



Enforcement **Alert**

Making You Aware of Anticipated Enforcement Activities

Compliance and Enforcement

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DEP BEGINS EFFORT TO REDUCE LEAKING TANKS THROUGH COMPLIANCE INSPECTION PROGRAM

Who is affected by this initiative?

Anybody who owns or operates a regulated Underground Storage Tank (UST) system is subject to this initiative. This includes, but is not limited to, gas stations, public works fuel depots, USTs containing hazardous substances at manufacturing facilities, and fuel oil tanks with a capacity greater than 2,000 gallons for non-residential buildings.

This also affects anybody transporting or delivering fuels and other hazardous substances to regulated USTs. The UST rules (N.J.A.C. 7:14B) specifically prohibit delivery if an UST is not properly registered with the DEP or is known or suspected to be leaking.

This effort excludes homeowner fuel oil tanks.

Why is DEP committing additional resources to performing operational compliance inspections at regulated UST facilities?

The primary goal of this initiative, funded through a Constitutional Amendment approved by New Jersey voters in 2003, is to reduce the number of releases from regulated UST systems. Numerous past releases from regulated USTs have resulted in soil, ground water and air contamination in every county in New Jersey. Prevention of ground water contamination with the potential to affect drinking water supplies and surface water quality is of particular concern.

What is DEP doing?

DEP is establishing a group of 18 state and county inspectors to conduct compliance inspections at each facility once every three years. In particular, the inspection staff will be checking the most significant requirements, including, but not limited to:

1. Tank registration and registration accuracy
2. Release Detection Monitoring (a.k.a. leak detection)
3. Corrosion Protection (steel UST system components)
4. Spill Prevention
5. Overfill Protection
6. System Inspection Requirements
7. Financial Responsibility (aka financial assurance)

COMPLIANCE ADVISORY

Owners and operators who fail to register their tank systems and obtain a valid registration certificate will be subject to the establishment of **a delivery ban or a cease use action** for their tanks and **substantial fines and penalties**. Owners and operators who fail to comply with operational requirements found in N.J.A.C. 7:14B-1 et seq. will be subject to **substantial fines and penalties**. Owners and operators who are operating tank systems that are releasing hazardous substances to the environment shall be subject to a **cease use action** and will be subject to **substantial fines and penalties**.

Transporters that deliver to unregistered USTs will be subject to **substantial fines and penalties**.

What should I do?

1. Familiarize yourself with the tank systems and all related equipment at your site.
2. Familiarize yourself with N.J.A.C. 7:14B-1 et seq. and follow all operational requirements, especially those highlighted above. See the link below for full UST regulations, frequently asked questions and guidance.
3. Transporters should confirm with their client that their tank(s) are properly registered.

Who should I contact with questions?

The contact for DEP enforcement issues is Jonathan Berg at 609-633-0737. Follow the link identified below to the DEP's UST main Web page for a comprehensive list of all other "UST Contacts".

Where can I get more information?

The following web site can be accessed for additional information:

<http://www.nj.gov/dep/srp/bust/bust.htm>

Please note this advisory is intended to be a summary explanation of a department initiative. It does not include all potentially applicable requirements. If you have any questions related to compliance with this initiative, please contact the Enforcement number listed above.