

Site Remediation Reform Act (SRRA) Listserv Archives

October 17, 2017 - [SRRA]: Underground Storage Tank updates

From: owner-srra@listserv.state.nj.us; on behalf of; SRRA
<SRRA@dep.nj.gov>

To: srra@listserv.state.nj.us

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Subject [SRRA]: Underground Storage Tank updates

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PROPOSED UST RULE AND UST FACILITY CERTIFICATION QUESTIONNAIRE NOTICE

On May 15, 2017, the New Jersey Department of Environmental Protection (Department) published a rule proposal in the New Jersey Register that included the proposed Underground Storage Tank (UST) rules (N.J.A.C. 7:14B). The proposed new rules incorporate the revisions made in 2015 to the Federal Environmental Protection Agency's UST regulations (40 C.F.R. Part 280). For a copy of the Department's proposed rule (N.J.A.C. 7:14B) please see www.nj.gov/dep/rules/.

The proposed rule and amendments relate to secondary containment; operator training, designation and duties; partially regulated UST systems; field constructed tanks and airport hydrant systems; operation and maintenance walkthrough inspections; UST registration; notification; UST service provider certifications; and civil administrative penalties. The proposed rules apply to USTs that store motor fuel, liquid petroleum products, waste oil, or other hazardous substances, and all heating oil USTs with an aggregate of 2,001 gallons or more for on-site consumption at businesses or commercial operations.

The new rules require owners and operators to comply with the new regulations no later than October 13, 2018; this includes the new requirement of having Designated Operators at the facility. To be a Designated A/B operator, you must attend a class at Rutgers University administered by the NJDEP and pass an examination. For additional information please see www.nj.gov/dep/enforcement/ust.html.

The new rule will require that owners and operators attach to the Underground Storage Tank Facility Certification Questionnaire (USTFCQ) the entire financial responsibility document (such as an insurance policy) identified on the questionnaire. The Department has been requesting entire financial responsibility documents to be submitted over the last two years under existing N.J.A.C. 7:14B-15.1(h) and has found this to improve financial assurance compliance. Although e-mail is not a federally approved method for USTFCQ submittal, electronic submittals of financial assurance documents can be sent separately through e-mail and are acceptable and encouraged to reduce the number of paper records being submitted, copied, and scanned. The entire copy of your current UST Financial Responsibility Insurance policy including all endorsements or certificates can be e-mailed to: srpustregistration@dep.nj.gov. Please remember that you still need to complete a USTFCQ including Section C separately in addition to e-mailing the policy. When renewing the financial responsibility mechanism to maintain full compliance with N.J.A.C. 7:14B-15.1(c) and to prevent possible coverage gaps, the owner or operator shall obtain the oldest retroactive date possible. The owner or operator is required to have a UST Financial Responsibility policy that carries forward the oldest retroactive date noted on the previous insurance policy for the covered UST system(s).

With an anticipated rule adoption date in December 2017, the Department is notifying owners/operators of regulated underground storage tank (UST) systems and Licensed Site Remediation Professionals (LSRPs) that it has changed the Underground Storage Tank Facility Certification Questionnaire (USTFCQ) to incorporate the new requirements in the proposed UST rule. Prior to the adoption of the rule, use of the new USTFCQ will be optional. Voluntary use of the new USTFCQ will assist the Department in evaluating its application prior to mandatory usage following rule adoption. The new USTFCQ format has changed and mimics all other forms used under the LSRP program. The new USTFCQ is

now available at www.nj.gov/dep/srp/forms/ust/ and can be utilized when renewing your registration, which will be on an annual basis with the adoption of the UST rule. The existing USTFCQ, also at www.nj.gov/dep/srp/forms/ust/, can still be submitted prior to the adoption of the UST rule.

The Department is working on Frequently Asked Questions and will post them adjacent to the online form, which will assist in completing the new form and answering some common questions.

SRP Site Remediation Reform Act (SRRA) Web site: www.nj.gov/dep/srp/

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