

# Environmental Alert



Photo credit: First Environment, Inc.

## Changes to the New Jersey UST Regulations

On May 15, 2017, the New Jersey Department of Environmental Protection (NJDEP) published a new rule to toughen up the requirements for managing regulated underground storage tanks (USTs) in New Jersey. On January 16, 2018, these amendments to the regulation were made final. The list of changes is extensive and includes amendments (or additions) to at least the following requirements:

- Secondary containment
- Operator training
- Civil and administrative penalties
- UST service provider certifications
- UST registration and notification
- Operations and maintenance/self-inspections
- Field constructed tanks
- Airport hydrant systems
- Partially regulated UST systems

In New Jersey, a regulated UST system refers to any one or combination of tanks, including appurtenant pipes, lines, fixtures, and other related equipment, with a tank capacity of 2,001 gallons or more 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.

-Adapted from N.J.A.C. 7-14B.14

What follows is a brief review of several noteworthy changes.

### Underground Storage Tank Facility Certification Questionnaire

The new regulations require that UST owners/operators submit the entire financial responsibility document (such as an insurance policy) when filing the Underground Storage Tank Facility Certification Questionnaire (USTFCQ). For EJIF members who have grown accustomed to submitting a single-page insurance endorsement, this will no longer be sufficient; the EJIF is currently working on ways to make the submittal of the entire policy easier for members. In addition, although e-mail is not a *federally* approved method for USTFCQ submittal, the NJDEP is accepting and encouraging

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electronic submittals of financial assurance documents through e-mail. The entire copy of your current UST Financial Responsibility Insurance policy – including all endorsements or certificates – can be e-mailed to [srpustregistration@dep.nj.gov](mailto:srpustregistration@dep.nj.gov).

In addition, the USTFCQ form itself has been revised to incorporate the regulatory changes. The new USTFCQ is available at <http://www.nj.gov/dep/srp/forms/ust/> and will need to be submitted on an annual basis under the new rule.

### New Jersey UST Operator Training

In order to comply with U.S. Environmental Protection Agency (EPA) regulations (40 C.F.R. Part 280), the NJDEP has now instituted a three-tier (Classes A, B, and C) training and certification program. All regulated UST systems at facilities are required to have an authorized operator (one who has participated in training and passed the accompanying exam) no later than **October 13, 2018**. The purpose of this requirement is to ensure that owners and operators understand how to properly operate and maintain their UST systems to prevent emergencies and/or environmental contamination. As UST systems have become more complicated – especially with computerized monitoring and leak detection systems – there is a growing amount of technical competencies required of on-site personnel. Training classes are given in conjunction with Rutgers University, and a schedule of class locations and schedules can be found here: <http://www.cpe.rutgers.edu/brochures/intros/ust-AB.html>.

The EJIF has been communicating with Acting Bureau Chief John Olko (NJDEP) and Rutgers University to see that additional training classes are offered before the October 2018 deadline; as a result, several new training classes have been added (and some of the new classes are already sold out). Each regulated UST system or group of UST systems at a facility must have a Class A, Class B, and Class C operator designated.

- **Class A Operator** - “A Class A operator has primary responsibility to operate and maintain the UST system. The Class A operator’s responsibilities include managing resources and personnel, and activities such as establishing work assignments to achieve and maintain compliance with regulatory requirements. In general, this individual focuses on the broader aspects of the statutory and regulatory requirements and standards necessary to operate and maintain the UST system (i.e., N.J.A.C. 7:14B).”
- **Class B Operator** - “A Class B operator implements applicable UST regulatory requirements and standards (i.e., N.J.A.C. 7:14B) in the field. This individual implements the day-to-day aspects of operating, maintaining and recordkeeping for USTs at one or more facilities. ”
- **Class C Operator** - “A Class C operator is an individual who would act as the first line of response to any event which results in an emergency condition. This individual is responsible for responding to alarms or other indications of emergencies caused by spills or releases from UST systems. This individual notifies the Class B or Class A operator and appropriate emergency responders when necessary. Not all employees of the facility are necessarily Class C operators.”

Note: For further detail, see the NJDEP Enforcement Bulletin “New Jersey UST Operator Training Information,” found here: <http://www.nj.gov/dep/enforcement/docs/ust-operator-training.pdf>

Under this new requirement, if the NJDEP determines that a UST system is out of compliance (such as failing to respond to alarms), the agency can require retraining of the designated A/B Operator as part of the administrative penalty. For a “remote” facility (e.g., a pump station with an emergency generator and a regulated UST), a Class A, B, or C operator need not be present, but the designated operator is still responsible for the operations, maintenance, and emergencies regarding the UST.

For more information regarding training requirements, please review NJDEP’s *New Jersey UST Operator Training Information* bulletin: <http://www.nj.gov/dep/enforcement/docs/ust-operator-training.pdf>.

### Inspections and Testing

Additional inspection and testing requirements under the new UST rule include the following:

- Sumps and dispenser containment systems must be inspected every 30 days for the presence of water and/or product

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- All spill prevention equipment (e.g., spill buckets, etc.) must be tested every 12 months using vacuum pressure or liquid testing within one year of the adoption of these regulations
- All electrical and mechanical components (e.g., Automatic Tank Monitor (ATM) system probes, software, sensors, and line leak detectors) must be tested annually

### Tank Construction Changes

Under the previous rules, UST systems that provide fuel for emergency power generation (such as an emergency generator at a pump station) have not been required to comply with release detection monitoring. This exemption disappears under the new regulations, and owners/operators will have three years after the adoption of these changes to comply with release detection monitoring. This can impact EJIF members that have relied on emergency back-up generators at pump and lift stations, with the results most likely being replacing older USTs in order to achieve compliance.

As a result of these regulatory changes, any of our EJIF members managing regulated UST systems should familiarize themselves with the training/certification programs required for those tasked with managing tanks; they will also need to revise the information typically provided to the NJDEP in order to meet new requirements going forward, as well as evaluate their tanks to see if any need to be upgraded to meet the new regulations. These can be expensive and time consuming requirements, so please recognize that the EJIF environmental professionals are available to help guide you through the process.

Please note that this is only a summary of the some of the changes in effect under the proposed regulations, specifically those that will impact EJIF members managing USTs. Visit NJDEP's website for a look at the official rule:

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

This newsletter is for information purposes only and does not represent legal or technical advice.

If you need a more detailed explanation of this topic or need assistance in interpreting how it may impact your site, the EJIF suggests that you contact the EJIF environmental consultants for further information.

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