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NEW JERSEY STATE DEPARTMENT OF ENVIRONMENTAL PROTECTION

NEW JERSEY ADMINISTRATIVE CODE

TITLE 7

CHAPTER 14B

UNDERGROUND STORAGE TANKS

Authority: N.J.S.A. 13:1B-3(e), 13:1D-9, 13:1D-134 et seq., 26:2C-1 et seq., and 58:10A-21 et seq.

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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 renewal 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;
10. To protect human health and the environment of the State by ensuring sound underground storage tank management and compliance with release detection monitoring, thereby preventing, controlling, remediating, and/or abating actual or potential ground water contamination;
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; and
12. To establish classes of operators and training requirements for all Class A, B, and C operators of underground storage tank systems.

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), N.J.S.A. 58:11-23 et seq.;

5. Pipelines, including gathering lines, regulated under the Natural Gas Pipeline Safety Act of 1968, 49 U.S.C. §1678 et seq., the Hazardous Liquid Pipeline Safety Act of 1979, 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;

8. Tanks situated in an underground area including, but not limited to, basements, cellars, vaults, 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, vaults, 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 through 9 above, and 11 through 15 below;

11. Flow-through process tanks;

12. Wastewater treatment tanks;

13. Electrical equipment;

14. Hydraulic lift tanks; and

15. Any UST system holding hazardous wastes listed or identified under Subtitle C of the Solid Waste Disposal Act, or a mixture of such hazardous waste and other regulated substances.

(c) The following types of underground storage tank systems are partially regulated, subject only to N.J.A.C. 7:14B-2, 3, 4.3, 7, 8, and 15.

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

2. Tanks that are part of an emergency generator system at nuclear power generator facilities licensed by the Nuclear Regulatory Commission pursuant to 10 CFR Part 50 Appendix A; and

3. Wastewater treatment tanks not exempted under (b)6 and (b)12 above.

(d) Airport hydrant systems and underground storage tank systems with field

constructed tanks shall comply with N.J.A.C. 7:14B-4A.

(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.

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 permanently eliminated from service by following the procedures in American Petroleum Institute Recommended Practice 1604, "Closure of Underground Petroleum Storage Tanks," as supplemented or amended, 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.

"Airport hydrant system" means an underground storage tank system that distributes fuel to aircraft and operates under high pressure with large diameter piping that typically terminates into one or more hydrants (fill stands). The airport hydrant system begins where fuel enters one or more tanks from an external source, such as a pipeline, barge, rail car, or other motor fuel carrier.

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

"Ancillary equipment" means any device including, but not limited to, piping, fittings, flanges, valves, and pumps used to distribute, meter, or control the flow of regulated substances to and from an UST.

"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, including ancillary piping and containment systems.

"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.

“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.

“Class A operator” means the individual designated by the owner and operator to have primary responsibility to operate and maintain the UST system in accordance with applicable requirements of this chapter. The Class A operator typically manages resources and personnel, such as establishing work assignments, to achieve and maintain compliance with regulatory requirements. An individual does not, solely by virtue of being designated a Class A operator, become an “operator” as defined in this section.

“Class B operator” means the individual designated by the owner and operator to have day-to-day responsibility for implementing applicable regulatory requirements established by the Department. The Class B operator typically implements in-field aspects of operation, maintenance, and associated recordkeeping for the UST system. An individual does not, solely by virtue of being designated a Class B operator, become an "operator" as defined in this section.

“Class C operator” means an individual designated by the owner and operator to be responsible for initially responding to emergencies presented by a spill or release from an UST system. The Class C operator typically controls or monitors the dispensing or sale of regulated substances. An individual does not, solely by virtue of being designated a Class C operator, become an “operator” as defined in this section.

“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 New Jersey Department of Environmental Protection or his or her authorized representative.

“Compartmented tank” means any underground storage tank that is divided by one or more walls or bulkheads to create individual and separate compartments within the underground storage tank. Each compartment is a separate regulated tank, requiring separate tank identification on the New Jersey Underground Storage Tank Facility Certification Questionnaire.

“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.

“Containment device” or “containment sump” or “containment system” means a liquid-tight structure or system of structures that provide containment of any regulated

substance release. Containment devices are typically used underneath product dispensers, enclosing submersible turbine pumps or below piping connections/transitions, and may be single walled or secondarily contained.

"Contamination" or "contaminant" means contamination or contaminant as defined pursuant to the Technical Requirements for Site Remediation at N.J.A.C. 7:26E-1.8.

"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.

"Dispenser" means equipment located aboveground that dispenses regulated substances to a point of use outside the UST system, such as a motor vehicle.

"Dispenser system" means the dispenser and the equipment necessary to connect the dispenser to the UST system.

"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 product 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.

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

"Facility certification" means the annual 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.

"Field-constructed tank" means a tank constructed in the field. For example, a tank constructed of concrete that is poured in the field, or a steel or fiberglass tank primarily fabricated in the field is field-constructed.

"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 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-phase non-aqueous phase liquid" means a separate phase liquid material, present in concentrations greater than a contaminant's residual saturation point.

"Hazardous substances" means:

1. Motor fuel;

2. Petroleum products that are liquid at standard conditions of temperature and pressure (60 degrees Fahrenheit and 14.7 pounds per square inch absolute);

3. All substances 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, other residual fuel oils (including Navy Special Fuel Oil and Bunker C), diesel, and kerosene of any grade or type used in the operation of heating equipment, boilers, or furnaces.

"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.

"Interstitial monitor" means a device used to check the space between the primary and secondary container of an underground storage tank system with secondary containment, including ancillary piping and containment systems, for leaks and alert the operator if a leak is suspected or detected.

"Interstitial space" or "interstice" means annular space.

"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.

"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.

"Line leak detector" or "LLD" means a mechanical or electro-mechanical device that is fitted to the submersible turbine pump (STP) or associated pressurized product piping that is employed to detect a piping leak of three gallons per hour (gph) or greater at 10 psi.

"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 an electro-mechanical device, typically used in conjunction with a monitoring system, which detects either the presence of water and/or the liquid phase of a hazardous substance.

"Maintenance" means the normal operational upkeep to prevent an underground storage tank system from releasing product.

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

"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 or petroleum-based substance, such as motor gasoline, aviation gasoline, No. 1 or No. 2 diesel fuel, kerosene, or any grade of gasohol, that is typically used in the operation of any type of engine. This definition applies to blended petroleum motor fuels such as biodiesel and ethanol blends that contain petroleum or petroleum-based substances.

"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. "Operational life" refers to the period beginning when installation of the tank system has commenced until the time the tank system is properly closed under N.J.A.C. 7:14B-9.

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

"Operator" means each person who leases, operates, controls, supervises, or has responsibility for, the daily operation of a facility, and each person who has the authority to operate, control, or supervise the daily operation of a facility. There may be more than one operator of an UST 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.

"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, estate, 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 its political subdivisions, or any of the other meanings that apply to the common understanding of the term. "Person" shall, for the purpose of enforcement, also include a responsible corporate official, which includes a managing member of a limited liability company or a general partner of a partnership.

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

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

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

"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.

"Regulated heating oil tank system" means 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.

"Regulated substance" means "hazardous substance."

"Release" means a leak or discharge.

"Release detection" means determining whether a release of a hazardous substance has occurred from the UST system into the environment or a leak has occurred into the interstitial space between the UST system and its secondary barrier or secondary containment around it.

"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 at N.J.A.C. 7:26E-1.8.

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

"Remediation" or "remediate" means remediation or remediate as defined in the Technical Requirements for Site Remediation rules at 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.

"Repair" means to restore to proper operating condition a tank, pipe, spill prevention equipment, overfill prevention equipment, corrosion protection equipment, release detection equipment, or other UST system component that has caused a release or a suspected release of product from the UST system or has failed to function properly.

"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" or "secondarily contained" 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. This containment provides an interstitial space to be monitored for leaks. The term includes containment sumps when performing interstitial monitoring of piping.

"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 at 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 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.

"Swing joint" means a flexible connector device made of steel elbows and pipe nipples that allow movement in the piping run.

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

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

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

"Transfer of ownership" means a change in the ownership of a facility.

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

"Under-dispenser containment" or "UDC" means containment device underneath a dispenser system designed to prevent leaks from the dispenser and piping within or above the UDC from reaching soil or ground water.

"Underground storage tank" or "UST" 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 registration certificate" or "UST registration certificate" means a certificate the Department issues authorizing an owner and operator to operate an UST facility pursuant to this chapter.

"Underground storage tank system" or "tank system" means an underground storage

tank and its associated ancillary equipment and containment system, if any.

"Unknown source investigation" means an investigation involving the collection of soil and/or ground water samples to verify whether a facility is the source of a discharge.

"Unmanned facility" means a facility that does not have an attendant present during all hours of operation to respond to alarms or emergencies related to the UST system. Examples of unmanned facilities include, but are not limited to, card lock or card access fueling stations, telecommunication towers or utility transfer stations serviced by emergency generator USTs, and unattended UST systems located at industrial or governmental facilities.

"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 (as defined at N.J.A.C. 7:26F-1.5) 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 (as defined at N.J.A.C. 7:26F-1.5) 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.

"Upgrade" means the addition or retrofit of one or more systems, such as cathodic protection, lining, spill and overfill controls, or secondary containment, to improve the ability of an underground storage tank system to prevent the release of product.

"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 designed to receive and treat 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 an aquifer area described in a plan view around a well, from within which ground water flows to the well and through which ground water pollution, if it occurs, may pose a significant threat to the water quality of the well. The wellhead protection area is delimited by the use of time-of-travel and hydrologic boundaries.

7:14B-1.7 Application certifications

(a) Any person making a submission to the Department pursuant to this chapter shall include the signatures and certification pursuant to (b) through (e) below.

(b) 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."

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

"I certify under penalty of law that I have reviewed the plans for the proposed release detection monitoring system and this system is appropriate for the underground storage tank system design and hazardous substance stored and fulfills the monitoring requirements of N.J.A.C. 7:14B-6. I am aware that there are significant civil and criminal penalties for submitting false, inaccurate or incomplete information, including fines and/or imprisonment."

(d) Any individual submitting documents in accordance with N.J.A.C. 7:14B-13.3(c) and 16.4(c) shall sign and submit to the Department the following certification:

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

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

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

7:14B-1.8 (Reserved)

SUBCHAPTER 2. REGISTRATION REQUIREMENTS AND PROCEDURES

7:14B-2.1 General registration requirements

(a) The owner and each operator shall register each underground storage tank facility with the Department pursuant to N.J.A.C. 7:14B-2.2, as follows:

1. At least 30 days prior to the use of an underground storage tank system installed after December 21, 1987; and

2. Prior to beginning any closure activities on an underground storage tank system if the tank is not identified on the facility's underground storage tank registration certificate.

(b) The owner and each operator shall amend the underground storage tank facility registration pursuant to N.J.A.C. 7:14B-2.2:

1. Within 30 days after a substantial modification to a facility or the underground storage tank system;

2. Within 30 days after a change in the hazardous substance stored in an underground storage tank, except for any regulated substance that contains greater than 10 percent ethanol, greater than 20 percent biodiesel, or as identified by the Department which requires notification 30 days prior to introducing the substance into the system pursuant to N.J.A.C. 7:14B-5.3;

3. Within 30 days after any change in the ownership of the facility, including, but not limited to, the sale or transfer of all or a portion of the ownership;

4. Within 30 days after the addition, removal, replacement, or other change to an operator of the facility;

5. Within 30 days after the addition, removal, or replacement of the facility's designated Class A or Class B operator;

6. Within 30 days after termination, modification, addition, or other change to the financial responsibility for the UST system, as set forth in N.J.A.C. 7:14B-15;

7. Within seven days after taking an underground storage tank system out of service or closure of an underground storage tank system; and

8. At least 30 days prior to putting an out-of-service underground storage tank system back into service.

(c) The owner and operator shall only use an underground storage tank upon receipt from the Department of a valid UST registration certificate. The UST registration certificate shall reflect an expiration date, which shall not exceed one year from the date of issuance.

(d) An owner and each operator shall, at least 60 days prior to the expiration date of the facility's UST registration certificate, renew the underground storage tank registration in accordance with N.J.A.C. 7:14B-2.2.

7:14B-2.2 Procedure to apply for, renew, or amend an UST registration

(a) To apply for, renew, or amend an UST registration in accordance with N.J.A.C. 7:14B-2.1, the owner and each operator shall fully and accurately complete a single New Jersey Underground Storage Tank Facility Certification Questionnaire, using the most recent version available from the Department at www.nj.gov/dep/srp/forms/ust.

(b) The owner and each operator shall submit the completed New Jersey Underground Storage Tank Facility Certification Questionnaire with required certification forms or attachments, as applicable, to the Department as provided at www.nj.gov/dep/srp/forms/ust.

(c) The owner and each operator shall supply the following information on the New Jersey Underground Storage Tank Facility Certification Questionnaire:

1. The UST facility name, the facility ID number, location, and municipal tax block(s) and lot(s);

2. The name and contact information of the owner of the real property on which the facility is located;

3. The name and contact information of the facility owner. If the owner is a corporation, a limited liability company, a partnership, a limited partnership, or other form of business, the New Jersey Business Entity ID number, the date of the original business formation and/or registration filed with the State, the type of business entity, and the name and contact information of the corporate officer, partner, or other

person with primary decision making authority regarding the facility;

4. The name and contact information for each operator of the facility. If an operator is a corporation, a limited liability company, a partnership, a limited partnership, or other form of business, the New Jersey Business Entity ID number, include the date of the original business formation and/or registration filed with the State, the type of business entity, and the name and contact information of the corporate officer, partner, or other person with primary decision making authority regarding the facility;

5. 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 each tank system;

6. For initial registration, 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;

7. The name and contact information of each designated Class A and Class B operator at the facility;

8. The name and address of the person authorized to accept billing information from the Department;

9. For all general liability insurance or other financial responsibility assurance mechanisms, the following:

i. Type of mechanism;

ii. Carrier or issuing institution;

iii. Date of coverage;

iv. Policy number (if applicable);

v. Name of insured;

vi. Limit of liability for each occurrence or incident (exclusive of legal defense costs);

vii. Limit of liability for annual aggregate (exclusive of legal defense costs); and

viii. The entire financial responsibility assurance mechanism document;

10. The installer certification, if required in accordance with (h) below; and

11. Certifications of the facility owner and each operator, as set forth in (e) through (g) below.

(d) If an amendment to the UST facility registration is required pursuant to N.J.A.C. 7:14B-2.1(b), the owner and each operator shall provide to the Department a revised New Jersey Underground Storage Tank Facility Certification Questionnaire, except that the section titled "Specific Tank Information" on the New Jersey Underground Storage Tank Facility Certification Questionnaire is not required unless the information in that section of the most recently submitted Questionnaire is not correct.

(e) The owner and each operator shall sign the New Jersey Underground Storage Tank Facility Certification Questionnaire as follows:

1. For a corporation, a responsible corporate official shall sign. For the purpose of this section, a responsible corporate official means:

i. A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs

for the corporation similar policy or decision-making functions which have the potential to affect a facility's compliance, or the individual to whom the manager in (e)1ii below reports directly or indirectly for the corporation; or

ii. The manager of one or more manufacturing, production, or operating facilities, provided:

(1) The manager is authorized to make management decisions that govern the operation of the facility, including having the explicit or implicit duty of recommending major capital investment, initiating and directing comprehensive measures to ensure long-term compliance with environmental laws and regulations, and ensuring that the necessary systems are established or actions taken to gather complete and accurate monitoring; or

(2) The authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

2. For a limited liability company, a responsible company official shall sign. For the purpose of this section, a responsible company official means an individual who has the authority to bind the limited liability company to the provisions of this chapter, including without limitation, an officer, member, or manager of the limited liability company;

3. For a partnership or sole proprietorship, a general partner or the proprietor, respectively, shall sign;

4. For a municipality, county, State, Federal, or other public agency, either a principal executive officer or ranking elected official shall sign. For purposes of this section, a principal executive officer of a Federal agency includes:

i. The chief executive officer of the agency; or

ii. A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (for example, Regional Administrator); or

5. A duly authorized representative shall sign if:

i. The authorization is made in writing by a person described in (e)1 through 4 above;

ii. The authorization specifies either an individual or a position whose occupant has responsibility for the overall operation of the facility, or an individual or position whose occupant has overall responsibility for environmental matters for the owner or operator. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.); and

iii. The owner or operator submits the written authorization to the Department along with the New Jersey Underground Storage Tank Facility Certification Questionnaire.

(f) Each individual signing a New Jersey Underground Storage Tank Facility Certification Questionnaire as, or on behalf of, the owner shall make the following certification:

“I certify under penalty of law that:

1. I have read, understand, and have followed the applicable rules and instructions for this New Jersey Underground Storage Tank Facility Certification

Questionnaire;

2. I have personally examined and am familiar with the information submitted in this New Jersey Underground Storage Tank Facility Certification Questionnaire and all attached documents;

3. I believe, based on my inquiry of those individuals responsible for obtaining the information, that the submitted information is true, accurate and complete;

4. This facility is in compliance with N.J.A.C. 7:14B; and

5. I am the person required, pursuant to N.J.A.C. 7:14B-2.2, to sign this New Jersey Underground Storage Tank Facility Certification Questionnaire for the owner of this facility.

6. 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 or regulation, I am personally liable for penalties."

(g) Each person signing a New Jersey Underground Storage Tank Facility Certification Questionnaire as, or on behalf of, a facility operator shall make the following certification:

"I certify under penalty of law that:

1. I have read, understand, and have followed the applicable rules and instructions for this New Jersey Underground Storage Tank Facility Certification Questionnaire;

2. I have personally examined and am familiar with the information submitted in this New Jersey Underground Storage Tank Facility Certification Questionnaire and all attached documents;

3. I believe, based on my inquiry of those individuals responsible for obtaining the information, that the submitted information is true, accurate and complete;

4. This facility is in compliance with N.J.A.C. 7:14B; and

5. I am the person required, pursuant to N.J.A.C. 7:14B-2.2, to sign this New Jersey Underground Storage Tank Facility Certification Questionnaire for an operator of this facility. 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 or regulation, I am personally liable for penalties."

(h) For an initial facility UST registration or an amendment to an UST registration to include an UST system installed after January 16, 2018, or an amendment to an UST registration to identify an out-of-service UST system being returned to service after January 16, 2018, the owner and each operator shall include on the New Jersey Underground Storage Tank Facility Certification Questionnaire the certification of an installer certified in accordance with N.J.A.C. 7:14B-13 that the UST system and/or out-of-service UST system is/are properly designed and capable of being put into service.

7:14B-2.3 Change in ownership of a facility

(a) An underground storage tank registration certificate is not transferable. Upon acquiring ownership, the owner and operator shall amend the facility registration by notifying the Department pursuant to N.J.A.C. 7:14B-2.2.

(b) The facility owner shall notify the Department, in writing, at least 30 days prior to the sale or transfer of all or any portion of the facility, and shall provide the following:

1.Contact information of the current facility owner;
2. Contact information of the prospective facility owner;
3. The underground storage tank facility ID number;
4. The address of the facility;
5. The extent of the ownership to be sold or transferred; and
6. A date of sale or transfer, if available.

7:14B-2.4 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-2.5 UST registration certificate

(a) The owner and operator shall prominently display a valid UST Registration Certificate at the facility or shall make the UST registration certificate available for inspection by any authorized local, State, or Federal representative.

(b) The owner and 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 UST Registration Certificates of the multiple facilities to a single address. The owner and operator shall be responsible for ensuring that the UST registration certificates are then sent to the proper facilities.

7:14B-2.6 Denial or revocation of an UST registration certificate

(a) The Department may, in its discretion, deny the issuance of or revoke an UST registration certificate upon its determination that the owner or an operator:

1. Submitted a New Jersey Underground Storage Tank Facility Certification Questionnaire that is incomplete, contains false or inaccurate information and/or is illegible;

2. Failed to enclose the applicable UST registration fee, pursuant to N.J.A.C. 7:14B-3.1, with the New Jersey Underground Storage Tank Facility Certification Questionnaire;

3. Failed to comply with any requirement of the State Act or this chapter, or an order issued pursuant to the State Act or this chapter;

4. Failed to comply with N.J.A.C. 7:26C-2.2(a)2; or

5. Denied the Department or its authorized representative access to the system during any reasonable hour.

(b) The Department shall inform the owner and operator of the denial or revocation

of an UST registration certificate by providing written notice that includes:

1. The specific grounds for denial or revocation as set forth in (a) above; and
2. Notice that the owner and operator may each request a hearing, pursuant to N.J.A.C. 7:14B-12.2, on the denial or revocation.

(c) The Department shall serve this Notice to an owner and operator by certified mail (return receipt requested) or by personal service.

(d) An owner and operator that receives a Notice from the Department denying or revoking a UST registration certificate shall not use the tank(s) as required by N.J.A.C. 7:14B-2.1(c).

(e) If the Department denies or revokes an UST registration certificate, an owner and operator may, collectively or independently, request a hearing pursuant to N.J.A.C. 7:14B-12.2.

7:14B-2.7 (Reserved)

7:14B-2.8 (Reserved)

SUBCHAPTER 3. FEES

7:14B-3.1 Initial registration fee

The owner and operator of a facility that has not been previously registered with the Department shall submit a $ 200.00 initial registration fee for each facility upon the initial registration of the facility with the Department. This fee does not apply for any tanks added to a facility with an existing UST registration certificate. The Department shall issue an UST registration certificate only after receipt of the Initial Registration Fee and completed New Jersey Underground Storage Tank Facility Certification Questionnaire.

7:14B-3.2 Annual renewal certification fee

(a) The owner and operator shall pay an annual renewal certification fee of $ 50.00 per UST facility for the one-year certification cycle, within the time frame the Department sets forth in an invoice.

(b) The owner and operator who failed to register the UST 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 applicable renewal 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 and operator does not restrict the Department from taking enforcement action against the owner, or operator, or both, 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 and operator of an existing, former, or proposed underground storage tank system shall pay all required fees and costs pursuant to this chapter and shall:

1. Submit a separate fee for each activity at a facility which requires a permit or approval at the time the application is submitted. The owner and operator shall pay a separate fee for resubmissions of the same application when the application is disapproved due to technical deficiencies in the initial submittal;

2. Submit a separate fee for each application; and

3. Submit a separate fee for each facility where an activity occurs.

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

(c) When an owner and operator applies for a permit pursuant to N.J.A.C. 7:14B-4.1(a), and in accordance with N.J.A.C. 7:14B-10, the owner and operator shall pay a permit fee of $ 450.00 for the installation or substantial modification of an underground storage tank system.

(d) The Department shall not prorate any fees or charges required by this chapter.

(e) The owner and operator shall pay fees and oversight costs related to investigation, closure and remediation of an underground storage tank system pursuant to the Administrative Requirements for the Remediation of Contaminated Sites, N.J.A.C. 7:26C-4.

(f) The owner and operator shall make all payments of fees required pursuant to this chapter as follows:

1. Submit pursuant to (f)2 below a certified check, attorney check, money order, or personal check made payable to “Treasurer, State of New Jersey” until such time that the Department requires the electronic payment of these fees. Within 180 days after receipt of written notification from the Department that its electronic payment system is operational, each fee shall be submitted to the Department through the electronic payment system in a manner compatible with the Department's computer system; and

2. Mail each payment to the address indicated on the first page of the Department's billing invoice.

7:14B-3.6 (Reserved)

7:14B-3.7 Confidentiality claims

Any person required to submit any information pursuant to this chapter that, in the person's opinion, constitutes a trade secret or proprietary or confidential information may assert a confidentiality claim by following the procedures set forth in the Administrative Requirements for the Remediation of Contaminated Sites at N.J.A.C. 7:26C-15.

7:14B-3.8 (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.

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 4. UNDERGROUND STORAGE TANK SYSTEMS: DESIGN, CONSTRUCTION, AND INSTALLATION

7:14B-4.1A Performance standards for dispenser systems

(a) Each UST system shall be equipped with under-dispenser containment (UDC) for any new dispenser system installed on or after April 11, 2016.

1. A dispenser system is considered new when both the dispenser and the equipment needed to connect the dispenser to the underground storage tank system are installed at an UST facility. The equipment necessary to connect the dispenser to the underground storage tank system includes check valves, shear valves, unburied risers or flexible connectors, or other transitional components that are beneath the dispenser and connect the dispenser to the underground piping.

2. Under-dispenser containment shall:

i. Be liquid-tight on its sides, bottom, and at any penetrations;

ii. Be compatible with the substance conveyed by the piping; and

iii. Allow for visual inspection and access to the components in the containment system, or be monitored for leaks from the dispenser system, in accordance with N.J.A.C. 7:14B-5.12(a)1ii.

7:14B-4.1 Performance standards for underground storage tank systems

(a) Owners and operators of underground storage tank systems which are installed on or after September 4, 1990, shall obtain a permit in accordance with N.J.A.C. 7:14B-10 before installation and ensure that the systems meet the following performance standards:

1. Each tank shall be properly designed and constructed, and any portion underground that routinely contains product shall be protected from corrosion, in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory as specified below:

i. The tank shall be constructed of fiberglass-reinforced plastic;

ii. The tank shall be constructed of steel and cathodically protected in the following manner:

(1) The tank shall be coated with a suitable dielectric material;

(2) Field-installed cathodic protection systems shall be designed by a Cathodic Protection Specialist certified in accordance with N.J.A.C. 7:14B-13. The design shall be based upon data collected onsite by a Cathodic Protection Specialist or Cathodic Protection Tester certified in accordance with N.J.A.C. 7:14B-13;

(3) Impressed current systems shall be designed to allow determination of current operating status as required in N.J.A.C. 7:14B-5.2(a)3; and

(4) Cathodic protection systems shall be operated and

maintained in accordance with N.J.A.C. 7:14B-5.2;

iii. The tank shall be constructed of a steel-fiberglass-reinforced-plastic composite;

iv. The tank shall be constructed of metal without additional corrosion protection measures provided that:

(1) The tank is installed at a site that is determined by a Department certified Cathodic Protection Specialist not to be corrosive enough to cause it to have a release due to corrosion during its operating life; and

(2) Owners and operators maintain records that demonstrate compliance with the requirements of (a)1iv(1) above for the remaining life of the tank;

v. Except as set forth in (a)1v(1) below, each tank for which installation begins on or after April 11, 2016, shall be designed and constructed with secondary containment and interstitial monitoring in accordance with N.J.A.C. 7:14B-6.5(a)7, such that in the event of a primary containment breach the secondary containment shall contain regulated substances until they are detected and removed. Secondary containment shall prevent the release of regulated substances to the environment at all times during the operational life of the tank.

(1) The provisions of (a)1v above shall apply to a regulated heating oil tank system for which installation begins on or after July 15, 2018.

vi. For each tank installed prior to January 16, 2018, that has secondary containment and is performing interstitial monitoring as of January 16, 2018, shall maintain interstitial monitoring at all times during the operational life of the tank.

2. The piping, including metallic swing joints and metallic flex connectors, that routinely contains regulated substances and is in contact with the ground shall be properly designed, constructed, and protected from corrosion in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory as specified below:

i. The piping shall be constructed of fiberglass-reinforced plastic;

ii. The piping shall be constructed of metal and cathodically protected in the following manner:

(1) The piping shall be coated with a suitable dielectric material;

(2) Field-installed cathodic protection systems shall be designed by a person certified as a Cathodic Protection Specialist pursuant to N.J.A.C. 7:14B-13;

(3) Impressed current systems shall be designed to allow determination of current operating status as required in N.J.A.C. 7:14B-5.2(a)3; and

(4) Cathodic protection systems shall be operated and maintained in accordance with N.J.A.C. 7:14B-5.2;

iii. The piping shall be constructed of metal without additional

corrosion protection measures provided that:

(1) The piping is installed at a site that is determined by a Department certified Cathodic Protection Specialist to not be corrosive enough to cause it to have a release due to corrosion during its operating life; and

(2) Owners and operators maintain records that demonstrate compliance with the requirements of (a)2iii(1) above for the remaining life of the piping; and

iv. Except as set forth in (a)2iv(1) below, all new or replaced piping for which installation begins on or after April 11, 2016, except suction piping that meets the requirements of N.J.A.C. 7:14B-6.2(a)2ii(1) through (5) and piping associated with field-constructed tanks greater than 50,000 gallons or airport hydrant systems, shall be designed, constructed, and installed with secondary containment and interstitial monitoring in accordance with N.J.A.C. 7:14B-6.5(a)7, such that in the event of a primary containment breach, the secondary containment shall contain the regulated substances until they are detected and removed. Secondary containment shall prevent the release of regulated substances to the environment at all times during the operational life of the UST system.

(1) For a regulated heating oil tank system, the provisions of (a)2iv above shall apply to new or replaced piping for which installation begins on or after July 15, 2018.

v. For piping installed prior to January 16, 2018, that has secondary containment and performing interstitial monitoring as of January 16, 2018, shall maintain interstitial monitoring at all times during the operational life of the piping.

3. Except as provided in (a)3iv and v below, to prevent spilling and overfilling associated with product transfer to the underground storage tank system, owners and operators shall use the following:

i. Spill prevention equipment that shall prevent release of product to the environment when the transfer hose is detached from the fill pipe (for example, a spill catchment basin);

ii. Overfill prevention equipment, compatible with the delivery method used to fill the tank, that shall:

(1) Automatically shut off flow into the tank when the tank is no more than 95 percent full;

(2) Alert the transfer operator when the tank is no more than 90 percent full by restricting the flow into the tank or triggering a high-level alarm; or

(3) Restrict flow 30 minutes prior to overfilling, alert the operator with a high level alarm one minute before overfilling, or automatically shut off flow into the tank so that none of the fittings located on top of the tank are exposed to product due to overfilling; and

iii. Spill and overfill prevention equipment tested or inspected in accordance with N.J.A.C. 7:14B-5.10.

iv. Flow restrictors in vent lines shall not be used to comply with (a)3ii above when overfill prevention equipment is installed or replaced after October 13, 2015, or the date provided at 40 CFR 280.20, whichever is later.

v. Owners and operators are not required to use the spill and overfill prevention equipment specified in (a)3i, ii, and iii above if the underground storage tank system is filled by transfers of no more than 25 gallons at one time.

4. The UST system shall be properly installed in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory and in accordance with the manufacturer's instructions.

5. All owners and operators shall ensure that the following methods of certification or inspection are used to demonstrate compliance with N.J.A.C. 7:14B-4.1(a)4 by maintaining documents in accordance with the recordkeeping requirements of N.J.A.C. 7:14B-5.6.

i. The installer has been certified by the tank and piping manufacturers;

ii. The installer has been certified by the Department in the category of Entire System Installation in accordance with N.J.A.C. 7:14B-13;

iii. All work listed in the manufacturer's installation checklists has been completed in accordance with N.J.A.C. 7:14B-5.6; and

iv.Owners and operators of an UST system installed after January 16, 2018, shall obtain a certification by the UST system installer on the New Jersey Underground Storage Tank Facility Certification Questionnaire, pursuant to N.J.A.C. 7:14B-2.2(h).

(b) All underground storage tank systems installed on or after September 4, 1990, within wellhead protection areas as defined in N.J.A.C. 7:14B-1.6 shall be secondarily contained and monitored in accordance with the requirements of N.J.A.C. 7:14B-6.4(a)2.

(c) All new underground storage tank systems using monitoring systems such as vapor or liquid sensors and discharge detection observation wells which use screen and casing and which are being placed in the excavation area during installation of the tank system shall obtain a well permit as specified in the Subsurface and Percolating Waters Act, N.J.S.A. 58:4A-4.1 et seq., unless the wells are constructed in the following manner:

1. Screen and casing materials shall be compatible with the substances stored in the underground storage tank system so as not to preclude the use of the monitoring system;

2. Solid casing shall extend at least two feet below the surface. Glue shall not be used to attach screen to casing. The casing shall be grouted with at least two feet of neat cement to protect against surface infiltration. Screens shall be capped at the bottom;

3. All monitoring systems using screen and casing shall have protective coverings at the surface. Grade level access ports shall be four inches greater in diameter than the casing, watertight and strong enough to withstand the anticipated traffic load. For casing that extends above grade, a protective outer casing at least four inches greater in diameter than that of the inner casing shall be used. The protective coverings shall be seated in neat cement;

4. The top of the screen shall be located at least two feet above the seasonal

high water table and five feet into the water table for ground water observation wells;

5. The innermost casing or cap shall be perforated with one hole to allow for venting; and

6. The screen shall be designed to minimize migration of natural soils or filter pack in the well.

(d) The owner and operator of a proposed monitoring system which uses screen and casing and is not in conformance with (c) above shall comply with N.J.S.A. 58:4A-4.1 et seq., the Subsurface and Percolating Water Act.

(e) The following codes and standards, incorporated herein by reference, as amended and supplemented, shall be used to comply with (a)1i above:

1. Underwriters Laboratories Standard 1316, "Glass-Fiber-Reinforced Plastic Underground Storage Tanks for Petroleum Products, Alcohols, and Alcohol-Gasoline Mixtures" (available at www.UL.com); or

2. Underwriters Laboratories of Canada ULC-S615, "Standard for Fibre Reinforced Plastic Underground Tanks for Flammable and Combustible Liquids" (available at canada.UL.com).

(f) The following codes and standards, incorporated herein by reference, as amended and supplemented, shall be used to comply with (a)1ii above:

1. Steel Tank Institute “sti-P3® Specification and Manual for External Corrosion Protection of Underground Steel Storage Tanks” (available at www.steeltank.com);

2. Underwriters Laboratories of Canada ULC-S603, “Standard for Steel Underground Tanks for Flammable and Combustible Liquids”; ULC-S603.1, “External Corrosion Protection Systems for Steel Underground Tanks for Flammable and Combustible Liquids”; and ULC-S631, “Standard for Isolating Bushings for Steel Underground Tanks Protected with External Corrosion Protection Systems”;

3. AMPP Standard NACE SP 0285, “External Corrosion Control of Underground Storage Tank Systems by Cathodic Protection,” (available at www.ampp.org/standards) and Underwriters Laboratories Standard 58, “Standard for Steel Underground Tanks for Flammable and Combustible Liquids” (available at www.UL.com);

4. Underwriters Laboratories Standard 1746, “Standard for External Corrosion Protection Systems for Steel Underground Storage Tanks” (available at www.UL.com); or

5. Steel Tank Institute Standard F841, “Standard for Dual Wall Underground Steel Storage Tanks” (available at www.steeltank.com).

(g) The following codes and standards, as applicable, incorporated herein by reference, as amended and supplemented, shall be used to comply with (a)1iii above:

1. Underwriters Laboratories Standard 1746, “External Corrosion Protection Systems for Steel Underground Storage Tanks” (available at www.UL.com);

2. Steel Tank Institute ACT-100R Specification F894, “Specification for External Corrosion Protection of FRP Composite Steel Underground Storage Tanks” (available at www.steeltank.com);

3. Steel Tank Institute ACT-100-UR Specification F961, “Specification for External Corrosion Protection of Composite Steel Underground Storage Tanks” (available at www.steeltank.com); or

4. Steel Tank Institute Specification F922, "Steel Tank Institute Specification for Permatank®" (available at www.steeltank.com).

(h) The following codes and standards, incorporated herein by reference, as amended and supplemented, shall be used to comply with (a)2i above:

1. Underwriters Laboratories Standard 971, "Non-Metallic Underground Piping for Flammable Liquids" (available at www.UL.com);

2. Underwriters Laboratories Standard 567, "Pipe Connectors for Petroleum Products and LP Gas" (available at www.UL.com); or

3. Underwriters Laboratories of Canada Standard S660, "Standard for Nonmetallic Underground Piping for Flammable and Combustible Liquids" (available at canada.UL.com).

(i) The following codes and standards, incorporated herein by reference, as amended and supplemented, shall be used to comply with (a)2ii above:

1. National Fire Protection Association Standard 30, "Flammable and Combustible Liquids Code" (obtained from: P.O. Box 9101, Quincy, MA 02269-9101);

2. American Petroleum Institute Publication 1615, "Installation of Underground Storage Petroleum Systems" (obtained from Global Engineering Documents at 15 Inverness Way East, Englewood, Colorado 80122);

3. American Petroleum Institute Publication 1632, "Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems" (available at www.api.org);

4. AMPP Standard NACE SP 0169, "Control of External Corrosion on Underground or Submerged Metallic Piping Systems" (available at www.ampp.org/standards);

5. Underwriters Laboratories Subject 971A, "Outline of Investigation for Metallic Underground Fuel Pipe" (available at www.UL.com);

6. Steel Tank Institute Recommended Practice R892, "Recommended Practice for Corrosion Protection of Underground Piping Networks Associated with Liquid Storage and Dispensing Systems" (available at www.steeltank.com); or

7. AMPP Standard NACE SP 0285, "External Corrosion Control of Underground Storage Tank Systems by Cathodic Protection" (available at www.ampp.org/standards).

(j) The following codes and standards, incorporated herein by reference, as amended and supplemented, shall be used to comply with (a)2iii above:

1. National Fire Protection Association Standard 30, "Flammable and Combustible Liquids Code"; or

2. AMPP Standard NACE SP 0169, "Control of External Corrosion on Underground or Submerged Metallic Piping Systems" (available at www.ampp.org/standards).

(k) The UST system installation practices and procedures described in the following codes and standards, incorporated herein by reference, as amended and supplemented, shall be used to comply with (a)4 above:

1. American Petroleum Institute Publication 1615, "Installation of Underground Petroleum Storage Systems" (available at www.api.org);

2. Petroleum Equipment Institute Publication RP100, "Recommended

Practices for Installation of Underground Liquid Storage Systems" (available at www.pei.org);

3. American National Standards Institute Standard B31.3, "Process Piping," and American National Standards Institute Standard B31.4, "Liquid Transportation Systems for Hydrocarbons, Liquid Petroleum Gas, Anhydrous Ammonia and Alcohols" (available at global.ihs.com); or

4. National Fire Protection Association Standard 30, "Flammable and Combustible Liquids Code" and Standard 30A, "Code for Motor Fuel Dispensing Facilities and Repair Garages" (available at www.nfpa.org).

(*l*) No underground storage system shall be installed:

1. Within 50 feet of a public community supply system well, pursuant to N.J.A.C. 7:10-11.4(b)2; and

2. Within 50 feet of a nonpublic community supply system well.

7:14B-4.2 Requirements for substantial modification or upgrade of an underground storage tank system

(a) Any substantial modification or upgrade to an underground storage tank system, excluding field constructed tanks and airport hydrant systems regulated pursuant to N.J.A.C. 7:14B-4A, shall meet the following requirements:

1. The permit requirements at N.J.A.C. 7:14B-10, prior to initiating a substantial modification or upgrade to an underground storage tank system;

2. The underground storage tank system performance standards under N.J.A.C. 7:14B-4.1; and

3. The requirements in sections (b) through (g) below.

(b) Any substantial modification or upgrade to a steel or fiberglass tank system shall meet the following requirements, as applicable, in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory:

1. A tank may be upgraded by internal lining if the lining is installed in accordance with the requirements of N.J.A.C. 7:14B-5.4, and provided the internal inspection determines the tank is structurally sound. A steel tank shall have sufficient wall thickness (minimum 1/8 inch or 0.32 centimeter), and cathodic protection in accordance with N.J.A.C. 7:14B-4.1(a)1ii(2), (3), and (4).

i. Within 10 years after installing the lining, and every five years thereafter, the lined tank shall be internally inspected and found to be structurally sound with the lining still performing in accordance with original design specifications.

ii. If the internal inspection reveals that the tank is not structurally sound, or the internal lining is not performing in accordance with original design specifications and cannot be repaired according to a code of practice developed by a nationally recognized association or independent testing laboratory, the lined tank shall be closed in accordance with N.J.A.C. 7:14B-9.2.

iii. For a steel tank upgraded by both internal lining and cathodic protection for corrosion protection, where the internal lining is failing and cannot be repaired, the tank shall not require closure pursuant to (b)1ii above, provided the owner and operator demonstrate that the UST system

construction continues to prevent the release or threatened release of any stored regulated substance and the cathodic protection is maintained and operated according to N.J.A.C. 7:14B-5.2. Demonstration shall be made by providing the Department a permit application in accordance with N.J.A.C. 7:14B-10, and records indicating, at a minimum:

(1) The tank installation date;

(2) The installation date and purpose for the internal lining upgrade, and records of the internal inspection(s) required pursuant to (b)1i above;

(3) The installation date of the cathodic protection system upgrade, documentation of operation of the cathodic protection system maintained pursuant to N.J.A.C. 7:14B-5.6(a)1ii and documentation of the method used to ensure tank integrity required pursuant to (b)2 below; and

(4) Evidence of tank integrity, such as precision tank test results.

2. Any substantial modification or upgrade involving cathodic protection shall meet the requirements of N.J.A.C. 7:14B-4.1(a)1ii(2), (3), and (4) and the integrity of the tank is ensured using one of the following methods:

i. The tank is internally inspected and assessed to ensure that the tank is structurally sound, has sufficient wall thickness (minimum 1/8 inch or 0.32 centimeter) for steel tanks), and is free of corrosion holes prior to installing the cathodic protection system;

ii. The tank has been installed for less than 10 years and is monitored monthly for releases in accordance with N.J.A.C. 7:14B-6.5(a)4 through 8;

iii. The tank has been installed for less than 10 years and is assessed for corrosion holes by conducting two tightness tests that meet the requirements of N.J.A.C. 7:14B-6.5(a)3. The first tightness test shall be conducted prior to installing the cathodic protection system. The second tightness test shall be conducted between three and six months following the first operation of the cathodic protection system; or

iv. The tank is assessed for corrosion holes by a method that is determined by the Department to be no less protective of human health and the environment than (b)2i through iii above.

3. Any drilling performed for the installation of the cathodic protection systems shall be performed in accordance with N.J.S.A. 58:4A-4.1 et seq., the Subsurface and Percolating Waters Act.

(c) Any substantial modification or upgrade to piping that routinely contains regulated substances, shall meet the requirements of N.J.A.C. 7:14B-4.1(a)2ii(2), (3), and (4) and 5.4, as applicable, and be conducted in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory.

(d) Any substantial modification or upgrade to equipment designed to prevent spilling and overfilling associated with product transfer to the underground storage tank system shall meet the requirements specified in N.J.A.C. 7:14B-4.1(a)3, 5.4, and 5.10.

(e) The following codes and standards, incorporated herein by reference, as amended and supplemented, shall be used to comply with the requirements at (b) above:

1. American Petroleum Institute Publication 1631, "Interior Lining and Periodic Inspection of Underground Storage Tanks" (available at www.api.org);

2. National Leak Prevention Association Standard 631, "Spill Prevention, Minimum 10 Year Life Extension of Existing Steel Underground Tanks by Lining Without the Addition of Cathodic Protection" (obtained from: United States Environmental Protection Agency, Office of Underground Storage Tanks, Washington, D.C. 20460, or www.nlpa-online.org);

3. AMPP Standard NACE SP 0285, "External Corrosion Control of Underground Storage Tank Systems by Cathodic Protection," (available at www.ampp.org/standards) and Underwriters Laboratories Standard 58, "Standard for Steel underground storage tanks for Flammable and Combustible Liquids" (available at www.UL.com); or

4. American Petroleum Institute Publication 1632, "Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems" (available at www.api.org).

(f) The following codes of practice and standards, incorporated herein by reference, as amended and supplemented, and as applicable, shall be used to comply with the periodic lining inspection requirement of (b)1 above:

1. American Petroleum Institute Publication 1631, "Interior Lining and Periodic Inspection of Underground Storage Tanks" (available at www.api.org);

2. National Leak Prevention Association Standard 631, Chapter B "Future Internal Inspection Requirements for Lined Tanks"; or

3. Ken Wilcox Associates Recommended Practice, "Recommended Practice for Inspecting Buried Lined Steel Tanks Using a Video Camera" (available at www.kwaleak.com/protocols).

(g) The following codes and standards, incorporated herein by reference, as amended and supplemented, and as applicable, shall be used to comply with the requirements at (c) above:

1. American Petroleum Institute Publication 1632, "Cathodic Protection of Underground Storage Tanks and Piping Systems" (available at www.api.org);

2. AMPP Standard NACE SP 0169, "Control of External Corrosion on Underground or Submerged Metallic Piping Systems" (available at www.ampp.org/standards);

3. Steel Tank Institute Recommended Practice R892, "Recommended Practice for Corrosion Protection of Underground Piping Networks Associated with Liquid Storage and Dispensing Systems" (available at www.steeltank.com);

4. AMPP Standard NACE SP 0285, "External Corrosion Control of Underground Storage Tank Systems by Cathodic Protection," (available at www.ampp.org/standards); or

5. Underwriters Laboratories Subject 971A, "Outline of Investigation for Metallic Underground Fuel Pipe" (available at www.UL.com).

7:14B-4.3 Installation requirements for partially regulated underground storage tank systems

(a) For purposes of this section, "partially regulated underground storage tank systems" means those underground storage tank systems identified at N.J.A.C. 7:14B-1.4(c).

(b) An owner and operator shall install a partially regulated underground storage tank

system storing regulated substances (whether of single or double wall construction) that meets the following requirements:

1. Will prevent releases due to corrosion or structural failure for the operational life of the UST system;

2. Is cathodically protected against corrosion, constructed of non-corrodible material, steel clad with a noncorrodible material, or designed in a manner to prevent the release or threatened release of any stored substance in accordance with N.J.A.C. 7:14B-4.1(a)1i through iv and (a)2i through iii; and

3. Is constructed or lined with material that is compatible with the stored substance in accordance with N.J.A.C. 7:14B-5.3.

(c) Notwithstanding (b) above, an UST system without corrosion protection may be installed at a site that is determined by a Department-certified Cathodic Protection Specialist not to be corrosive enough to cause it to have a release due to corrosion during its operating life. Owners and operators must maintain records that demonstrate compliance with the requirements of this subsection for the remaining life of the tank.

(d) The following codes of practice, as amended and supplemented, may be used as guidance to comply with the requirements at (b) and (c) above:

1. American Petroleum Institute Publication 1632, “Cathodic Protection of Underground Storage Tanks and Piping Systems” (available at www.api.org);

2. AMPP Standard NACE SP 0169, “Control of External Corrosion on Underground or Submerged Metallic Piping Systems” (available at www.ampp.org/standards);

3. Steel Tank Institute Recommended Practice R892, "Recommended Practice for Corrosion Protection of Underground Piping Networks Associated with Liquid Storage and Dispensing Systems" (available at www.steeltank.com); or

4. AMPP Standard NACE SP 0285, “External Corrosion Control of Underground Storage Tank Systems by Cathodic Protection,” (available at www.ampp.org/standards).

SUBCHAPTER 4A. FIELD-CONSTRUCTED TANKS AND AIRPORT HYDRANT SYSTEMS

7:14B-4A.1 Applicability

The provisions of this subchapter shall apply to field-constructed tanks and airport hydrant systems, except as provided in N.J.A.C. 7:14B-4A.2 and 16, Certification of Individuals and Business Firms for Unregulated Underground Storage Tank Systems.

7:14B-4A.2 Installation, inspection, and release detection requirements specific to underground storage tank systems with field-constructed tanks and airport hydrant systems

(a) The owner and operator may use single-walled piping when installing or replacing piping associated with underground storage tank systems with field-constructed tanks greater than 50,000 gallons and piping associated with airport hydrant systems. Piping associated with underground storage tank systems with field-constructed tanks less than or equal to 50,000 gallons that are not part of an airport hydrant system shall comply with the requirements for secondary containment in accordance with N.J.A.C. 7:14B-4.1(a)2iv, when

installed or replaced.

(b) In addition to conducting walkthrough inspections in accordance with N.J.A.C. 7:14B-5.12, the owner and operator shall include, at least once every 30 days, the following additional areas for airport hydrant systems inspections, if confined space entry according to the Occupational Safety and Health Administration (see 29 CFR Part 1910) is not required, or at least annually if confined space entry is required; and maintain records documenting the inspection according to N.J.A.C. 7:14B-5.12(c):

1. Visually check hydrant pits for any damage, remove any liquid or debris, and check for any leaks; and

2. Check hydrant piping vaults for any hydrant piping leaks.

(c) The owner and operator of an underground storage tank system with field-constructed tanks and airport hydrant systems shall comply with the release detection requirements described below:

1. Field-constructed tanks with a capacity less than or equal to 50,000 gallons, and underground piping associated with field-constructed tanks less than or equal to 50,000 gallons shall meet the release detection requirements in accordance with N.J.A.C. 7:14B-6.

2. Field-constructed tanks with a capacity greater than 50,000 gallons shall meet either the requirements in N.J.A.C. 7:14B-6 (except N.J.A.C. 7:14B-6.5(a)5 or 6 shall be combined with inventory control as stated below) or use one or a combination of the following alternative methods of release detection:

i. Conduct an annual tank tightness test that can detect a 0.5 gallon per hour leak rate;

ii. Use an automatic tank gauging system to perform release detection at least every 30 days that can detect a leak rate less than or equal to one gallon per hour. This method must be combined with a tank tightness test that can detect a 0.2 gallon per hour leak rate performed at least every three years;

iii. Use an automatic tank gauging system to perform release detection at least every 30 days that can detect a leak rate less than or equal to two gallons per hour. This method must be combined with a tank tightness test that can detect a 0.2 gallon per hour leak rate performed at least every two years;

iv. Perform vapor monitoring (conducted in accordance with N.J.A.C. 7:14B-6.5(a)5 for a tracer compound placed in the tank system) capable of detecting a 0.1 gallon per hour leak rate at least every two years;

v. Perform inventory control (conducted in accordance with Department of Defense Directive 4140.25; ATA Airport Fuel Facility Operations and Maintenance Guidance Manual; or equivalent procedures) at least every 30 days that can detect a leak equal to or less than 0.5 percent of flow-through; and

(1) Perform a tank tightness test that can detect a 0.5 gallon per hour leak rate at least every two years; or

(2) Perform vapor monitoring or ground water monitoring (conducted in accordance with N.J.A.C. 7:14B-6.5(a)5 or 6, respectively, for the stored regulated substance) at least every 30 days; or

vi. Another method of release detection may be used if the owner and operator comply with the requirements below. In evaluating a method, the Department shall consider the size of release that the method can detect and the frequency and reliability with which it can be detected.

(1) Demonstrate to the Department that the alternate method(s) can detect a release as effectively as any of the methods allowed in (c)2i through v above.

(2) Obtain approval from the Department, through the issuance of a permit pursuant to N.J.A.C. 7:14B-10, and comply with any conditions imposed by the Department on its use to ensure the protection of human health and the environment.

3. Underground piping associated with airport hydrant systems and field-constructed tanks greater than 50,000 gallons shall meet either the requirements in N.J.A.C. 7:14B-6 (except N.J.A.C. 7:14B-6.5(a)5 or 6 shall be combined with inventory control as stated below) or use one or a combination of the following alternative methods of release detection:

i. Perform a semiannual or annual line tightness test at or above the piping operating pressure in accordance with the table below.

Maximum Leak Detection Rate per Test Section Volume
Gallons per Hour (gph)

Test Section Volume	Semiannual Test-Leak Detection Rate	Annual Test- Leak Detection Rate
<50,000 gallons	1.0 gph	0.5 gph
>/=50,000 to <75,000 gallons	1.5 gph	0.75 gph
>/=75,000 to <100,000 gallons	2.0 gph	1.0 gph
>/=100,000 gallons	3.0 gph	1.5 gph

ii. Perform vapor monitoring (conducted in accordance with N.J.A.C. 7:14B-6.5(a)5 for a tracer compound placed in the tank system) capable of detecting a 0.1 gallon per hour leak rate at least every two years;

iii. Perform inventory control (conducted in accordance with Department of Defense Directive 4140.25; ATA Airport Fuel Facility Operations and Maintenance Guidance Manual; or equivalent procedures) at least every 30 days that can detect a leak equal to or less than 0.5 percent of flow-through; and

(1) Perform a line tightness test (conducted in accordance with paragraph (i) of this section using the leak rates for the semiannual test) at least every two years; or

(2) Perform vapor monitoring or ground water monitoring (conducted in accordance with N.J.A.C. 7:14B-6.5(a)5 or 6, respectively, for the stored regulated substance) at least every 30 days; or

iv. Another method of release detection may be used if the owner and operator comply with the requirements below. In evaluating a method, the Department shall consider the size of release that the method can detect and the frequency and reliability with which it can be detected.

(1) Demonstrate to the Department that the alternate method(s) can detect a release as effectively as any of the methods allowed in (c)2i through iii above.

(2) Obtain approval from the Department, through the issuance of a permit pursuant to N.J.A.C. 7:14B-10, and comply with any conditions imposed by the Department on its use to ensure the protection of human health and the environment.

4. The owner and operator shall maintain release detection records according to the recordkeeping requirements in N.J.A.C. 7:14B-6.7.

(d) The Department can direct the owner and operator of an underground storage tank system with field-constructed tanks or airport hydrant system permanently closed before October 13, 2015, to assess the excavation zone and close the underground storage tank system in accordance with N.J.A.C. 7:14B-9, if releases from the underground storage tank may, as judged by the Department, pose a current or potential threat to human health and the environment.

(e) An owner and operator may use military construction criteria, such as Unified Facilities Criteria (UFC) 3-460-01, "Petroleum Fuel Facilities," in addition to the codes of practice listed in N.J.A.C. 7:14B-4.1, when designing, constructing, and installing airport hydrant systems and underground storage tank systems with field-constructed tanks.

SUBCHAPTER 5. GENERAL OPERATING REQUIREMENTS

7:14B-5.1 Spill and overfill control

(a) The owner and operator shall ensure the following:

1. There shall be no release of hazardous substance 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 Standard 385, "Standard for Tank Vehicles for Flammable and Combustible Liquids" (available at www.nfpa.org), and American Petroleum Institute Recommended Practice 1007, "Loading and Unloading of MC 306/DOT 406 Cargo Tank Motor Vehicles" (available at www.api.org), incorporated herein by reference, as amended and supplemented, shall be used to comply with (a) above. Further guidance on spill and overfill prevention appears in American Petroleum Institute Recommended Practice 1621, "Bulk Liquid Stock Control at Retail Outlets".

(c) The owner and operator shall report, investigate, and remediate any discharge from the underground storage tank system in accordance with the Administrative Requirements for the Remediation of Contaminated Sites, N.J.A.C. 7:26C.

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 the following codes of practice, as applicable, incorporated herein by reference, as amended and supplemented:

(1) AMPP Standard NACE TM 0101, "Measurement Techniques Related to Criteria for Cathodic Protection of Underground Storage Tank Systems" (available at www.ampp.org/standards);

(2) AMPP Standard NACE TM0497, "Measurement Techniques Related to Criteria for Cathodic Protection on Underground or Submerged Metallic Piping Systems" (available at www.ampp.org/standards);

(3) Steel Tank Institute Recommended Practice R051, "Cathodic Protection Testing Procedures for sti-P3 USTs" (available at www.steeltank.com);

(4) AMPP Standard NACE SP 0285, "External Corrosion Control of Underground Storage Tank Systems by Cathodic Protection," (available at www.ampp.org/standards); or

(5) AMPP Standard NACE SP 0169, "Control of External Corrosion on Underground or Submerged Metallic Piping Systems" (available at www.ampp.org/standards).

3. Underground storage tank systems with impressed current cathodic protection systems shall be inspected every 60 calendar days to ensure the equipment is running properly.

4. For underground storage tank systems using cathodic protection, records of the operation of the cathodic protection shall be maintained in accordance with N.J.A.C. 7:14B-5.6 to demonstrate compliance with the operation and maintenance standards in this section. These records shall provide the following:

i. The results of testing from all inspections required in (a)2 above; and

ii. The results of all inspections required in (a)3 above.

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 shall notify the Department in accordance with N.J.A.C. 7:14B-2.1, at least 30 days prior to introducing into the UST system any regulated substance that contains greater than 10 percent ethanol or greater than 20 percent biodiesel, or any other regulated substance identified by the Department. Owners and operators must demonstrate compatibility of all UST system equipment and components with these regulated substances using one or more of the following methods:

1. A certification or listing of UST system equipment or components by a nationally recognized, independent testing laboratory for use with the regulated substance stored;

2. The written statement of compatibility from the equipment or component manufacturer, indicating the range of biofuel blends with which the equipment or component is compatible; or

3. Another method that the owner and operator demonstrates is no less protective of human health and the environment than the methods listed in (b)1 or 2 above.

(c) Owners and operators shall maintain documents showing compliance with (b) above, as applicable, in accordance with N.J.A.C. 7:14B-5.6(b) for as long as the underground storage tank system is used to store the regulated substance.

(d) All compartmented 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.

(e) American Petroleum Institute Publication 1626, "Storing and Handling Ethanol and Gasoline-Ethanol Blends at Distribution Terminals and Service Stations," incorporated herein by reference, as amended and supplemented, may be used to comply with the requirements of (a) and (b) above.

7:14B-5.4 Repairs

(a) Owners and operators shall obtain a permit from the Department in accordance with N.J.A.C. 7:14B-10 and meet the following requirements to ensure that repairs shall prevent releases due to structural failure or corrosion as long as the underground storage tank system is used to store hazardous substances:

1. Repairs to underground storage tank systems shall be properly conducted in accordance with a code of practice developed by a nationally recognized association as listed in N.J.A.C. 7:14B-5.4(c), or an independent testing laboratory.

2. Repairs to fiberglass-reinforced plastic tanks shall be made in accordance with the manufacturer's specifications or in accordance with a code of practice developed by a nationally recognized association as listed in N.J.A.C. 7:14B-5.4(c) or an independent testing laboratory.

3. Metal pipe sections and fittings that have released product as a result of corrosion or other damage shall be replaced. Non-corrodible pipes and fittings shall be repaired or replaced, in accordance with the manufacturer's specifications. The entire piping run shall be replaced when 50 percent or more of the piping run is replaced. The following new or replaced piping shall have secondary containment and interstitial monitoring, in accordance with N.J.A.C. 7:14B-4.1(a)2iv:

i. Except as set forth in (a)3ii below, all new or replaced piping for which installation begins on or after April 11, 2016.

ii. For a regulated heating oil tank system, all new or replaced piping for which installation begins on or after July 15, 2018.

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. Repaired secondary containment areas, where interstitial monitoring release detection is performed, shall be tested in accordance with the manufacturer's instructions, or a code of practice developed by a nationally recognized association or independent testing laboratory within 30 days following the date of completion of the repair.

6. 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.

7. Repaired spill or overfill prevention equipment shall be tested or inspected, as appropriate, within 30 calendar days following the date of the completion of the repair, to ensure it is operating in accordance with N.J.A.C. 7:14B-5.10(a).

8. Owners and operators shall maintain records of each repair and associated test or inspection for the remaining operating life of the underground storage tank system that demonstrates compliance with the requirements of this section.

(b) The owner and operator 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 at (a) above:

1. National Fire Protection Association Standard 30, “Flammable and Combustible Liquids Code” (available at www.nfpa.org);

2. American Petroleum Institute Recommended Practice RP 2200, “Repairing Crude Oil, Liquefied Petroleum Gas, and Product Pipelines” (available at www.api.org);

3. American Petroleum Institute Recommended Practice RP 1631, “Interior Lining and Periodic Inspection of Underground Storage Tanks” (available at www.api.org);

4. National Leak Prevention Association Standard 631, Chapter A, "Entry, Cleaning, Interior Inspection, Repair, and Lining of Underground Storage Tanks" (available at www.nlpa-online.org);

5. National Fire Protections Association Standard 326, "Standard for the Safeguarding of Tanks and Containers for Entry, Cleaning, or Repair" (available at www.nfpa.org);

6. Steel Tank Institute Recommended Practice R972, "Recommended Practice for the Addition of Supplemental Anodes to sti-P3® Tanks" (available at www.steeltank.com);

7. AMPP Standard NACE SP 0285, "External Corrosion Control of Underground Storage Tank Systems by Cathodic Protection," (available at www.ampp.org/standards); or

8. Fiberglass Tank and Pipe Institute Recommended Practice T-95-02, "Remanufacturing of Fiberglass Reinforced Plastic (FRP) Underground Storage Tanks" (available at www.fiberglasstankandpipe.com).

(d) The following codes and standards, incorporated herein by reference, as amended and supplemented, shall be used to comply with the requirements of (a)5 above:

1. Petroleum Equipment Institute Recommended Practice RP1200 "Recommended Practices for the Testing and Verification of Spill, Overfill, Leak Detection, and Secondary Containment Equipment at UST Facilities" (available at www.pei.org);

2. Steel Tank Institute Recommended Practice R012, "Recommended Practice for Interstitial Tightness Testing of Existing Underground Double Wall Steel Tanks" (available at www.steeltank.com); or

3. Fiberglass Tank and Pipe Institute Protocol, "Field Test Protocol for Testing the Annular Space of Installed Underground Fiberglass Double and Triple-Wall Tanks with Dry Annular Space" (available at www.fiberglasstankandpipe.com).

7:14B-5.5 Release response plan

(a) The owner and operator shall prepare, and update as necessary to reflect changes to the facility and to regulations governing response plans, 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 or call center responsible for the operation of the facility during an emergency, including the Class A, B, or C operators, as applicable;

3. 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, including the procedures to address alarms associated with release detection equipment; and

4. The name and telephone number of the owner or operator's contractor to implement a release response plan, including, but not limited to, a licensed site remediation professional to conduct the remediation, and an individual certified pursuant to N.J.A.C. 7:14B-13 or 16 to address system closure and equipment failure, and a contractor with hazardous material emergency response capability.

(b) The owner and operator shall ensure that the release response plan is available for on-site inspection.

(c) Any release response plan that 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 Rules, 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 and 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 Department certified Cathodic Protection Specialist'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

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-5.4;

(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 and 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 and 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 the Department at the address at N.J.A.C. 7:14B-2.2(b).

(e) The recordkeeping requirements of this section are in addition to recordkeeping requirements elsewhere in this chapter.

7:14B-5.7 Right of entry

(a) The owner and 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. Conduct remediation of any discharge.

7:14B-5.8 Fill port markings

The owner and operator 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(b)2i and ii.

(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, or where any registration has been revoked or denied.

7:14B-5.10 Spill and overfill prevention equipment

(a) The owner and operator of an UST system with spill and overfill prevention equipment shall ensure that the equipment meets the following requirements:

1. Spill prevention (such as a catchment basin, spill bucket, or other spill containment device) equipment shall prevent releases to the environment by either:

i. Being constructed with two walls and the space between the walls interstitially monitored to ensure that the integrity of the walls is maintained. Interstitial monitoring shall be performed not less often than the walkthrough inspections required pursuant to N.J.A.C. 7:14B-5.12(a)1i. Within 30 days after discontinuing interstitial monitoring, the owner and operator shall begin meeting the testing requirements of (a)1ii below; or

ii. Being tested at installation and at least once every three years by using vacuum, pressure, or liquid testing to ensure that the spill prevention equipment is liquid tight, in accordance with one of the following:

(1) Requirements developed by the manufacturer, if any;

(2) A code of practice developed by a nationally recognized

association or independent testing laboratory, such as Petroleum Equipment Institute Recommended Practice RP1200, "Recommended Practices for the Testing and Verification of Spill, Overfill, Leak Detection, and Secondary Containment Equipment at UST facilities" (available at www.pei.org); or

(3) A method that the owner and operator demonstrate is no less protective of human health and the environment than the requirements of (a)1ii(1) and (2) above.

2. Spill prevention equipment shall be visually inspected and cleaned of liquid and debris prior to any introduction of hazardous substances into the tank.

3. Overfill prevention equipment shall be inspected at installation and at least once every three years. At a minimum, the inspection shall ensure that overfill prevention equipment satisfies the requirements of N.J.A.C. 7:14B-4.1(a)3ii through v, as applicable. Inspections shall be conducted in accordance with:

i. Requirements developed by the manufacturer, if any;

ii. A code of practice developed by a nationally recognized association or independent testing laboratory, such as Petroleum Equipment Institute Recommended Practice RP1200, "Recommended Practices for the Testing and Verification of Spill, Overfill, Leak Detection, and Secondary Containment Equipment at UST facilities" (available at www.pei.org); or

iii. A method that the owner and operator demonstrate is no less protective of human health and the environment than the requirements of (a)3i and ii above.

(b) The owner and operator of an UST system installed prior to October 13, 2015, shall comply with (a) above beginning no later than October 13, 2018, or the date provided at 40 CFR 280.35, whichever is later.

(c) Except as set forth at (c)1 below, the owner and operator of an UST system installed on or after October 13, 2015 shall comply with (a) above upon installation.

1. The owner and operator of a regulated heating oil tank system installed on or after October 13, 2015, and prior to January 16, 2018, shall comply with (a) above no later than October 13, 2018, or the date provided at 40 CFR 280.35, whichever is later.

(d) The owner and operator shall ensure spill and overfill prevention equipment that is found to be deficient is repaired or replaced.

(e) The owner and operator shall maintain the following records related to spill and overfill prevention equipment, in accordance with N.J.A.C. 7:14B-5.6(b):

1. All records of spill prevention equipment testing and overfill prevention equipment inspections shall be maintained for five years; and

2. For spill prevention equipment not tested in accordance with (a)1ii above, documentation showing that the spill prevention equipment has two walls and is interstitially monitored according to (a)1i shall be maintained for the period during which the spill prevention equipment is monitored, and for five years after monitoring ends.

7:14B-5.11 Integrity testing of containment devices where interstitial monitoring of piping is performed

(a) The owner and operator performing interstitial monitoring of UST system piping shall prevent releases to the environment by ensuring the integrity of each containment device as follows:

1. Each containment device shall be tested at least once every three years, or within 30 days of discontinuing monitoring described in (a)2 below, to ensure the equipment is liquid tight by using a vacuum, pressure, or liquid testing method, in accordance with one of the following:

i. Requirements developed by the manufacturer, if any;

ii. A code of practice developed by a nationally recognized association or independent testing laboratory, such as Petroleum Equipment Institute Recommended Practice RP1200, "Recommended Practices for the Testing and Verification of Spill, Overfill, Leak Detection, and Secondary Containment Equipment at UST Facilities" (available at www.pei.org); or

iii. A method that the owner and operator demonstrates is no less protective of human health and the environment than the requirements at (a)1i and ii above.

2. Each double walled containment device shall be monitored by a method capable of detecting a breach in both the inner and outer walls of the structure. The integrity of both walls shall be monitored at a frequency not less than the walkthrough inspection described in N.J.A.C. 7:14B-5.12(a)1ii, or be tested in accordance with (a)1 above, to ensure the containment device is functioning properly.

(b) The owner and operator performing interstitial monitoring of UST system piping shall initiate testing of each containment device in accordance with (a) above as follows:

1. For an UST system installed prior to October 13, 2015, initial testing shall be performed no later than October 13, 2018, or the date provided at 40 CFR 280.35, whichever is later;

2. Except as set forth in 3 below, for an UST system installed on or after October 13, 2015, initial testing shall be performed upon installation of the UST system;

3. For a regulated heating oil tank system installed on or after October 13, 2015 and prior to January 16, 2018, initial testing shall be performed no later than October 13, 2018, or the date provided at 40 CFR 280.35, whichever is later.

(c) The owner and operator shall maintain records in accordance with N.J.A.C. 7:14B-5.6(b), as follows:

1. Records of testing in accordance with (a)1 above shall be maintained for five years; and

2. Records demonstrating the containment device is double walled and monitored in accordance with (a)2 above shall be maintained for as long as that method of monitoring is performed and for five years after monitoring ends.

7:14B-5.12 Operation and maintenance walkthrough inspections

(a) Beginning no later than October 13, 2018, or the date provided at 40 CFR 280.36,

whichever is later, each UST system inspection shall include:

1. Conducting a walkthrough inspection, at a minimum and as appropriate to the facility, as follows:

i. At least once every 30 calendar days:

(1) Open and visually inspect spill prevention equipment for damage that may compromise the integrity of the containment. Remove any liquid or debris and properly dispose of any substances collected. Check for and remove obstructions in the fill pipe, check each fill cap to make sure it is securely on the fill pipe, and check spill prevention equipment with interstitial monitoring for leaks in the interstitial area. Spill prevention equipment associated with an UST system that receives a delivery more than every 30 days shall be checked at minimum prior to each delivery;

(2) Open and visually inspect the UST system equipment and areas without a containment system at the submersible turbine pumps or below piping connections/transitions for damage or releases to the environment;

(3) Open and visually inspect the dispenser system equipment without a containment device for malfunctions, damage, or releases to the environment; and

(4) Check the release detection system to make sure the system is on and operating with no alarms or other unusual operating conditions present. Ensure records of release detection are reviewed and current.

ii. Annually:

(1) Open and visually check each containment device/sump for damage, leaks to the containment area, or releases to the environment; remove any liquid or debris from each containment device, and properly dispose of any substances collected; check each double walled containment device with interstitial monitoring for leaks in the interstitial area;

(ii) Open and visually check each dispenser cabinet for damage, leaks to the containment area or releases to the environment, remove any liquid or debris from each containment device, and properly dispose of any substances collected; check each under-dispenser containment device with interstitial monitoring for leaks in the interstitial area; and

(iii) Check devices such as tank gauge sticks or ground water bailers for operability and serviceability; or

2. Perform an inspection according to a standard code of practice, developed by a nationally recognized association or independent testing laboratory, that checks equipment comparable to (a)1 above, such as Petroleum Equipment Institute Recommended Practice RP 900, “Recommended Practices for the Inspection and Maintenance of UST Systems” (available at www.pei.org).

(b) If the walkthrough inspection identifies a release to the environment, the owner and operator shall immediately remove the deficient equipment from use and comply with

N.J.A.C. 7:14B-7 for release reporting and investigation. Corrective action shall be taken to address other equipment malfunctions or deficient areas identified during a walkthrough inspection, to ensure proper operation of the UST system and prevent a release to the environment.

(c) In accordance with N.J.A.C. 7:14B-5.6(b), the owner and operator shall maintain records of operation and maintenance walkthrough inspections for five years. The record shall identify the areas checked, whether each area checked was acceptable or required corrective action, a description of any corrective action taken, and delivery records if spill prevention equipment is checked less than every 30 days due to infrequent deliveries.

7:14B-5.13 Specific operating requirements for unmanned facilities

(a) The owner and operator of an unmanned facility shall ensure that the facility has clearly visible, weather resistant signs providing emergency procedures and notification requirements to be followed in the event of an incident. "Clearly visible" means that the sign shall be immediately apparent to an individual in the vicinity of the UST system, at any time of day. The sign shall be illuminated if necessary in order to be clearly visible. The sign shall include 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, including the Class A, B, or C operator, as applicable;

3. 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, including the procedures to address alarms associated with release detection equipment; and

4. The name and telephone number of any retained licensed site remediation professional.

(b) A sign displaying emergency information other than as set forth in (a) above may be used, upon written approval by the Department, provided the procedures and notification that result from the emergency information are equivalent to (a) above.

(c) The owner and operator of an unmanned facility shall comply with (a) or (b) above as follows:

1. The owner and operator of an unmanned facility at which one or more UST systems were installed prior to January 16, 2018, shall comply on or before January 16, 2019.

2. The owner and operator of an unmanned facility at which no UST systems were installed prior to January 16, 2018, and at which one or more UST systems are installed on or after January 16, 2018, shall comply before installation of the UST system commences.

7:14B-5.14 Designation of Class A, Class B, and Class C operators

(a) The owner and operator of an UST system shall designate Class A, Class B, and Class C operators, trained pursuant to N.J.A.C. 7:14B-5A and notify the Department of each designated Class A and Class B operator in accordance with N.J.A.C. 7:14B-2. An

individual may be designated under more than one operator class, provided the individual is trained in accordance with N.J.A.C. 7:14B-5A for each class for which he or she is designated.

(b) Beginning no later than October 13, 2018, or the date provided at 40 CFR 280.240, whichever is later, at least one of each class of operator shall be designated for a facility at all times.

(c) The owner and operator of a facility shall designate a Class A, Class B, and Class C operator in accordance with the following:

1. The owner and operator shall designate at least one Class A and Class B operator in its New Jersey Underground Storage Tank Facility Certification Questionnaire, and shall designate at least one Class C operator on records maintained by the owner and operator at the facility.

2. After at least one of each class of operator is designated for a facility, an owner and operator shall designate Class A, Class B, or Class C operators as follows:

i. A Class A or Class B operator trained pursuant to N.J.A.C. 7:14B-5A or eligible for reciprocity in accordance with N.J.A.C. 7:14B-5A.3 may be designated at any time;

ii. If the designated Class A or Class B operator is no longer available to the facility, notification shall be provided to the Department within 30 days of a change in designation; and

iii. A Class C operator shall successfully complete training in accordance with N.J.A.C. 7:14B-5A prior to being designated.

(d) Except as set forth in (d)1ii below and N.J.A.C. 7:14B-5.13, the owner and operator shall ensure that at least one designated operator (Class A, Class B, or Class C) is present at the facility at all times that the facility is operating, including when hazardous substances are introduced into or removed from an UST system.

1. The owner and operator of a facility at which deliveries of hazardous substances into, or removal of hazardous substances from, the UST system occur before or after normally staffed business hours may comply with (d) above as to those before or after hours deliveries or removals by:

i. Entering into a contract with a hazardous substance supplier or transporter in which the supplier or transporter agrees to ensure that an individual who has completed Class C operator training pursuant to N.J.A.C. 7:14B-5A.2(c) is present when a hazardous substance is introduced into or removed from the UST system. The contract shall authorize the individual, supplier, or transporter to initiate appropriate response actions and notifications, as included on the facility release response plan, in the event of a spill or release resulting from the introduction of hazardous substances into or removal of hazardous substances from the UST system. The owner and operator, and supplier or transporter shall maintain a copy of the contract and the facility specific response procedures, and the owner and operator shall make them available to the Department on request; or

ii. Posting one or more signs that meet the unmanned facility sign requirements at N.J.A.C. 7:14B-5.13(a).

(e) Designation of a Class A, Class B, or Class C operator does not relieve an owner and operator of responsibility for compliance with the State Act, and this chapter.

SUBCHAPTER 5A. CLASS A, CLASS B, AND CLASS C OPERATOR TRAINING

7:14B-5A.1 General Class A, Class B, and Class C operator training requirements

(a) Each owner and operator shall ensure that each designated Class A, Class B, and Class C operator at a facility is trained in accordance with this subchapter.

(b) Training of Class A and Class B operators shall be through a program developed and administered by the Department, or the Department's designee, unless N.J.A.C. 7:14B-5A.3, Reciprocity, applies.

(c) The owner and operator shall determine the appropriate method of training each Class C operator at a facility, provided that the training meets the requirements at N.J.A.C. 7:14B-5A.2(c).

(d) An individual shall successfully complete operator training applicable to each class for which he or she is designated. Successful completion by a Class A or Class B operator shall mean passing the applicable proficiency examination in accordance with N.J.A.C. 7:14B-5A.2(a)2 and (b)4, or satisfying the requirements of N.J.A.C. 7:14B-5A.3. Successful completion by a Class C operator shall mean demonstrating, as set forth in N.J.A.C. 7:14B-5A.2(c), the ability to respond to spills or releases resulting from the operation of the UST system.

7:14B-5A.2 Specific Class A, Class B, and Class C operator training requirements

(a) Training of a Class A operator shall include, at minimum:

1. General knowledge of the purpose, methods, and function of:
    i. Spill and overfill prevention;
    ii. Release detection;
    iii. Corrosion protection;
    iv. Emergency response;
    v. Product and equipment compatibility and demonstration methods;
    vi. Financial responsibility;
    vii. Notification and storage tank registration;
    viii. Temporary and permanent closure;
    ix. Reporting, recordkeeping, testing, and inspecting;
    x. Environmental and regulatory consequences of releases; and
    xi. Training requirements for Class B and Class C operators.
2. Training of a Class A operator shall include a proficiency examination related to the subjects at (a)1 above, which the trainee must pass before he or she may be designated a Class A operator under N.J.A.C. 7:14B-5.14.

(b) Training of a Class B operator shall include, at minimum:

1. Regulatory requirements applicable to UST systems;
2. The purpose and function of equipment generally used in an UST system;
3. The specific purpose, methods, and function of:
    i. Operation and maintenance of UST systems;
    ii. Spill and overfill prevention;
    iii. Release detection and related reporting;

iv. Corrosion protection;
v. Emergency response;
vi. Product and equipment compatibility and demonstration methods;
vii. Reporting, recordkeeping, testing, and inspecting;
viii. Environmental and regulatory consequences of releases; and
ix. Training requirements for a Class C operator.

4. Training of a Class B operator shall include a proficiency examination related to the subjects at (b)1, 2, and 3 above, which the trainee must pass before he or she may be designated a Class B operator under N.J.A.C. 7:14B-5.14.

(c) Training for a Class C operator, may be completed via a training program or by a Class A or Class B operator, and shall include, at minimum:

1. Instruction on how to appropriately respond to emergencies presented by spills or releases resulting from the operation of the UST system, including those that pose an immediate danger or threat to the public or to the environment, and notify the appropriate authorities;

2. The appropriate actions and responses to alarms associated with release detection equipment or the UST system; and

3. An evaluation of the trainee's understanding of his or her role and ability to perform the appropriate response actions for spills or releases and alarms associated with release detection equipment. A trainee shall satisfactorily demonstrate relevant knowledge and ability to the person conducting the training before he or she may be designated a Class C operator under N.J.A.C. 7:14B-5.14.

7:14B-5A.3 Reciprocity

(a) An owner and operator of an UST system may designate a Class A or Class B operator who has completed training and successfully passed an authorized evaluation in another state, provided:

1. The owner and operator submits to the Department as part of the New Jersey Underground Storage Tank Facility Certification Questionnaire formal documentation, such as an official training or examination certificate, indicating that the Class A or Class B operator has successfully completed training and passed an evaluation in a state other than New Jersey for the class of operator for which he or she is being designated;

2. The training is from a state whose operator training program and evaluation method the Department has determined is comparable to the Department's training program and evaluation method for the relevant class of operator. The Department will post a list on its website, www.nj.gov/dep/enforcement/ust.html, indicating the states whose training and evaluation methods are comparable to the Department's; and

3. The Class A or Class B operator is in good standing in that state(s) in the operator class for which the owner and operator are seeking to designate him or her.

(b) Training and/or certification of a Class A or Class B operator in a state other than New Jersey shall not substitute for retraining in accordance with N.J.A.C. 7:14B-5A.4.

7:14B-5A.4 Retraining

(a) Except as provided in (b) below, if the Department determines that an UST system is out of compliance with a significant requirement (for example, not having operating leak detection or cathodic protection mechanisms, failing to respond to alarms or active discharges, or repeatedly violating the same requirements over multiple inspections), the Department will require retraining and retesting (as applicable) of the designated Class A and/or Class B operators of the UST system in accordance with N.J.A.C. 7:14B-5A.2. The owner and operator shall ensure Class A and Class B operators are retrained no later than 30 days from the date the Department advises the facility of non-compliance, or within an alternate timeframe as agreed to by the Department.

(b) The Department may, at its discretion, provide an exception from the retraining and/or exam under (a) above, if the Department determines the UST system's non-compliance on which the retraining determination is based is the result of unanticipated equipment failure, improper contractor repairs, or other factors beyond the normal control and diligence of the owner and operator.

7:14B-5A.5 Documentation of training

(a) The owner and operator shall maintain records that document the training and retraining, if applicable, received for each designated Class A, Class B, and Class C operator. The records for each operator shall be maintained for as long as the operator is designated for the facility.

(b) The training records shall be maintained on paper or electronically, and shall be made available for on-site inspection by the Department upon request.

(c) The training record shall:

1. Identify each Class A, Class B, and Class C operator for the facility at the time of the Department's request to inspect the records, including the name, the operator training he or she completed, date(s) of initial training and any retraining or refresher training, and the trainer's name and contact information;

2. Include, at a minimum, the name and signature of the trainer for classroom or field training programs (including Class C operator training provided by the Class A or Class B operator);

3. Indicate, at a minimum, the name of the computer-based training program and web address, if internet based; and

4. Include the subjects on which the Class A or Class B operator completed retraining, if applicable.

SUBCHAPTER 6. RELEASE DETECTION

7:14B-6.1 General requirements for all underground storage tank systems

(a) Owners and operators of underground storage tank systems shall provide a method, or combination of methods, of release detection that:

1. Can detect a release from any portion of the tank and the connected underground piping that routinely contains product;

2. Is installed, calibrated, operated, and maintained in accordance with the manufacturer's instructions, including routine maintenance and service checks for operability or running condition; and

3. Meets the performance requirements in N.J.A.C. 7:14B-4A, 6.5, or 6.6, as applicable, with any performance claims and the manner of determination of the performance claims described in writing by the equipment manufacturer or installer. Permanent methods installed on or after September 4, 1990, shall be capable of detecting the leak rate or quantity specified for that method in the corresponding section of the rule with a probability of detection (Pd) of 0.95 and a probability of false alarm (Pfa) of 0.05.

(b) Owners and operators of underground storage tank systems used to store motor fuel solely for use by an emergency power generator shall comply with the requirements of this subchapter in accordance with the following:

1. Systems for which installation began on or before October 13, 2015, shall comply with N.J.A.C. 7:14B-6 on or before October 13, 2018, or the date provided at 40 CFR 280.10, whichever is later; and

2. Systems for which installation begins after October 13, 2015, shall comply with all applicable requirements of this chapter at installation.

(c) Underground storage tank systems with field constructed tanks and airport hydrant systems shall meet release detection requirements in accordance with N.J.A.C. 7:14B-4A.

(d) When a release detection method operated in accordance with the performance standards in N.J.A.C. 7:14B-4A or 6.5 and 6.6 indicates a release may have occurred, owners and operators shall notify the Department in accordance with N.J.A.C. 7:14B-7.

(e) Any underground storage tank system regulated pursuant to N.J.S.A. 58:10A-21 et seq. and 42 U.S.C. §6991 et seq. that cannot apply a method of release detection that complies with the requirements of this subchapter shall complete the closure procedures in N.J.A.C. 7:14B-9.

(f) Each owner and operator of any underground storage tank system regulated pursuant to N.J.S.A. 58:10A-21 et seq., but not 42 U.S.C. §6991 et seq., that cannot apply a method of release detection with the requirements of this subchapter shall complete the closure requirements of N.J.A.C. 7:14B-9 pursuant to a closure schedule that the Department has approved.

(g) On or before October 13, 2018, or the date provided at 40 CFR 280.40, whichever is later, owners and operators shall ensure that all underground storage tank systems, including electronic and mechanical components, are operated, maintained, and tested in accordance with the following:

1. Requirements developed by the manufacturer, if any;

2. A code of practice developed by a nationally recognized association or independent testing laboratory, such as Petroleum Equipment Institute Recommended Practice RP1200, "Recommended Practices for the Testing and Verification of Spill, Overfill, Leak Detection, and Secondary Containment Equipment at UST facilities" (available at www.pei.org); or

3. A method that the owner and operator demonstrates is no less protective of human health and the environment than the requirements of (g)1 and 2 above.

(h) Testing of electronic and mechanical components in accordance with (g) above shall be performed at least annually and shall include, as applicable, the following:

1. For automatic tank gauge and other controllers: testing alarm, verifying system configuration, and testing battery backup;

2. For probes and sensors: inspecting for residual buildup and ensuring floats move freely, ensuring shaft is not damaged, ensuring cables are free of kinks and breaks, and ensuring that the alarm is operable and communicates with the controller;

3. For automatic line leak detectors: ensuring that the detectors meet the criteria at N.J.A.C. 7:14B-6.6(a)1;

4. For vacuum pumps and pressure gauges: ensuring proper communication with sensors and controller; and

5. For handheld electronic sampling equipment associated with ground water and vapor monitoring: ensuring proper operation.

7:14B-6.2 Requirements for underground storage tank systems containing petroleum products and waste oil

(a) Owners and operators of regulated heating oil tank systems installed before July 15, 2018, or any other petroleum underground storage tank systems installed before April 11, 2016, shall provide release detection for tanks and piping by:

1. Monitoring tanks at least every 30 calendar days for releases using one of the methods listed in N.J.A.C. 7:14B-6.5(a)4 through 8, except that:

i. Underground storage tank systems that meet the performance standards in N.J.A.C. 7:14B-4.1 or 4.2, and the monthly inventory control requirements in N.J.A.C. 7:14B-6.5(a)1 or 2 may use tank tightness testing (conducted in accordance with N.J.A.C. 7:14B-6.5(a)3) at least every five years, for up to 10 years following the tank installation date; and

ii. Tanks with capacity of 550 gallons or less and tanks with a capacity of 551 to 1,000 gallons that meet the tank diameter criteria in N.J.A.C. 7:14B-6.5(a)2, may use weekly tank gauging conducted in accordance with N.J.A.C. 7:14B-6.5(a)2.

2. Underground piping that routinely contains regulated substances shall be monitored for releases in a manner that meets one of the following requirements:

i. Underground piping that conveys regulated substances under pressure shall:

(1) Be equipped with an automatic line leak detector conducted pursuant to N.J.A.C. 7:14B-6.6(a)1; and

(2) Have an annual line tightness test conducted in accordance with N.J.A.C. 7:14B-6.6(a)2 or have monthly monitoring conducted in accordance with N.J.A.C. 7:14B-6.6(a)3.

ii. Underground piping that conveys regulated substances under suction shall either have a line tightness test conducted at least every three years in accordance with N.J.A.C. 7:14B-6.6(a)2, or use a monthly monitoring method conduct in accordance with N.J.A.C. 7:14B-6.6(a)3. No release detection is required for suction piping that is designed and constructed to meet the following standards:

(1) The below-grade piping operates at less than atmospheric pressure;

(2) The below-grade piping is sloped so that the contents of the pipe shall drain back into the storage tank if the suction is released;

(3) Only one check valve is included in each suction line;

(4) The check valve is located directly below and as close as practical to the suction pump; and

(5) A method is provided that allows compliance with (a)2ii(1) through (4) above to be readily determined.

(b) Owners and operators of regulated heating oil tank systems that utilize separate product bearing supply and return lines installed before July 15, 2018, or any other petroleum underground storage tank systems that utilize separate product bearing supply and return lines installed before April 11, 2016, shall provide release detection for tanks and piping as follows:

1. Tanks shall be monitored at least every 30 calendar days for releases using one of the methods listed in N.J.A.C. 7:14B-6.5(a)4 through 9; or

2. Owners and operators may use tank tightness testing conducted in accordance with N.J.A.C. 7:14B-6.5(a)3 at least every three years and check for the presence of water in the tank at the time of each product delivery.

(c) Except as set forth in (d) below, owners and operators of petroleum underground storage tanks or piping shall provide release detection for tanks and piping by performing interstitial monitoring at least once every 30 calendar days according to the requirements at N.J.A.C. 7:14B-6.5(a)7 as follows:

1. Regulated heating oil tank systems installed on or after July 15, 2018, shall comply with (c) above upon installation.

2. Underground storage tanks not subject to (c)1 above, installed on or after April 11, 2016, shall comply with (c) above upon installation.

3. Pressurized piping shall also be equipped with an automatic line leak detector pursuant to N.J.A.C. 7:14B-6.6(a)1.

(d) No release detection is required for suction piping that complies with (a)2ii(1) through (5) above.

7:14B-6.3 Requirements for underground storage tank systems containing hazardous substances other than petroleum products and waste oil

(a) Owners and operators of underground storage tank systems containing hazardous substances other than petroleum products and waste oil shall provide release detection that meets the following requirements:

1. Release detection at underground storage tank systems installed before September 4, 1990, shall meet the requirements for petroleum underground storage tank systems in N.J.A.C. 7:14B-6.2. All other underground storage tank systems containing hazardous substances other than petroleum products and waste oil shall meet the release detection requirements for underground storage tank systems in (a)2 below.

2. Release detection for underground storage tank systems containing hazardous substances other than petroleum and waste oil shall meet the following requirements:

i. Secondary containment systems shall be designed, constructed, and installed to:

(1) Contain regulated substances leaked from the UST system until they are detected and removed;

(2) Prevent the release of regulated substances to the

environment at any time during the operational life of the underground storage tank system; and

(3) Be checked for evidence of a release at least every 30 calendar days.

ii. Double-walled tanks shall be designed, constructed, and installed to:

(1) Contain a leak from any portion of the inner tank within the outer wall; and

(2) Detect the failure of the inner wall.

iii. External liners (including vaults) shall be designed, constructed, and installed to:

(1) Contain 100 percent of the capacity of the largest tank within its boundary;

(2) Prevent the interference of precipitation or ground water intrusion with the ability to contain or detect a release of regulated substances; and

(3) Surround the tank completely so that the upper perimeter of the liner is above the top of the tank.

iv. Underground piping shall be equipped with secondary containment that satisfies the requirements of (a)2i above (for example, trench liners, jacketing of double-walled pipe). In addition, underground piping that conveys regulated substances under pressure shall be equipped with an automatic line leak detector in accordance with N.J.A.C. 7:14B-6.6(a)1.

v. Other methods of release detection may be used for underground storage tank systems, containing hazardous substances other than petroleum and waste oil, installed before October 13, 2015, if owners and operators:

(1) Demonstrate to the Department that an alternate method can detect a release of the stored substance as effectively as any of the methods allowed in N.J.A.C. 7:14B-6.5(a)2 through 6.5(a)8 can detect a release of petroleum;

(2) Provide information to the Department on effective corrective action technologies, health risks, and chemical and physical properties of the stored substance, and the characteristics of the underground storage tank site; and

(3) Obtain approval from the Department, through the issuance of a permit pursuant to N.J.A.C. 7:14B-10, to use the alternate release detection method before the installation and operation of the new underground storage tank system.

3. The provisions of 40 CFR 265.193, Containment and Detection of Releases, may be used to comply with the requirements of (a)2 above for tanks installed before April 11, 2016.

7:14B-6.4 Requirements for underground storage tank systems in wellhead protection areas

(a) Owners and operators of underground storage tank systems located within wellhead protection areas shall provide release detection that meets the following requirements:

1. Release detection at underground storage tank systems installed before September 4, 1990, shall meet the requirements for petroleum underground storage tank systems in N.J.A.C. 7:14B-6.2.

2. Release detection at underground storage tank systems installed on or after September 4, 1990, shall have secondary containment which are designed, constructed, and installed in accordance with N.J.A.C. 7:14B-6.3(a)2.

7:14B-6.5 Methods of release detection for tanks

(a) The owner and operator shall use each method of release detection for tanks according to the requirements of N.J.A.C. 7:14B-6.2, 6.3, and 6.4, and in accordance with the following:

1. Product inventory control shall be conducted monthly to detect a release of at least 1.0 percent of throughput plus 130 gallons on a monthly basis in the following manner:

i. Inventory volume measurements for regulated substance inputs, withdrawals, and the amount still remaining in the tank shall be recorded each operating day;

ii. The equipment used shall be capable of measuring the level of product over the full range of the tank's height to the nearest one-eighth of an inch;

iii. The regulated substance inputs shall be reconciled with delivery receipts by measurement of the tank inventory volume before and after delivery;

iv. Deliveries shall be made through a drop tube that extends to within one foot of the tank bottom;

v. Product dispensing shall be metered and recorded within the standards for meter calibration pursuant to N.J.A.C. 13:47B-1.20;

vi. The measurement of any water level in the bottom of the tank shall be made to the nearest one-eighth of an inch at least once a month; and

vii. The practices described in American Petroleum Institute, Recommended Practice 1621 "Bulk Liquid Stock Control at Retail Outlets," may be used, where applicable, as guidance in meeting the requirements of N.J.A.C. 7:14B-6.5(a)1i through vi above.

2. Manual tank gauging shall meet the following requirements:

i. Tank liquid level measurements shall be taken at the beginning and ending of a period, as appropriate, to the minimum duration of test value given in the table at (a)2v below, during which no liquid is added to or removed from the tank;

ii. Level measurements shall be based on an average of two consecutive stick readings at both the beginning and ending of the period;

iii. The equipment used shall be capable of measuring the level of product over the full range of the tank's height to the nearest one-eighth of an inch;

iv. Only tanks of 550 gallons or less nominal capacity and tanks with a nominal capacity of 551 to 1,000 gallons that meet the tank diameter criteria in the table in (a)2v below may use manual tank gauging as the sole method

of release detection. Tanks of 551 to 2,000 gallons nominal capacity may use the method in place of manual inventory control as set forth in (a)1 above. Tanks of greater than 2,000 gallons nominal capacity may not use manual tank gauging to meet the requirements of this subchapter; and

v. A release shall be suspected and subject to the requirements of N.J.A.C. 7:14B-7 if the variation between beginning and ending measurements exceeds the weekly or monthly standards in the following table:

Nominal Tank Capacity	**Minimum Duration of Test**	**Weekly Standard (one test)**	**Monthly Standard (average of four tests)**
550 gallons or less	36 hours	10 gallons	5 gallons
551 to 1,000 gallons (when tank diameter is 64 inches)	44 hours	9 gallons	4 gallons
551 to 1,000 gallons (when tank diameter is 48 inches)	58 hours	12 gallons	6 gallons
551 to 1,000 gallons (also requires periodic tank tightness testing)	36 hours	13 gallons	7 gallons
1,001 to 2,000 gallons (also requires periodic tank tightness testing)	36 hours	26 gallons	13 gallons

3. Tank tightness testing shall be capable of detecting a 0.1 gallon per hour leak rate from any portion of the tank that routinely contains product while accounting for the effects of thermal expansion or contraction of the product, vapor pockets, tank deformation, evaporation or condensation, and the location of the water table.

4. Equipment for automatic tank gauging that tests for the loss of product and conducts inventory control shall meet the following requirements:

i. The automatic product level monitor test shall detect a 0.2 gallon per hour leak rate, from any portion of the tank that routinely contains product, when performing a test in one of the following modes:

(1) In-tank static testing conducted with passing results at least once every 30 days; or

(2) Continuous in-tank leak detection operating either on an uninterrupted basis, or with a process that allows the system to gather incremental measurements to ensure an accurate, passing test at least once every 30 days; and

ii. Inventory control (or another test of equivalent performance) shall be conducted in accordance with the requirements of N.J.A.C. 7:14B-6.5(a)1.

5. Testing or monitoring for vapors within the soil gas of the excavation zone shall meet the following requirements:

i. The materials used as backfill shall be sufficiently porous (for example, gravel, sand, crushed rock) to readily allow diffusion of vapors from releases into the excavation area;

ii. The stored regulated substance, or a tracer compound placed in the tank system, shall be sufficiently volatile to result in a vapor level that is detectable by the monitoring devices located in the excavation zone in the event of a release from the tank;

iii. The measurement of vapors by the monitoring device shall not be rendered inoperative by the ground water, rainfall, soil moisture or other known interferences so that a release could go undetected for more than 30 calendar days;

iv. The level of background contamination in the excavation zone shall not interfere with the method used to detect releases from the tank;

v. The vapor monitors shall be designed and operated to detect any significant increase in concentration above background of the regulated substance stored in the tank system, a component or components of that substance, or a tracer compound placed in the tank system;

vi. In the underground storage tank excavation zone, the site shall be assessed to ensure compliance with the requirements in (a)5i through iv and to establish the number and positioning of monitoring wells that will detect releases within the excavation zone from any portion of the tank that routinely contains product; and

vii. Monitoring wells shall be clearly marked and secured to avoid unauthorized access and tampering.

6. Testing or monitoring for liquids floating on the ground water shall meet the following requirements:

i. The regulated substance stored shall be immiscible in water and has a specific gravity of less than one;

ii. Ground water shall never be more than 20 feet from the ground surface and the hydraulic conductivity of the soil(s) between the underground storage tank system and the monitoring wells or devices is not less than 0.01 cm/sec (for example, the soil should consist of gravels, coarse to medium sands, coarse silts or other permeable materials);

iii. The slotted portion of the monitoring well casing shall be designed to prevent migration of natural soils or filter pack into the well and to allow entry of regulated substance on the water table into the well under both high and low ground-water conditions;

iv. All monitoring systems using screen and casing shall be constructed and permitted in accordance with the Subsurface and Percolating Waters Act (N.J.S.A. 58:4A-4.1 et seq.) unless constructed in the manner described in N.J.A.C. 7:14B-4.1(c) or sealed from the ground surface to the top of the filter pack in accordance with N.J.A.C. 7:14B-4.1(d);

v. Monitoring wells or devices shall intercept the excavation zone or are as close to it as is technically feasible;

vi. The continuous monitoring devices or manual methods used shall detect the presence of at least one-eighth of an inch of free-phase non-aqueous phase liquid on top of the ground water in the monitoring wells;

vii. Within and immediately below the underground storage tank system excavation zone, the site shall be assessed to ensure compliance with

the requirements in (a)6i through v and to establish the number and positioning of monitoring wells or devices that will detect releases from any portion of the tank that routinely contains product; and

viii. Monitoring wells shall be clearly marked and secured to avoid unauthorized access and tampering.

7. Interstitial monitoring between the underground storage tank system and a secondary barrier immediately around or beneath it may be used, but only if the monitoring system is designed, constructed, and installed to detect a leak from any portion of the tank and/or piping that routinely contains product and also meets one of the following requirements:

i. For double walled underground storage tank systems, the sampling or testing method shall detect a leak through the inner wall in any portion of the tank and/or piping that routinely contains product;

ii. For underground storage tank systems with a secondary barrier within the excavation zone, the sampling or testing method used shall detect a leak between the underground storage tank system and the secondary barrier. The secondary barrier shall meet the following requirements:

(1) The secondary barrier shall consist of artificially constructed material that is sufficiently thick and impermeable (at least 10^{-6} cm/sec for the regulated substance stored) to direct a leak to the monitoring point and permit its detection;

(2) The secondary barrier shall be compatible with the regulated substance stored so that a leak from the underground storage tank system shall not cause a deterioration of the barrier allowing a release to pass through undetected;

(3) For cathodically protected underground storage tank systems, the secondary barrier shall be installed so that it does not interfere with the proper operation of the cathodic protection system;

(4) The ground water, soil moisture, or rainfall shall not render the testing or sampling method used inoperative so that a release could go undetected for more than 30 calendar days;

(5) The site shall be assessed to ensure that the secondary barrier is always above the ground water and not in a 25-year flood plain, unless the barrier and monitoring designs are for use under such conditions; and

(6) Monitoring wells shall be clearly marked and secured to avoid unauthorized access and tampering; or

iii. For tanks with an internally fitted liner, an automated device shall detect a leak between the inner wall of the tank and the liner, and the liner shall be compatible with the substance stored.

8. Any other type of release detection method, or combination of methods, including statistical inventory reconciliation (SIR), can be used if the method can detect a 0.2 gallon per hour leak rate or a release of 150 gallons within a month with a probability of detection of 0.95 and a probability of false alarm of 0.05.

i. Statistical inventory reconciliation release detection methods based on the application of statistical principles to inventory data shall, in addition

to (a)8 above:

(1) Report a quantitative result with a calculated leak rate;

(2) Use a threshold that does not exceed one-half the minimum detectible leak rate; and

(3) Be conducted at least once every 30 days.

9. The Department shall approve another method, through the issuance of a permit for a substantial modification issued pursuant to N.J.A.C. 7:14B-10, if the owner and operator can demonstrate that the method can detect a release as effectively as any of the methods allowed in (a)3 through 8 above. In comparing methods, the Department shall consider the size of release that the method can detect and the frequency and reliability with which it can be detected. The owner and operator shall obtain a permit issued by the Department pursuant to N.J.A.C. 7:14B-10 and comply with any conditions imposed by the Department on its use to ensure the protection of human health and the environment.

7:14B-6.6 Methods of release detection for piping

(a) Each method of release detection for piping used to meet the requirements of N.J.A.C. 7:14B-6.2 and 6.3 shall be conducted in accordance with the following:

1. Automatic line leak detectors which alert the operator to the presence of a leak by restricting or shutting off the flow of regulated substances through piping or triggering an audible or visual alarm may be used only if they detect leaks of three gallons per hour at 10 pounds per square inch line pressure within one hour. An annual test of the operation of the leak detector shall be conducted in accordance with the manufacturer's requirements;

2. A periodic test of piping may be conducted only if it can detect a 0.1 gallon per hour leak rate at one and one-half times the operating pressure; and

3. Any of the methods in N.J.A.C. 7:14B-6.5(a)5 through 8 may be used if they are designed to detect a release from any portion of the underground piping that routinely contains regulated substances.

7:14B-6.7 Release detection recordkeeping

(a) The owner and operator shall develop written routine monitoring procedures which set forth the following:

1. The frequency with which the monitoring is to be performed;

2. The method and equipment used to conduct the monitoring;

3. The location at which the monitoring is to be performed;

4. The name and/or titles of the person responsible for performing the monitoring and maintenance of the monitoring system; and

5. Training in the use and maintenance of the monitoring equipment for the person responsible for performing the monitoring and maintenance of the monitoring system.

(b) The written routine monitoring procedure developed in accordance with (a) above shall be kept at the underground storage tank facility and made available for inspection by any authorized local, State or, Federal representative at any time after installation of the monitoring system. The owner and operator of any existing monitoring system shall have the

monitoring procedure available for inspection at any time after the monitoring system is installed.

(c) All owners and operators shall maintain records of all written performance claims pertaining to any release detection system used, and the manner in which these claims have been justified or tested by the equipment manufacturer or installer.

(d) All owners and operators shall maintain records of all written documentation of all calibration, maintenance, and repair of release detection equipment permanently located on-site. Any schedules of required calibration and maintenance provided by the release detection equipment manufacturer shall be retained for five years from the date of installation.

(e) The owner and operator shall, on a monthly basis, complete a summary of the results of all monitoring of the underground storage tank system and maintenance checks of the release detection equipment. This summary shall be made available for inspection by any authorized local, State, or Federal representative.

(f) All owners and operators shall maintain records of the results of any sampling, testing or monitoring, and monthly inventory reconciliations for as long as the site is operational.

(g) After a facility is closed pursuant to N.J.A.C. 7:14B-9, an owner and operator may make a written request to the Department at the address at N.J.A.C. 7:14B-2.2(b) 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 and operator may discard only those documents that are not required to be preserved for a longer time period.

(h) Upon receipt of a written request by the Department, the owner and operator shall submit to the Department all records and documents or copies of the same required to be maintained by the Act, this chapter, permits, approvals, administrative orders, or judicial orders.

(i) The owner and operator that is equipped with a monitoring system installed prior to September 4, 1990, shall maintain on site a certification from a Subsurface Evaluator certified pursuant to N.J.A.C. 7:14B-13, that the site conditions and locations of the monitoring devices comply with N.J.A.C. 7:14B-6.5 and documentation from the manufacturer that the physical properties of the hazardous substance stored are appropriate for the monitoring system utilized.

(j) All underground storage tanks installed before September 4, 1990, that are equipped with a monitoring system in accordance with a valid New Jersey Pollutant Discharge Elimination System/Discharge to Ground Water permit and in compliance with this permit shall be exempt from the monitoring system reporting requirements of (b), (d), and (e) above. Compliance shall be determined by review of the issued permit, discharge monitoring reports, and other required submittals.

(k) The results of annual operation tests conducted in accordance with N.J.A.C. 7:14B-6.1(g) and (h) shall be maintained for five years in accordance with N.J.A.C. 7:14B-5.6(b). At a minimum, the results shall list each component tested, indicate whether each component tested meets criteria in N.J.A.C. 7:14B-6.1(g) or needs to have action taken, and describe any action taken to correct an issue.

SUBCHAPTER 7. RELEASE REPORTING AND INVESTIGATION

7:14B-7.1 Suspected releases

(a) The owner and operator 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. Monitoring results, including alarms, from a release detection method required under N.J.A.C. 7:14B-6, that indicate a leak into the interstice or a release may have occurred;

8. 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

9. Any other method of discovery of a suspected release.

(b) No product shall be introduced into an underground storage tank undergoing a suspected release investigation.

7:14B-7.2 Investigating a suspected release

(a) The owner and operator shall confirm or disprove a suspected release by conducting an investigation in accordance with all of the applicable following procedures:

1. Check inventory control records for mathematical accuracy;

2. Conduct a visual inspection of all readily accessible physical facilities for evidence of leakage or discharge;

3. Check the calibration of all dispenser meters associated with hazardous substance withdrawal and if necessary perform calibration;

4. Check for a malfunction of the monitoring system;

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

overfill device has been installed pursuant to this chapter; or

6. Determine whether there are any photoionization detector readings above 50 meter units in soil or ground water.

7. Conduct testing of tanks, piping, or secondary containment as appropriate, according to N.J.A.C. 7:14B-5.4(a)4 or 5, 6.5(a)3, or 6.6(a)2, in order to determine:

i. The portion of the tank that routinely contains product, or associated product bearing piping has a leak; or

ii. There is a breach of either wall of the secondary containment.

(b) If the investigation conducted in accordance with (a) above is inconclusive in confirming or disproving a suspected release, the owner and operator shall, in accordance with the schedule in the Technical Requirements for Site Remediation, at N.J.A.C. 7:26E-3.14, conduct and complete a site investigation designed to confirm or disprove a suspected discharge in accordance with the Technical Requirements for Site Remediation, at N.J.A.C. 7:26E-3.3. If a discharge is confirmed, the owner and operator shall initiate action pursuant to N.J.A.C. 7:14B-7.3. The owner and operator shall keep documentation of an investigation in accordance with this section that disproves a suspected discharge at the facility and make it available for inspection by the Department for the operational life of the underground storage tank system.

(c) If the owner or operator concludes in the site investigation report submitted pursuant to N.J.A.C. 7:26E-3.14 that no further remediation is required, then the licensed site remediation professional shall issue a response action outcome to the owner or operator pursuant to the Administrative Requirements for the Remediation of Contaminated Sites at N.J.A.C. 7:26C-6.

(d) If the owner or operator concludes in the site investigation report submitted pursuant to N.J.A.C. 7:26E-3.14 that further remediation is required, then the owner or operator shall conduct additional remediation pursuant to the Administrative Requirements for the Remediation of Contaminated Sites at N.J.A.C. 7:26C, and the Technical Requirements for Site Remediation at N.J.A.C. 7:26E.

7:14B-7.3 Confirmed discharges

(a) Any person, including, but not limited to, the owner and operator, an individual certified pursuant to N.J.A.C. 7:14B-13 hired to install, remove or test an underground storage tank system, or a licensed site remediation professional performing remediation, 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 through 6.5 that indicate that a discharge has occurred;

2. Analyses by a laboratory, certified pursuant to N.J.A.C. 7:18, of soil or ground water samples which indicate the presence of contamination in the soil or ground water immediately beneath and/or in the immediate vicinity of the underground storage tank system;

3. Results from a closure plan implemented in accordance with the requirements of N.J.A.C. 7:14B-9.2(b), which indicate the presence of contamination in the soil or ground water immediately beneath 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 and operator shall remediate any 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.

(d) The owner and operator shall implement the release response plan required by N.J.A.C. 7:14B-5.5 when a discharge is confirmed.

(e) The owner and operator of an underground storage tank system containing hazardous substances other than petroleum or waste oil shall report a discharge of the substance, over its reportable quantity, to the National Response Center in accordance with the provisions of 40 CFR Part 302.

(f) No hazardous substance shall be introduced into an underground storage tank system which is known to be leaking or discharging hazardous substances except in accordance with N.J.A.C. 7:14B-8.1(b)2i and ii.

7:14B-7.4 Unknown sources

If the owner or an operator has information indicating that a facility may be the source of a discharge, the owner and operator shall perform an unknown source investigation. The owner and operator shall prepare an unknown source investigation report following the format presented in the Technical Requirements for Site Remediation at N.J.A.C. 7:26E-3.13(a)2 through 4 and 6ii, and submit the report and a form available from the Department at www.nj.gov/dep/srp/srra/forms within 90 days after the receipt of information indicating the facility may be the source of a discharge.

SUBCHAPTER 8. REMEDIATION

7:14B-8.1 Responses to leaks and discharges

(a) The owner and operator of an underground storage tank system shall, upon confirming a leak of a hazardous substance into the interstitial space created by the secondary containment system:

1. Determine the source of the leak;

2. Properly remove all hazardous substances from the underground storage

tank system;

3. Repair, replace or close the underground storage tank system in accordance with the requirements of this chapter; and

4. Within 30 calendar days after identifying a leak into the interstitial space of an underground storage tank system in accordance with N.J.A.C. 7:14B-7, prepare a written report, which shall be maintained on site and made available for inspection by any Department representative, containing a detailed description of the remedial actions taken concerning the leak into the interstitial space pursuant to (a)1 through 3 above.

(b) The owner and operator shall, upon confirming a discharge, take immediate action to:

1. Determine the source of the discharge;

2. Cease use of the underground storage tank system, provided, however, that:

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 and 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 and operator shall take immediate action to provide an alternate source of heat; then upon providing an alternate source of heat, the owner and operator shall immediately cease use of the underground storage tank system which 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, 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 (Reserved)

7:14B-8.3 Reporting requirement

For all confirmed releases from an underground storage tank subject to regulation at 40 CFR Part 280, the owner and 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.

7:14B-8.4 (Reserved)

7:14B-8.5 (Reserved)

7:14B-8.6 (Reserved)

7:14B-8.7 (Reserved)

7:14B-8.8 (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 and operator of an underground storage tank system that is out-of-service shall:

1. Submit an amended New Jersey Underground Storage Tank Facility Certification Questionnaire, pursuant to N.J.A.C. 7:14B-2.1(b)7, within seven calendar days after the underground storage tank system is placed out-of-service. The information shall include:

i. The location of the underground storage tank facility;

ii. The underground storage tank facility registration number;

iii. The underground storage tank number; and

iv. A description of the activity being performed.

2. Remain in compliance with all applicable environmental rules, including N.J.A.C. 7:14B-7, the Administrative Requirements for the Remediation of Contaminated Sites, N.J.A.C. 7:26C, and the Technical Requirements for Site Remediation, 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 overfill 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 and operator of an underground storage tank system which is out-of-service for a period greater than or equal to 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 and operator of an underground storage tank system that has secondary containment 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 by a licensed site remediation professional in accordance with the Administrative Requirements for the Remediation of Contaminated Sites, at N.J.A.C. 7:26C-2.3, and the Technical Requirements for Site Remediation, at N.J.A.C. 7:26E-3.3(b) 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 indicating that the requirements of (a)3 above have been completed and that:

i. 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, N.J.A.C. 7:26E; and

ii. Corrosion protection is being operated and maintained and shall continue to be operated and maintained in accordance with N.J.A.C. 7:14B-5.2 during the out-of-service period. If the corrosion protection is an impressed current cathodic protection (ICCP) system, the owner and operator must also demonstrate that the ICCP system has been inspected at least every 60 days, and will continue to be inspected at least every 60 days to verify that the system is on and working properly while the tank is out of service.

(d) Except as set forth in (c) above, any underground storage tank system that is out of service for more than 12 months shall be closed in accordance with N.J.A.C. 7:14B-9.2.

(e) The owner and operator intending to put an out-of-service underground storage tank system back into service shall:

1. Submit an amended New Jersey Underground Storage Tank Facility Certification Questionnaire pursuant to N.J.A.C. 7:14B-2, at least 30 calendar days prior to introducing product into the underground storage tank system, including documentation that corrosion protection was operated and maintained in accordance with (c)2ii above and N.J.A.C. 7:14B-5.2 during the out-of-service period; and

2. The New Jersey Underground Storage Tank Facility Certification Questionnaire shall include a statement from a certified installer, pursuant to N.J.A.C. 7:14B-13, certifying that the system is properly designed and capable of being put back into service in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory or in accordance with the manufacturer's instructions.

7:14B-9.2 Closure requirements for underground storage tank systems

(a) The owner and operator who intends to close the underground storage tank system shall:

1. Ensure that the facility is registered as required by N.J.A.C. 7:14B-2.2. If the facility is not registered as required by N.J.A.C. 7:14B-2.2, the owner and operator shall register the facility by submitting a completed New Jersey Underground Storage Tank Facility Certification Questionnaire with the appropriate fee as specified by N.J.A.C. 7:14B-3.2(b) and 3.5 prior to initiating closure. The

owner and operator shall not close any tank(s) located at the facility unless the facility is properly registered with the Department.

2. At least 14 calendar days prior to the anticipated closure date, notify the Department of the intent to close the underground storage tank by logging on to the NJDEP Online service via either the myNewJersey Portal at www.nj.gov or directly from njdeponline.com, selecting the underground storage tank notice of intent to close in the Service Selection section of the My Workspace screen, and completing and submitting the form. This notification shall include the following information:

i. The facility registration number;

ii. A statement as to whether the tank system is being removed or abandoned in place;

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

iv. The certification number of the business firm performing the closure activities required pursuant to N.J.A.C. 7:14B-13 and the license number of the licensed site remediation professional performing remediation; and

v. Any additional information of the person submitting the notification as required by the Department in order that the closure shall be performed in accordance with this chapter;

3. Provide a copy of the Department's approval of the notice of intent to close the tank, which is automatically generated upon submission of the online notification pursuant to (a)2 above, to each of the following:

i. The applicable municipal and county health departments at least 14 calendar days prior to the anticipated closure date; and

ii. The applicable local authority with the application for a local demolition permit;

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

5. If any contamination is detected above any applicable remediation standard, conduct the remediation pursuant to the Administrative Requirements for the Remediation of Contaminated Sites, N.J.A.C. 7:26C, except as provided in N.J.S.A. 58:10B-13e.

(b) The owner and operator who intends to close an underground storage tank containing hazardous substances which are not hazardous wastes or an underground storage tank containing hazardous waste which is exempt from the requirements of the New Jersey Hazardous Waste Regulations, N.J.A.C. 7:26G, shall implement a closure plan which consists of a site investigation set forth at N.J.A.C. 7:26E-3.3 and a tank decommissioning plan which includes the procedures pursuant to (d) through (f) below, as applicable. The owner and operator shall keep the closure plan at the facility and make it available for inspection by the Department, the local construction code enforcement official, or a county or municipal health official.

(c) The owner and operator who intends to close an underground storage tank containing hazardous waste regulated pursuant to the Hazardous Waste rules, N.J.A.C. 7:26G, shall follow the closure procedures in the Hazardous Waste rules, at N.J.A.C. 7:26G-8.

(d) The owner and operator shall close an underground storage tank pursuant to the

American Petroleum Institute Recommended Practice 1604, "Closure of Underground Petroleum Storage Tanks" in publication at the time the tank is to be closed (available from the American Petroleum Institute, 1220 L Street Northwest, Washington, DC 20005), incorporated herein by reference, and shall:

1. Examine the secured tank for holes and call the Department Hotline at 1-877 WARNDEP or (877) 927-6337 if any holes are discovered and/or a discharge has been confirmed pursuant to N.J.A.C. 7:14B-7.3, unless the discharge from the tank was previously reported to the Department; and

2. Remove the tank from the site according to all applicable laws and regulations.

(e) The owner and operator may abandon an underground storage tank in place if no contamination is detected above applicable remediation standards or if removal is not feasible by:

1. Submitting to the Department a statement, signed and certified by a licensed New Jersey professional engineer, that explains why removal is not feasible;

2. Following the procedures at (d)1 above, draining the associated piping, pumping out the tanks, and thoroughly cleaning the system, being sure to ameliorate any health and safety concerns due to any vapors that may be in the tank atmosphere during the tank cleaning and abandonment operation;

3. Inspecting the tank interior and documenting any areas of questionable integrity, including, without limitation, any cracks or corrosion, or evidence of discharge. Photographs may be submitted to document that the integrity of the system has been breached, if the evidence is clearly visible in the photograph;

4. Decommissioning the tank system, including all fill pipes, by completely filling the tank system with sand, cement or other inert material with similar physical/chemical properties;

5. Removing all fill pipes to a depth of a minimum of one foot below ground surface; and

6. Complying with all local ordinances.

(f) If the underground storage tank is located under a permanent structure or is physically inaccessible, or a certification, signed and sealed by a licensed New Jersey professional engineer, is submitted stating that the sampling requirements for site investigations at N.J.A.C. 7:26E-3.3 will cause damage to the structure, the owner and operator may use an alternate method for determining the integrity of the tank, provided that it is documented pursuant to N.J.A.C. 7:26E-1.7.

(g) The following cleaning procedures may be used to comply with (d) through (f) above:

1. American Petroleum Institute Standard 2015, “Safe Entry and Cleaning of Petroleum Storage Tanks, Planning and Managing Tank Entry from Decommissioning through Recommissioning” (available at www.api.org);

2. American Petroleum Institute Recommended Practice 2016, “Guidelines and Procedures for Entering and Cleaning Petroleum Storage Tanks” (available at www.api.org);

3. American Petroleum Institute Recommended Practice RP 1631, “Interior Lining and Periodic Inspection of Underground Storage Tanks” (available at www.api.org);

4. National Fire Protection Association Standard 326, "Standard for the Safeguarding of Tanks and Containers for Entry, Cleaning, or Repair" (available at www.nfpa.org); and

5. National Institute for Occupational Safety and Health Publication 80-106, "Criteria for a Recommended Standard: Working in Confined Space" (available at http://www.cdc.gov/niosh/docs/80-106/).

7:14B-9.3 (Reserved)

7:14B-9.4 Change in service to a nonregulated substance

(a) The owner and 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; and

2. Prior to storing the nonregulated substance, conduct a site investigation of the underground storage tank system and submit a site investigation report in accordance with the Administrative Requirements for the Remediation of Contaminated Sites, at N.J.A.C. 7:26C-2.3, and otherwise comply with the Administrative Requirements for the Remediation of Contaminated Sites, N.J.A.C. 7:26C, and the Technical Requirements for Site Remediation, at N.J.A.C. 7:26E-3.

(b) Should a discharge of hazardous substances be identified during (a) above, the owner and 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 and operator shall submit a New Jersey Underground Storage Tank Facility Certification Questionnaire pursuant to N.J.A.C. 7:14B-2.2 that documents the change of substance.

(d) The following cleaning procedures may be used to comply with (a) above:

1. American Petroleum Institute Standard 2015, "Safe Entry and Cleaning of Petroleum Storage Tanks, Planning and Managing Tank Entry from Decommissioning through Recommissioning" (available at www.api.org);

2. American Petroleum Institute Recommended Practice 2016, "Guidelines and Procedures for Entering and Cleaning Petroleum Storage Tanks" (available at www.api.org);

3. American Petroleum Institute Recommended Practice RP 1631, "Interior Lining and Periodic Inspection of Underground Storage Tanks" (available at www.api.org);

4. National Fire Protection Association Standard 326, "Standard for the Safeguarding of Tanks and Containers for Entry, Cleaning, or Repair" (available at www.nfpa.org); and

5. National Institute for Occupational Safety and Health Publication 80-106, "Criteria for a Recommended Standard: Working in Confined Space" (available at http://www.cdc.gov/niosh/docs/80-106/).

7:14B-9.5 Reporting and recordkeeping requirements

(a) The owner and operator shall prepare a site investigation report in accordance with the Administrative Requirements for the Remediation of Contaminated Sites, at N.J.A.C. 7:26C-2.3, and the Technical Requirements for Site Remediation at N.J.A.C. 7:26E-3.13, 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, and within the timeframes set forth in the Administrative Requirements for the Remediation of Contaminated Sites, at N.J.A.C. 7:26C-3.3.

(b) The owner and operator shall submit a site investigation report and a form found on the Department's website at www.nj.gov/dep/srp/srra/forms, pursuant to the Technical Requirements for Site Remediation, at N.J.A.C. 7:26E-3.13, within the mandatory timeframes set forth in the Administrative Requirements for the Remediation of Contaminated Sites, N.J.A.C. 7:26C-3.3, which shall include the name and address for both the owner and the operator, the underground storage tank Facility Identification Number, the specific tank number(s) for the underground storage tanks systems being closed, and all applicable case numbers or tank closure approval numbers. The site investigation report shall be accompanied by the appropriate fee pursuant to the Administrative Requirements for the Remediation of Contaminated Sites at N.J.A.C. 7:26C-4.

(c) Along with the site investigation report submitted pursuant to (b) above, if the owner or operator concludes in the site investigation report that no further remediation is required, then the licensed site remediation professional shall issue a response action outcome to the owner or operator pursuant to the Administrative Requirements for the Remediation of Contaminated Sites at N.J.A.C. 7:26C-6.

(d) Along with the site investigation report submitted pursuant to (b) above, if the owner or operator concludes in the site investigation report that further remediation is required, then the owner or operator shall conduct additional remediation pursuant to the Administrative Requirements for the Remediation of Contaminated Sites at N.J.A.C. 7:26C, and the Technical Requirements for Site Remediation at N.J.A.C. 7:26E.

(e) The owner of the property on which an underground storage tank system was closed shall:

1. Maintain permanently all records generated to comply with the requirements of this subchapter; and

2. Make all such records available to the Department and any authorized local, State and/or Federal representative upon request.

SUBCHAPTER 10. PERMITTING REQUIREMENTS FOR UNDERGROUND STORAGE TANK SYSTEMS

7:14B-10.1A Fourteen-day notification

(a) The owner and operator shall notify the Department at least 14 days prior to commencing physical on-site work related to the installation, substantial modification, or closure of an underground storage tank system, or performing any activity specified in N.J.A.C. 7:14B-4, 5, or 6 requiring Department approval.

1. Notification of such activities undertaken in response to an emergency shall be provided to the Department by the UST facility owner and operator, an

individual or business firm certified to perform the work described in (a) above, or a Licensed Site Remediation Professional, licensed pursuant to N.J.A.C. 7:26C-1.3, as soon as practicable, but not to exceed 14 days after the emergency activity.

2. Notification shall be provided to the Department by e-mail to 14dayUSTnotice@dep.nj.gov and shall include the following information in each notification:

i. The address, name, and UST facility ID number where the work activities will occur;

ii. The approved activity to be undertaken and the anticipated date(s) of the activity;

iii. The name, phone, and e-mail contact information of the owner and operator; and

iv. The name, phone, and e-mail contact information of the contractor performing the activities, if different from the owner and operator.

3. Department notification performed pursuant to this section is in addition to any permit applications or notifications as required by this chapter.

7:14B-10.1 Permit requirements

(a) Any person who owns or operates, or is proposing to own or operate an underground storage tank system shall, except as specified in (b) and (c) below:

1. Obtain a permit from the Department prior to the repair, installation, substantial modification, or upgrade of the underground storage tank system, or performance of an activity specified in N.J.A.C. 7:14B-4, 4A, 5, and 6 requiring Department approval;

2. Obtain a construction permit issued pursuant to the New Jersey Uniform Construction Code, N.J.A.C. 5:23, prior to the repair, installation, or upgrade of an underground storage tank system; and

3. Comply with the notification requirements at N.J.A.C. 7:14B-10.1A.

(b) An owner and operator of an existing or proposed underground storage tank system need not apply for a permit with the Department, but shall provide notification pursuant to N.J.A.C. 7:14B-10.1A, when:

1. The underground storage tank and piping being installed, upgraded or modified is or shall be upon completion of installation or modification protected from corrosion, spills and overfills in accordance with N.J.A.C. 7:14B-4.1(a) or 4.2 and is secondarily contained and interstitially monitored in accordance with N.J.A.C. 7:14B-6.4(a)2;

2. The only portion of the tank system being installed is the product piping and the piping is protected from corrosion in accordance with N.J.A.C. 7:14B-4.1(a)2 and designed and constructed to meet the following standards:

i. The piping operates at less than atmospheric pressure;

ii. The piping is sloped so that the contents of the pipe will drain back into the storage tank if the suction is released;

iii. Only one check valve is included in each suction line;

iv. The check valve is located directly below and as close as practical to the suction pump; and

v. A method is provided that allows compliance with these

requirements to be readily determined (for example, the check valve can be viewed at the dispenser);

3. The only portion of the tank system being installed is the product piping and the piping is protected from corrosion in accordance with N.J.A.C. 7:14B-4.1(a) and is secondarily contained and interstitially monitored in accordance with N.J.A.C. 7:14B-6.4(a)2;

4. The underground storage tank and piping being installed, upgraded or modified is or shall be protected from corrosion, spills and overfills in accordance with N.J.A.C. 7:14B-4.1(a) or 4.2 and the tank is secondarily contained and interstitially monitored in accordance with N.J.A.C. 7:14B-6.4(a)2 and the piping meets the requirements of (b)2i through v above; or

5. The only portion of the underground storage tank system being installed is a spill catchment basin used for spill prevention equipment, and the underground storage tank system is already protected from corrosion and overfills in accordance with N.J.A.C. 7:14B-4.1(a) or 4.2 and has release detection in accordance with N.J.A.C. 7:14B-6. Prior to installation of the new spill catchment basins, the owner and operator shall investigate the ground beneath and around the fill ports for releases. The owner and operator shall report all releases and conduct remediation in accordance with the requirements of N.J.A.C. 7:14B-7 and 8.

(c) Installation of replacement appurtenant piping sections (new piping is placed where the old piping was removed) shall not require a permit as long as the appurtenant piping meets standards set forth in N.J.A.C. 7:14B-4.1(a) 2, the entire length of piping from the dispenser to the tank is not being replaced, and the installation does not affect the existing cathodic protection system. Replacement of the entire length of piping from the dispenser to the tank shall constitute a closure of piping and a new installation and require a permit in accordance with (a) above unless it meets the conditions of (b) above.

(d) The Department shall not issue a permit as required in (a)1 above unless the person who owns or operates or proposes to own or operate the underground storage tank system provides evidence in the permit application that the system shall include spill prevention, overfill prevention, and corrosion protection in accordance with N.J.A.C. 7:14B-4.1(a)1 through 3, and appropriate release detection monitoring in accordance with N.J.A.C. 7:14B-6. Installations of underground storage tank systems shall include evidence that the system is designed and constructed with secondary containment and interstitial release detection monitoring pursuant to N.J.A.C. 7:14B-4.1(a) as applicable.

(e) For the purposes of this subchapter only, the following activities shall not constitute substantial modifications which require a permit issued by the Department:

1. Installation of vapor control systems required by N.J.A.C. 7:27-16, Control and Prohibition of Air Pollution by Volatile Organic Substances;

2. Minor repairs which shall not:

i. Involve cutting the tank shell;

ii. Affect cathodic protection systems; or

iii. Otherwise affect the storage, capacity, physical configuration or integrity of the facility or its monitoring system;

3. The installation of an automatic line leak detector as required in N.J.A.C. 7:14B-6.2(a)2i; or

4. Any other activities which, upon written determination by the Department,

shall not affect storage capacity, physical configuration, or the physical integrity of the facility or its monitoring system.

(f) The owner and operator shall maintain at the underground storage tank facility the site diagrams and specifications required by N.J.A.C. 7:14B-10.3(b).

7:14B-10.2 Permits required in wellhead protection areas

(a) The owner and operator of an underground storage tank system in a wellhead protection area shall obtain a permit from the Department in accordance with N.J.A.C. 7:14B-10.1(a) prior to upgrading the tank system.

(b) Prior to submitting a permit application for the upgrade or substantial modification of underground storage tank systems in wellhead protection areas, a site investigation of the underground storage tank system shall be performed in accordance with the requirements of N.J.A.C. 7:26E.

1. If the site investigation report indicates that a discharge has occurred, the Department shall not issue a permit for the upgrade of the underground storage tank system unless owner and operator:

i. Notifies the Department's Environmental Action Hotline at 877 WARN DEP or 877-927-6337 of the discharge;

ii. Submits a remedial investigation report/remedial action workplan in accordance with the requirements of the Technical Requirements for Site Remediation rules at N.J.A.C. 7:26E; and

iii. Identifies the source of the discharge and documents that the underground storage tank system was repaired or identifies the source of the discharge and submits a plan for repair of the underground storage tank system.

7:14B-10.3 Permit applications

(a) All permit applications shall be submitted on forms provided by the Department obtained from the address noted below and containing the information specified in (b) below. The permit application shall be accurately completed, signed, dated, and returned to the address at N.J.A.C. 7:14B-2.2(b).

(b) Any owner and operator of an existing or proposed underground storage tank system which requires a Department issued permit shall:

1. Submit with the permit application one copy of the plans and specifications for the proposed installation, modification or upgrade of the underground storage tank system, signed and sealed by a New Jersey professional engineer, drawn to scale and depicting the top, front, and side views of the proposed or existing underground storage tank system. Plans submitted shall show all information and details necessary to indicate compliance with this chapter and shall include a certification in accordance with N.J.A.C. 7:14B-1.7(b);

2. Submit a copy of the scaled site diagram showing the size and location of all underground storage tank systems, all existing structures on the site, and distances from lot lines;

3. Submit information documenting soil permeability as required pursuant to N.J.A.C. 7:14B-6.5(a)5 and 6;

4. Submit documentation of the depth to ground water as required pursuant to N.J.A.C. 7:14B-6.5(a)6;

5. Submit all corrosion system designs required pursuant to N.J.A.C. 7:14B-4.1(a) or 4.2. The design of all field installed cathodic protection systems shall be certified in the manner described in (b)1 above by a cathodic protection specialist certified by the Department pursuant to N.J.A.C. 7:14B-13;

6. Submit a detailed description of the upgrade, installation, or repair to be performed;

7. Submit documentation demonstrating the precision of the performance of the release detection monitoring method chosen pursuant to N.J.A.C. 7:14B-6.1, 6.2 and 6.3;

8. Submit a scaled site diagram which accurately indicates the location of all sampling and monitoring points in relation to all underground storage tank systems at the facility;

9. Submit a certification in accordance with N.J.A.C. 7:14B-1.7(c) signed by a licensed site remediation professional, that the number and locations of all vapor or product monitoring points is sufficient to monitor the underground storage tank system should this method of monitoring be chosen; and

10. Submit all fees in accordance with N.J.A.C. 7:14B-3.5.

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

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

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

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

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

i. Return the application;

ii. Extend the date by which the applicant must provide the additional or clarifying information; or

iii. Deny the application pursuant to N.J.A.C. 7:14B-10.8.

(e) The Department shall perform a detailed analysis of the technically complete application and shall develop a staff recommendation to issue the permit or deny the application. The staff recommendation shall include any conditions to be attached to the

permit if the recommendation is to issue the permit, or an explanation of the reasons for denial if the recommendation is to deny the application.

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

7:14B-10.4 Public access to permit information

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

(b) Interested persons shall submit a written request for an appointment to review the public records. This written request shall be sent to the Department at the address at N.J.A.C. 7:14B-2.2(b).

7:14B-10.5 Display of permit and availability of approved plans

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

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

7:14B-10.6 Emergency permits

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

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

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

(b) The owner and operator requesting an emergency permit shall contact the Department on the day of the emergency or, when the emergency occurs after business hours, on a weekend, or on a holiday, the owner and operator shall contact the Department on the next working day thereafter at (609) 633-0708 for issuance of an emergency permit. The owner and operator shall, within 14 calendar days of receipt of the emergency permit, submit a permit application pursuant to this subchapter, including the appropriate fee in accordance with N.J.A.C. 7:14B-3.5, to the Department for review of compliance with the requirements of this chapter.

(c) The owner and operator shall provide the following information when requesting

an emergency permit:

1. The name, address and telephone number of the owner and the operator;

2. A clear and concise factual description of the nature and scope of the emergency;

3. The address and location of the facility where the emergency occurred;

4. The incident number assigned when the discharge was reported to the Department's Environmental Action Hotline in accordance with N.J.A.C. 7:14B-7.3; and

5. A description of the underground storage tank system installed or repaired, including all features necessary to be in compliance with this chapter.

(d) The Department, upon issuance of an emergency permit, shall assign to the owner and the operator of the underground storage tank system an emergency permit number. The owner and operator shall prominently display the number of the facility and make it available for on-site inspection by any authorized local, State, or Federal representative.

7:14B-10.7 Permit expiration

Any permit issued pursuant to this chapter shall expire if the work authorized by the permit is not commenced within 12 months after the effective date of the permit, or if the authorized work is suspended or abandoned for a period of six months at any time after work has begun.

7:14B-10.8 Grounds for denial or revocation of permits

(a) The Department may, in its discretion based on the criteria listed in (a)1 and 2 below, deny the issuance of a permit under this subchapter upon a determination of the following:

1. The permit application is incomplete, contains inaccurate information and/or is illegible; or

2. The owner, operator, or both fail to comply with any requirement of the State Act or this chapter.

(b) The Department may revoke a permit upon a determination of the following:

1. The permit application contains false or inaccurate information;

2. An authorized representative is denied access to the site;

3. The owner, operator, or both fail to comply with any requirement of the State Act or this chapter; or

4. The owner, operator, or both are performing or have authorized an activity which is not in compliance with this chapter.

(c) The Department shall inform an owner and operator of the denial or revocation of a permit by a Notice of Intent to Deny a Permit or a Notice of Intent to Revoke a Permit. The 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 and operator by certified mail (return receipt requested) or by personal service.

(e) An owner and operator that receives a Notice from the Department denying or revoking a permit shall not begin the proposed permitted activities or shall discontinue any

ongoing permitted activities.

(f) An applicant or any person, subject to the limitation on third party appeal rights set forth in P.L. 1993, c.359 (N.J.S.A. 52:14B-3.1 through 3.3), who believes himself or herself to be aggrieved, with respect to decisions made by the Department regarding any permit, permit condition, or application denial may contest the decision and request a contested case hearing pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. and the New Jersey Uniform Administrative Procedure Rules, N.J.A.C. 1:1. Requests for a contested case hearing shall be made pursuant to N.J.A.C. 7:14B-12.2.

SUBCHAPTER 11. MUNICIPAL ORDINANCES

7:14B-11.1 Local ordinance exemption

(a) This chapter supersedes any law or ordinance regulating underground storage tanks regulated subject to this chapter, enacted by a municipality, county or political subdivision thereof prior to the effective date of this chapter.

(b) No municipality, county, or political subdivision thereof shall enact any law or ordinance regulating underground storage tanks regulated subject to this chapter without express permission from the Department in accordance with N.J.A.C. 7:14B-11.2 below.

7:14B-11.2 Local ordinance enactment

(a) A municipality, county or political subdivision thereof may apply to the Department at the address listed at N.J.A.C. 7:14B-5.6(d) for authority to enact a municipal ordinance that provides rules and regulations that are more environmentally protective than this chapter. The application shall consist of the following:

1. A copy of the proposed ordinance;
2. A resolution from the governing body supporting the proposed ordinance;
3. A written statement setting forth all the provisions of the proposed ordinance which differ from those set forth, or are not found in, this chapter;
4. The legal and environmental basis for the difference;
5. All supporting facts and data; and
6. The means by which the local government will enforce the provisions of the ordinance.

7:14B-11.3 Department determination

(a) The Department shall, within 180 days of receipt of a written petition from a municipality, evaluate the proposed municipal ordinance to determine whether the exemption is warranted and advise the municipality of its findings.

(b) The Department shall base its determination on the following criteria:

1. The municipal ordinance provides greater environmental protection for unique hydrologic conditions;
2. The municipal ordinance provides greater protection against imminent threats to human health; or
3. The municipal ordinance provides greater environmental protection for wetlands or flood plains.

(c) The Department shall provide public notice of all approvals of municipal ordinances under this section by publishing notice of each approval in the DEP Bulletin.

(d) The municipality, county or political subdivision receiving approval from the Department to adopt the ordinance shall submit to the Department a copy of the final ordinance.

(e) The municipality, county or political subdivision that is denied the right by the Department to adopt an ordinance may request an adjudicatory hearing pursuant to N.J.A.C. 7:14B-12.

SUBCHAPTER 12. PENALTIES, REMEDIES, AND ADJUDICATORY HEARING PROCEDURES

7:14B-12.1 Penalties

(a) Upon a finding that an owner, operator, or both have failed to comply with any requirement of the State Act or N.J.A.C. 7:14B-1, 3, or 7 through 11, the Department may:

1. Deny or revoke the UST registration certificate or permit for their underground storage 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, N.J.A.C. 7:26C-9.

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

1. Deny or revoke the UST registration certificate or permit for their underground storage tank system;

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

3. Assess a civil administrative penalty pursuant to the Water Pollution Control Act rules, N.J.A.C. 7:14-8.

(c) Upon a finding that any individual or business firm who is certified pursuant to N.J.A.C. 7:14B-13 or 16 has failed to comply with any requirement of the State Act or N.J.A.C. 7:14B-1, 3, or 7 through 11 or 7:26F, the Department may:

1. Deny, suspend, revoke or refuse to renew a certification pursuant to N.J.A.C. 7:14B-13.10 and 16.11, as applicable;

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, N.J.A.C. 7:26C-9 or 7:14B-12.4, as applicable.

7:14B-12.2 Adjudicatory hearings

(a) A person may request a hearing to contest:

1. A denial or revocation of an UST registration certificate, pursuant to N.J.A.C. 7:14B-2.6;

2. A denial of a permit, pursuant to N.J.A.C. 7:14B-10.8;

3. A denial of an ordinance adoption issued pursuant to N.J.A.C. 7:14B-11; or

4. A denial or revocation of a certification of an individual or business firm,

pursuant to N.J.A.C. 7:14B-13 or 16.

(b) Within 20 calendar days after receiving the document for which a hearing is sought, the person requesting a hearing shall send a completed Adjudicatory Hearing Request Checklist and a written request for a hearing to:

1. New Jersey Department of Environmental Protection
Office of Administrative Hearings and Dispute Resolution
ATTENTION: Adjudicatory Hearing Requests
401 E. State Street
Mail Code 401-07A
P.O. Box 420
Trenton, New Jersey, 08625-0420; and

2. The Underground Storage Tank program's address set forth on the Adjudicatory Hearing Request Checklist.

(c) The person requesting a hearing shall include with the completed Adjudicatory Hearing Request Checklist the following information:

1. The name, address, telephone number, and e-mail address of:

i. The person the Department named in the document for which the hearing is sought;

ii. A contact person or authorized representative, if the person the Department named in the document is other than an individual; and

iii. The person's attorney, if any;

2. The date the person received the document for which a hearing is sought;

3. A copy of the document for which a hearing is sought, pursuant to (a) above;

4. An admission, a denial, or an averment of insufficient knowledge or information of the findings listed in the document being contested, as follows:

i. If the person is without knowledge or information sufficient to form a belief as to the truth of a specific finding, the person shall so state and this shall have the effect of a denial;

ii. If a person intends to deny any finding or portion of the finding in the document:

(1) The person shall identify the finding or portion of the finding that is denied. A general denial of some or all of the findings shall have the effect of an admission of each finding generally denied;

(2) For each finding or portion of a finding the person denies, the person shall explain the factual and legal basis of the denial. Any failure to provide a factual and legal basis for a denial shall have the effect of an admission of the finding; and

(3) The person shall ensure that each denial fairly meets the substance of the finding or portion of the finding denied. A denial that does not meet the substance of the finding denied shall have the effect of an admission of the finding;

iii. If a person fails to either admit or deny any specific finding or portion of a finding, this shall have the effect of an admission of that finding.

5. A list of all factual and legal issues that the person is contesting, with each defense position stated in short and plain terms;

6. If the person's response to the Department allegation of noncompliance is that the person has complied with some or all of the applicable requirements, a description of all such compliance, including specific citation to each applicable requirement with which the person alleges it has complied, the facts and circumstances of the compliance, including a copy of any submission that is required by that applicable requirement, or otherwise provide evidence of compliance and the date of compliance;

7. Documents or information supporting the request for a hearing, and specific reference to or copies of other written documents relied on to support the request;

8. An estimate of the time required for the hearing (in days and/or hours); and

9. A request, if necessary, for a barrier-free hearing location for physically disabled persons.

(d) If the Department does not receive the request for a hearing within the time prescribed at (b) above, or if the request does not include the information required in (c) above, the Department shall deny the request for a hearing.

(e) An adjudicatory hearing shall be conducted in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-12 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

(f) Nothing in this section shall be construed to provide a right to an adjudicatory hearing in contravention of N.J.S.A. 52:14B-3.1 through 3.3.

7:14B-12.3 Request for a stay of the effective date of a Departmental determination

(a) Department decisions are effective according to their terms, unless stayed by the Department in writing.

(b) The Department, in its discretion, may grant a stay of the effective date of a Department decision specified in N.J.A.C. 7:14B-12.2(a) upon application for a stay by the aggrieved party.

(c) To request a stay, an aggrieved party shall submit the following documents, which substantiate, by a preponderance of the evidence, that one of the following circumstances exist:

1. The granting of the stay is required as a constitutional or statutory right; or

2. The potential effect on public health and safety or the environment, which might result from a decision to grant a stay is greatly outweighed by immediate, irreparable injury to the specific party requesting such stay.

(d) The Department's decision to grant a contested case hearing request shall not automatically result in a stay of the Department action appealed from, in the absence of an express decision by the Department to stay such action. The burden shall be upon the party requesting a hearing under N.J.A.C. 7:14B-12.2 to explicitly request a stay of action within the same document, as well as to describe reasons why such stay should be granted.

(e) Written requests for a stay pursuant to (c) and (d) above shall be made to the Department at the address provided at N.J.A.C. 7:14B-12.2 within 20 days of the date upon which the notice of decision was received.

(f) Any stay granted by the Department shall be temporary and shall not extend beyond the date of the Department's final decision in respect to the contested case.

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

(a) An individual or business firm that violates the provisions of N.J.A.C. 7:14B-13 or 16, is subject 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. If the violation is of a continuing nature, each day of violation constitutes an additional, separate and distinct offense.

(b) The Department shall assess a civil administrative penalty by notifying the violator by certified mail or personal service. The notice shall include:

1. A reference to the section of the statute, regulation, order, or permit condition violated;

2. A concise statement of the facts alleged to constitute the violation;

3. A statement of the amount of the civil administrative penalty to be assessed; and

4. A statement of the right to request a hearing pursuant to N.J.A.C. 7:14B-12.2.

(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 and services

(a) No individual shall:

1. Provide any services listed at N.J.A.C. 7:14B-13.2(a) 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; or

2. Conduct remediation of 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 and N.J.A.C. 7:26C, unless that person is a licensed site remediation professional, or representative thereof. A licensed site remediation professional need not also be licensed pursuant to this subchapter in order to conduct remediation on an underground storage tank system.

(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 and operator 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 or that remediation is performed by a retained licensed site remediation professional, or representative thereof, for the purpose of complying with N.J.A.C. 7:26C. If a certified individual is not present at the underground storage tank site or a licensed site remediation professional has not been retained to conduct remediation, the owner and operator shall suspend all regulated activities in that classification of service or remediation activities, as applicable.

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

1. The individual is a permanent employee at a business firm which is certified in the classification of service, listed at N.J.A.C. 7:14B-13.2(a), 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, listed at N.J.A.C. 7:14B-13.2(a), 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 and operator or the permanent employee of an owner and operator may perform any service, listed at N.J.A.C. 7:14B-13.2(a) below, on the owner's and operator's underground storage tank provided the individual is certified in that classification of service. Certification of the owner and operator as a business firm is not required if the owner and operator can provide to the Department proof of financial responsibility assurance in accordance with N.J.A.C. 7:14B-13.8 or 40 CFR Part 280 for the remediation of a hazardous substance discharge resulting from the performance of such service(s).

(g) An owner and operator of an underground storage tank system shall retain a licensed site remediation professional to conduct remediation pursuant to N.J.A.C. 7:26C.

(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 or the loss of the certification card or certificate.

(j) 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.

(k) 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:

New Jersey Department of Environmental Protection
Bureau of UST Compliance & Enforcement
Mail Code 09-03
PO Box 420
Trenton, NJ 08625-0420

(*l*) 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 for the category of services listed at N.J.A.C. 7:14B-13.2(a) and submitted to the Department.

(m) 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 or the license number of the retained licensed site remediation professional, as applicable, shall be available upon request of the local construction official.

(n) 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. Corrosion protection system analysis which may be either cathodic protection specialist or cathodic protection tester.

(b) The activities that 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 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 remediation is necessary and the site falls under the on-site supervision of a licensed site remediation professional, or representative thereof. A licensed site remediation professional, or representative thereof, 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 a licensed site remediation professional.

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. Tank testing also includes all activities relative to the testing of spill prevention, secondary containment, electronic and mechanical components, and inspection of overfill prevention equipment. 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. 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)6 below.

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 available from

the Department at http://www.nj.gov/dep/exams/ust.htm. 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 available from the Department at http://www.nj.gov/dep/exams/ust.htm. 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. The individual's certification number, identified on the Department issued certification card, for 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:

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(d).

(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 (c) or (d) below may obtain certification for the classifications identified in (a)1, 2, and 3 below 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 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.).

3. 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.).

(b) Individuals not satisfying the criteria at (c) or (d) below may apply for

certification in the classifications identified at (b)1, 2, and 3 below if the applicant meets the following minimum criteria for each classification for which the applicant is seeking certification:

1. Applicants for the release detection monitoring system installation certification shall meet the following criteria:

i. Either a minimum of two years of 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 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.).

2. Applicants for the cathodic protection specialist certification shall possess a certification from NACE International or the Association for Materials Protection and Performance (AMPP) in the category of cathodic protection specialist; and

3. Applicants for the cathodic protection tester certification 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 or AMPP’s Certification Committee for the category of cathodic protection tester, corrosion technologist, or senior corrosion technologist; or Steel Tank Institute's Cathodic Protection Tester Certification Program; 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.).

(c) 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 listed at N.J.A.C. 7:14B-13.2(a) 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.

(d) 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 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.

(e) 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.

(f) Each individual and business firm certified pursuant to this subchapter shall maintain records demonstrating that the individual or business firm has satisfied the applicable eligibility criteria for each applicable classification of certification.

(g) Each individual or business firm shall maintain the records required at (f) above for six years following the expiration of the certification, and shall make the records available to the Department on request.

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 the individual is not subject to an examination as set forth in N.J.A.C. 7:14B-13.4(b), or is exempted by N.J.A.C. 7:14B-13.4(c) or (d).

(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.

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) An individual certification may be renewed by submitting records demonstrating compliance with the continuing education requirements at N.J.A.C. 7:14B-13.6 and the

renewal 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) Business firm certifications may be renewed by submitting a renewal fee, and the certification number 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(k) 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 days prior to any cancellation or change in status of a mechanism used to provide financial responsibility assurance at the address at N.J.A.C. 7:14B-2.2(b).

(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.

(d) A business firm engaged in providing underground storage tank services shall maintain for the duration of the term of certification, and for six years following the expiration of the certification, records demonstrating the business firm's compliance with the financial responsibility assurance requirement at (a) above. The business firm shall make the records available to the Department on request.

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.

(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:

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.;

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(e);

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, N.J.A.C. 7:26E, the Administrative Requirements for the Remediation of Contaminated Sites, 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 Site Remediation Reform Act, N.J.S.A. 58:10C-1 et seq., or of an order issued pursuant to any of these Acts.

(b) Within 20 calendar days after receipt of notification of the Department's intent to suspend, revoke, deny, or refuse to renew a certification, the applicant orcertificate 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. (RESERVED)

SUBCHAPTER 15. FINANCIAL RESPONSIBILITY REQUIREMENTS

7:14B-15.1 Applicability and general requirements

(a) This subchapter sets forth financial responsibility assurance requirements for owners and operators for the purpose of remediation and for compensating third parties for bodily injury and property damage as a result of a discharge from an underground storage tank system.

(b) Owners and operators of Federally regulated systems subject to 40 C.F.R. Part 280 Subpart H shall comply with this subchapter by maintaining financial assurance pursuant to 40 C.F.R. Part 280 Subpart H incorporated, in its entirety, by reference.

(c) By September 16, 2003, the owner and operator not covered by (b) above shall comply with this subchapter for the amounts listed in N.J.A.C. 7:14-15.2 by maintaining financial assurance pursuant to USEPA's Financial Responsibility Regulations at 40 CFR Part 280 Subpart H, incorporated by reference, with the noted exclusions at N.J.A.C. 7:14B-15.3(c).

(d) State and Federal government entities whose debts and liabilities are the debts and liabilities of the State of New Jersey or the United States are exempt from the requirements of this subchapter.

(e) If the owner and operator are separate persons, only one person is required to demonstrate financial responsibility; however, both the owner and operator are responsible in the event of noncompliance.

(f) The owner and operator may use separate mechanisms to satisfy the requirements

of N.J.A.C. 7:14B-15.2 for different underground storage tank systems; however, the annual aggregate required shall be based on the number of tanks covered by each separate mechanism.

(g) The owner and operator are not required to maintain financial responsibility assurance pursuant to this subchapter for any underground storage tank system when either of the following conditions has been met; the owner and operator may be required, however, to maintain financial assurance if the owner and operator are required to obtain a remedial action permit pursuant to the Administrative Requirements for the Remediation of Contaminated Sites at N.J.A.C. 7:26C-7.7.

1. The Department or a licensed site remediation professional has issued a final remediation document for the closure of the underground storage tank system; or

2. Notice that each third-party claim for damages as a result of a discharge from the underground storage tank system has been resolved pursuant to 40 C.F.R. 280.112 as adopted by reference at N.J.A.C. 7:14B-15.3, if one has been filed.

(h) The owner and operator shall identify the financial assurance mechanism being used to comply with this subchapter on the New Jersey Underground Storage Tank Facility Certification Questionnaire pursuant to N.J.A.C. 7:14B-2.2(c)9 and submit to the Department evidence of financial assurance with any supporting documentation. An owner and operator shall maintain evidence of financial assurance at the site or at the owner or operator's place of business.

(i) Within 30 calendar days after the cancellation or expiration of any form of financial assurance established to meet the requirements of this chapter, the issuing financial institution shall notify the Department in writing of the expiration or cancellation. The financial institution shall include in the notification the name of the insured policy holder, the policy number as applicable and the address of all sites covered by the financial mechanism. The written notification shall be sent to the address below:

New Jersey Department of Environmental Protection
Bureau of Case Assignment & Initial Notice
Mail Code 401-05H
401 East State Street, 5th Floor
P.O. Box 420
Trenton, NJ 08625-0420
Attn: Registration and Billing Unit

7:14B-15.2 Amount and scope of required financial responsibility

(a) Owners and operators shall maintain financial responsibility assurance for regulated underground storage tank systems in the per-occurrence or per-incident amounts as follows:

1. For petroleum underground storage tank systems located at petroleum marketing facilities, or facilities that handle an average of more than 10,000 gallons of petroleumper month based on annual throughput for the previous calendar year: $1,000,000;

2. For all other petroleum underground storage tanks: $250,000; and

3. For underground storage tanks systems containing hazardous substances

other than petroleum: $1,000,000.

(b) Owners and operators shall maintain financial responsibility assurance for regulated underground storage tank systems in the annual aggregate amounts as follows:

1. For one to 100 underground storage tanks: $1,000,000; and
2. For 101 or more underground storage tanks: $2,000,000.

(c) Owners and operators shall review the amount of per-occurrence or per-incident, and aggregate assurance needed whenever they acquire or install additional underground storage tanks to ensure the amount of financial responsibility assurance required at (a) and (b) above are maintained.

(d) If an adjustment in the amount of financial responsibility assurance is required pursuant to (c) above, the owner and operator shall demonstrate the adjusted amount within 30 calendar days after the tank acquisition or installation by submitting to the Department an amended New Jersey Underground Storage Tank Facility Certification Questionnaire in accordance with N.J.A.C. 7:14B-2.2.

(e) If an owner and operator use liability insurance authorized by 40 CFR 280.94 and 40 CFR 280.97 as the financial responsibility assurance required under this subchapter, as provided by the Underground Storage Tank Finance Act at N.J.S.A. 58:10A-37.11, such insurance shall be the primary coverage to pay for the costs associated with remediating a discharge from the UST system, notwithstanding that financial assistance from New Jersey Petroleum Underground Storage Tank Remediation, Upgrade and Closure Fund is or may be available.

7:14B-15.3 Incorporation of the Code of Federal Regulations by reference

(a) Unless specifically excluded by these rules, when a provision of the Code of Federal Regulations (C.F.R.) is incorporated by reference into this rule, all notes, comments, appendices, diagrams, tables, forms, figures, and publications are also incorporated by reference.

(b) Owners and operators of Federally regulated underground storage tank systems subject to 40 C.F.R. Part 280 Subpart H shall comply with this subchapter by maintaining financial assurance pursuant to 40 C.F.R. Part 280 Subpart H incorporated, in its entirety, by reference into this rule.

(c) Owners and operators of State regulated underground storage tank systems subject to the requirements of N.J.A.C. 7:14B, but not covered by (b) above, shall comply with this chapter for the amounts listed in N.J.A.C. 7:14-15.2 by complying with USEPA's Financial Responsibility Regulations at 40 CFR Part 280 Subpart H, incorporated by reference into this rule with the following noted exclusions:

1. 40 C.F.R. 280.98, Surety Bond;
2. 40 C.F.R. 280.100, Use of State required mechanism;
3. 40 C.F.R. 280.101, State fund of other State assurance; and
4. 40 C.F.R. 280.106(d), Local government guarantee, Local Government Guarantee With Standby Trust Made by a State.

(d) For the purposes of this subchapter, when the term, “name of State” appears in the Federal rule, it shall be replaced with the term “New Jersey”; when the term “State implementing agency” appears in the Federal rule, it shall be replaced with the term “Department of Environmental Protection”; when the term “Director” or “Director of the implementing agency” appears in the Federal rule, it shall be replaced with the term “DEP

Commissioner."

(e) Prospective incorporation by reference means the ongoing process, beginning May 19, 2003, whereby all provisions of regulations incorporated into this subchapter from the Federal regulations at 40 CFR Part 280 Subpart H, are continually automatically updated in order to maintain consistency with the most current Federal rules. Thus, any supplements, amendments, and any other rule changes including, without limitation, repeals or stays that affect the meaning or operational status of a Federal rule, brought about by either judicial or administrative action and adopted or otherwise noticed by U.S. Environmental Protection Agency in the Federal Register, shall simultaneously amend this subchapter so this subchapter has the same meaning and status as its Federal counterpart.

(f) Provisions of 40 C.F.R. Part 280 Subpart H incorporated by reference are prospective and all internal references contained therein are also incorporated prospectively for the purposes of that provision, unless otherwise noted. Each internal reference to the Federal Register shall be interpreted to include, in addition to the Federal citation, any changes, additions and deletions made to that citation by this subchapter.

(g) Provisions of 40 C.F.R. Part 280 Subpart H that are excluded from incorporation by reference in these rules are excluded in their entirety, unless otherwise specified. If there is a cross reference to a Federal citation that was specifically excluded from incorporation, the cross referenced citation is not incorporated by virtue of the cross reference. Provisions that have been excluded from incorporation by reference are also excluded from the process of prospective incorporation by reference.

(h) Nothing in these provisions incorporated by reference from the Federal Register shall affect the Department's authority to enforce statutes or rules, permits or orders administered or issued by the Commissioner.

(i) New Federal rules, amendments, supplements and other changes at 40 CFR Part 280 Subpart H, brought about through administrative or judicial action adopted or otherwise noticed by USEPA in the Federal Register shall be automatically incorporated through the prospective incorporation process in this chapter.

(j) New Federal rules, amendments, supplements and other changes at 40 CFR Part 280 Subpart H, brought about through administrative or judicial action adopted or otherwise noticed in the Federal Register by USEPA after January 26, 1998, but prior to May 19, 2003, shall be prospectively incorporated by reference and shall be effective on May 19, 2003 and operative on August 17, 2003, or on the operative date cited by USEPA in the relevant Federal Register Notice, whichever is later, unless the Department publishes a notice of proposal repealing the adoption of the Federal rule in New Jersey in whole or in part, and/or proposes to otherwise amend the affected State rules.

(k) On or after May 19, 2003, new Federal rules, amendments, supplements and other changes brought about through administrative or judicial action and adopted or otherwise noticed by USEPA in the Federal Register automatically incorporated through the prospective incorporation by reference process shall be effective upon publication in the Federal Register and operative on the date cited by USEPA in the relevant Federal Register Notice, unless the Department publishes a notice of proposal repealing the adoption in New Jersey of the Federal regulation in whole or in part, and/or proposing to otherwise amend the affected State rules.

7:14B-15.4 Document availability

(a) Copies of the 40 CFR Part 280 Subpart H, as adopted and incorporated by reference herein are available for review. Publications incorporated by reference within the Code of Federal Regulations as listed at 40 CFR Part 280 Subpart H, or the most currently available version, are also available for review. The Federal rule can be accessed through a hyperlink provided on the Department's internet web page at www.nj.gov/dep/srp/regs/. These publications may also be reviewed by contacting the Department at:

New Jersey Department of Environmental Protection
Contaminated Site Remediation and Redevelopment
Division of Enforcement and Financial Operations
Mail Code 401-06E
PO Box 420
Trenton, NJ 08625-0420

(b) Copies of 40 CFR Part 280 Subpart H, as adopted and incorporated by reference herein, may be purchased from the following sources:

U.S. Government Printing Office
Superintendent of Documents
Mail Stop: SCOP
Washington, DC 20402-9328

U.S. Government Printing Office Bookstore
Room 110, 26 Federal Plaza
New York, NY 10278-0081

U.S. Government Printing Office Bookstore
Robert Morris Building
100 North 17th Street Philadelphia, PA 19103

(c) Copies of 40 CFR Part 280 Subpart H, as adopted and incorporated by reference herein, are available for review at the following public libraries:

New Jersey State Library
PO Box 520, 185 West State Street Trenton, NJ 08625-0520

Newark Public Library
5 Washington Street
Newark, NJ 07101

(d) The Office of the Federal Register, a component of the National Archives and Record Administration, has a website at www.nara.gov/fedreg which shows a current listing of files available for public inspection, Federal Registers as well as the Code of the Federal Regulations.

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 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 and 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 and 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; 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 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" (available at www.api.org);

ii. American Petroleum Institute Publication 1615, "Installation of Underground Petroleum Storage Systems" (available at www.api.org);

iii. Petroleum Equipment Institute Publication RP100, "Recommended Practices for Installation of Underground Liquid Storage Systems" (available at www.pei.org);

iv. American Petroleum Institute Publication 1632, "Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems" (available at www.api.org);

v. AMPP Standard NACE SP 0285, "External Corrosion Control of Underground Storage Tank Systems by Cathodic Protection," (available at www.ampp.org/standards) and Underwriters Laboratories Standard 58, "Standard for Steel Underground Tanks for Flammable and Combustible Liquids" (available at www.UL.com);

vi. National Fire Protection Association (NFPA) 30 "Flammable and Combustible Liquids Code" (available at www.nfpa.org); 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:

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 certificate 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
Bureau of UST Compliance and Enforcement
Mail Code 09-03
PO Box 420
Trenton, NJ 08625-0420

(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.

(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.

(o) An individual or business firm who is certified in subsurface evaluation of unregulated heating oil tank systems shall perform all activities pursuant to the Heating Oil Tank System Remediation Rules, N.J.A.C. 7:26F.

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 that comprise the classifications at (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.

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. Tank testing also includes all activities relative to the testing of spill prevention, secondary containment, electronic and mechanical components, and inspection of overfill prevention equipment. 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 at (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 test unregulated heating oil tank systems shall be evaluated by an independent testing laboratory to meet the accuracy described at 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), https://neiwpcc.org/nwglde/downloads/#annual, 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 Heating Oil Tank System Remediation Rules, N.J.A.C. 7:26F, and, if applicable, the Technical Requirements for Site Remediation, 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 and 7:26F;

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

(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 available from the Department at http://www.nj.gov/dep/exams/ust.htm. 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 available from the Department at http://www.nj.gov/dep/exams/ust.htm. The business firm shall submit with the application:

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

2. The individual's certification number, identified on the Department issued certification card, for 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 Heating Oil Tank System Remediation Rules, N.J.A.C. 7:26F, and, if applicable, the Technical Requirements for Site Remediation, N.J.A.C. 7:26E, and prepared by a certified individual or professional engineer in accordance with N.J.A.C. 7:26E and 7:26F.

(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) or (c) below may obtain certification for the classifications identified in (a)1 through 4 below 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;

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 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.).

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

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.).

4. 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 of 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 CFR 1910 and 1926 et seq.).

(b) Individuals not satisfying the criteria at (c) below may apply for certification in the classifications identified at (b)1, 2, and/or 3 below if the applicant meets the following minimum criteria for each classification for which the applicant is seeking certification:

1. An applicant for the unregulated heating oil tank system release detection monitoring installation certification shall meet the following criteria:

i. Either a minimum of two years of 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 of 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.).

2. An applicant for the unregulated heating oil tank system cathodic protection specialist certification shall possess a certification from NACE International or AMPP in the category of cathodic protection specialist.

3. An applicant for the unregulated heating oil tank system cathodic protection tester certification 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 or AMPP's Certification Committee for the category of cathodic protection tester, corrosion technologist, or senior corrosion technologist; or Steel Tank Institute's Cathodic Protection Tester Certification Program; 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.).

(c) 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.

(d) 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.

(e) Each individual and business firm certified pursuant to this subchapter shall maintain records demonstrating that the individual or business firm has satisfied the applicable eligibility criteria for each classification of certification.

(f) The individual or business firm shall maintain the records required under (e) above for six years following the expiration of the certification and shall make the records available to the Department on request.

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 not subject to an examination as set forth in N.J.A.C. 7:14B-16.5(b), is exempt under N.J.A.C. 7:14B-16.5(c) 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.

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 records demonstrating compliance with the continuing education requirements at N.J.A.C. 7:14B-16.7 and the renewal 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 renewal fee required pursuant to N.J.A.C. 7:14B-3, and the certification number 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 address at N.J.A.C. 7:14B-2.2(b).

(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.

(d) A business firm engaged in providing underground storage tank services shall

maintain for the duration of the term of certification, and for six years following the expiration of the certification, records demonstrating the business firm's compliance with the financial responsibility assurance requirement under (a) above. The business firm shall make the records available to the Department on request.

7:14B-16.10 Professional business practices

(a) An individual or 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.

(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;

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 Heating Oil Tank System Remediation Rules, N.J.A.C. 7:26F, the Technical Requirements for Site Remediation, N.J.A.C. 7:26E, the Administrative Requirements for the Remediation of Contaminated Sites, 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 Heating Oil Tank System Remediation Rules, N.J.A.C. 7:26F, the Technical Requirements for Site Remediation, N.J.A.C. 7:26E, the Administrative

Requirements for the Remediation of Contaminated Sites, 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 Heating Oil Tank System Remediation Rules, N.J.A.C. 7:26F, the Technical Requirements for Site Remediation, N.J.A.C. 7:26E, the Administrative Requirements for the Remediation of Contaminated Sites, 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 20 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.