

THIS IS A COURTESY COPY OF THIS NOTICE. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE NOVEMBER 19, 2018 NEW JERSEY REGISTER. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION OF THE NOTICE, THE OFFICIAL VERSION WILL GOVERN.

ADOPTIONS SECTION

ENVIRONMENTAL PROTECTION

SITE REMEDIATION AND WASTE MANAGEMENT PROGRAM

Notice of Administrative Correction

Underground Storage Tanks

N.J.A.C. 7:14B-7.2

Take notice that the Department of Environmental Protection (Department) discovered an error in the text of N.J.A.C. 7:14B-7.2. Effective January 16, 2018, the Department adopted amendments to the underground storage tanks rules, specifically changing all instances of “owner or operator” to “owner and operator” in N.J.A.C. 7:14B-7.2(b) (see 49 N.J.R. 1121(a); 50 N.J.R. 409(a)) (Rulemaking 1). While Rulemaking 1 was proposed, but not yet adopted, the Department proposed amendments to the heating oil tank system remediation rules (see 49 N.J.R. 2055(a); 50 N.J.R. 1715(b)) (Rulemaking 2). Rulemaking 2 proposed to add language that the Department later determined to not adopt upon adoption (except for a technical change of no consequence to the instant notice) of the rulemaking as part of the Department’s non-substantive changes upon adoption. As Rulemaking 1 was still pending when Rulemaking 2 was proposed, the rule text depicted in the New Jersey Register for N.J.A.C. 7:14B-7.2(b) in Rulemaking 2 was “owner or operator.”

In conforming the rule text to integrate and combine the changes from Rulemaking 1 (effective January 16, 2018) and Rulemaking 2 (effective August 6, 2018), the then-existing rule text (as of the 01-16-18 Code Update) of “owner and operator” was inadvertently reflected as “owner or operator.” The Department has requested, and the Office of Administrative Law has

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agreed to, such correction be made administratively. This notice of administrative correction is published pursuant to N.J.A.C. 1:30-2.7.

Full text of the corrected rule follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

SUBCHAPTER 7. RELEASE REPORTING AND INVESTIGATION

7:14B-7.2 Investigating a suspected release

(a) (No change.)

(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 [or] **and** operator shall initiate action pursuant to N.J.A.C. 7:14B-7.3. The owner [or] **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)-(d) (No change.)