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ENVIRONMENTAL PROTECTION

AIR, ENERGY, AND MATERIALS SUSTAINABILITY

BUREAU OF RELEASE PREVENTION

Notice of Administrative Correction and Change

Underground Storage Caverns

N.J.A.C. 7:1F-7.4

Effective Date: May 9, 2023.

The Department is issuing this notice of administrative correction and administrative change to correct an error in the notice of adoption of the Underground Storage Cavern Rules, N.J.A.C. 7:1F, and to update the address for adjudicatory hearing requests.

Take notice that the Department of Environmental Protection (Department) has discovered an error in the notice of adoption of the Underground Storage Cavern Rules, N.J.A.C. 7:1F. In the Department's Response to Comments 55, 56, 57, and 58, the Department explained: "In addition to the construction requirements, the rules require operation and maintenance plans and procedures, as well as monitoring requirements so that if, for example, there is any significant change in ground water level, or if a release is detected or suspected, the owner and operator must immediately notify the Department and the Department must immediately respond." The statement that "the Department must immediately respond" to the owner and operator's notification is incorrect. Consistent with N.J.A.C. 7:1F-3.3(f), 3.4, and 3.5, it is the owner and operator who is responsible for taking action. Therefore, the statement should read

that “the owner and operator must immediately notify the Department and the owner and operator must immediately respond to the situation.” This correction does not change the rule text.

Take notice of an administrative change at N.J.A.C. 7:1F-7.4(b), consistent with the notice of administrative change effective February 23, 2023, which was published in the March 20, 2023, New Jersey Register at 55 N.J.R. 528(a). This administrative change updates the address for the submittal of an adjudicatory hearing request and the name of the office to which a request for an adjudicatory hearing is to be submitted. All such requests shall be submitted to:

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

PO Box 420

Trenton, NJ 08625-0420

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

SUBCHAPTER 7. VIOLATIONS, REMEDIES, AND ADJUDICATORY HEARING

PROCEDURES

7:1F-7.4 Adjudicatory hearing requests and procedures

(a) (No change.)

(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. [Office of Legal Affairs

ATTENTION: Adjudicatory Hearing Requests]

New Jersey Department of Environmental Protection

Office of Administrative Hearings and Dispute Resolution

ATTENTION: Adjudicatory Hearing Requests

Mail Code [401-04L] **401-07A**

PO Box [402] **420**

401 East State Street[, 7th Fl.]

Trenton, New Jersey [08625-402] **08625-420**

2. (No change.)

(c)-(f) (No change.)