter shall:

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1. Perform all services in accordance with all applicable Federal, State and local rules and regulations;

2. Employ fair and reasonable pricing and business practices in all of its dealings with clients and the Department;

3. Upon request, provide all prospective clients a list of the standard price for services in accordance with (c) below that are material to the work to be provided; and

4. Present a copy of the Department issued certification card to all prospective clients upon request.

(b) When providing any service required by this chapter, an individual and business firm certified pursuant to this subchapter shall enter into a written contract with the client. The contract shall contain the following provisions:

1. Clear and detailed descriptions of the work activities to be performed;

2. Lists of all materials, equipment, tools and other incidentals anticipated to be necessary for the execution of the proposed work activities;

3. Lists of the number and types of personnel anticipated to be necessary for the execution of the proposed work activities;

4. The maximum contract price that cannot be exceeded without written amendments to the contract;

5. Estimated time frames for the completion of the work activities listed in the contract; and

6. A listing and description of all services in the contract which exceed the requirements of applicable local, State or Federal rules and regulations.

(c) Upon request by the client, an individual or business firm certified pursuant to this subchapter shall provide the client with a written standard price list of the services that it provides as applicable:

1. The categories of labor and the daily/hourly rates;

2. Daily and weekly rates for heavy equipment, instrumentation, vehicles and any ancillary equipment that is separately billed;

3. The price or the formula for pricing variable costs such as subcontracted services, transport and disposal of wastes;

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4. A listing of all applicable governmental fees and costs typically associated with the contracted service, including, but not limited to, all application fees, local and State permit fees and State inspection fees, and a statement that State oversight costs may also be incurred; and

5. All ancillary administrative costs typically incurred such as document reproduction costs, mailing costs and phone calls.

(d) For services being performed with financial assistance from the Petroleum Underground Storage Tank Remediation, Upgrade and Closure Fund (the Fund), the certified individual or business firm shall:

1. Submit documentation to the Department at the address listed in N.J.A.C. 7:14B-2.2(b) of the individual or business firm's cost for providing the services for which the Fund is providing the financial assistance. The documentation shall include, but is not limited to, documentation of the direct cost to provide the services, and all tiers of subcontractors' costs such as materials, equipment rentals and services; and

2. Cooperate in and help facilitate an audit by the Department of the individual or business firm's pricing and business practices conducted with industry standards and performed at the expense of the Department by a certified public accounting firm under contract to the Department.

(e) Upon request by the Department, provide the Department with any and all information that will aid in its review of loan and grant applications, investigation of complaints against the certified individual or business firm, investigation of known or suspected discharges of hazardous substances, and investigation of any known or suspected violation of this subchapter. This information shall include, but shall not be limited to, the following:

1. All direct subcontractor invoices for services such as, but shall not be limited to, laboratory analyses, well drilling, contaminated soil disposal, oil/water/sludge disposal, vacuum truck services, property restoration, and engineering services;

2. All receipts for rental equipment, including, but not limited to, sampling equipment or instrumentation, and heavy equipment;

3. All receipts for material purchases, including, clean fill material, top soil, and stone;

4. All receipts for miscellaneous costs necessary to conduct remediation such as local police traffic control and local permits; and

5. Documents associated with the services provided for underground storage tank systems such as copies of field notes, contracts, manifests, timesheets, and invoices.

7:14B-16.11 Denial, suspension, revocation and refusal to renew a certification

(a) The Department may deny, suspend, revoke, or refuse to renew a certification issued pursuant to this subchapter, for any of the following:

1. A violation, or abetting another to commit a violation of any provision of this subchapter, the Technical Requirements for Site Remediation **rules**, N.J.A.C. 7:26E, the Department Oversight of the Remediation of Contaminated Sites Rule, N.J.A.C. 7:26C, the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11 et seq., the Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq., the Underground Storage of Hazardous Substances Act, N.J.S.A. 58:10A-21 et seq., or of an order issued pursuant to any of these Acts;

2. Making a false, inaccurate or incomplete statement on an application for certification or other information required by the Department pursuant to this subchapter, the Technical Requirements for Site Remediation **rules**, N.J.A.C. 7:26E, the Department Oversight of the Remediation of Contaminated Sites Rule, N.J.A.C. 7:26C, the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11 et seq., the Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq., the Underground Storage of Hazardous Substances Act, N.J.S.A. 58:10A-21 et seq. or of an order issued pursuant to any of these Acts;

3. Misrepresentation or the use of fraud in obtaining certification or performing unregulated heating oil tank services;

4. Failure to attend a Department approved course on the regulations as required pursuant to N.J.A.C. 7:14B-16.7(b);

5. Performing tank services on unregulated heating oil underground storage tank systems without obtaining appropriate permits or approvals from State, Federal and local agencies; or

6. Any other violation of this subchapter, the Technical Requirements for Site Remediation **rules**, N.J.A.C. 7:26E, the Department Oversight of the Remediation of Contaminated Sites Rule, N.J.A.C. 7:26C, the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11 et seq., the Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq., the Underground Storage of Hazardous Substances Act, N.J.S.A. 58:10A-21 et seq. or of an order issued pursuant to any of these Acts.

(b) Within 30 calendar days after receipt of notification of the Department's intent to suspend, revoke, deny or refuse to renew a certification, the applicant or certificate holder may request an adjudicatory hearing pursuant to N.J.A.C. 7:14B-12.2.

(c) The Department may order the certificate holder to cease operations pending the outcome of the adjudicatory hearing if the Department has reason to believe that a condition exists that poses an imminent threat to the public health, safety or welfare.

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(d) Suspension, revocation, denial, or refusal to renew a certification shall not bar the Department from pursuing any other lawful remedy available to the Department against the applicant or certificate holder.

(e) Any business firm or person whose certification is revoked shall be ineligible to apply for certification for three years from the date of the revocation. Reapplication shall be for initial certification as per this subchapter.

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