

The Unregulated Heating Oil Tank (UHOT) Program

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UHOT Program Objectives

- Allow pre-qualified environmental professionals to investigate/remediate low-risk UHOT cases with limited DEP oversight
- Accelerate the DEP review process
- Allow real estate transactions to proceed more quickly
- Allow DEP case managers to focus on high risk sites



Program Authority and Current Rules

Underground Storage of Hazardous Substances Act and UST Rules (N.J.S.A. 58:10A-21, N.J.A.C. 7:14B-16.1)

- Individuals or business firms providing services for unregulated heating oil tanks must be certified:
 - Installation
 - Closure
 - Corrosion protection
 - Testing
 - Subsurface Evaluation (remediation)

Administrative Requirements for the Remediation of Contaminated Sites (N.J.A.C. 7:26C-4 and 13)

- Rules establishing fees and the general requirements for a person responsible for conducting the remediation of a UHOT system



What is a UHOT?



Above-ground tanks and underground tanks that contain heating oil for on-site consumption for:

- Residential use, regardless of tank size, or
- Non-residential use that have a capacity of 2,000 gallons or less; and
- Contain No. 2, 4 and 6 oil, and kerosene



What are the basics?

- A UHOT owner that intends to remove UHOT must hire a certified individual to do so (often occurs during real estate transactions).
- A call to the DEP HOTLINE is required when a discharge of heating oil to the environment is discovered.
- The discharge must be remediated by a certified individual.



What if there was no discharge?

- If there is no discharge to the environment from the UHOT, **do not call** the DEP hotline.
- DEP will not issue a UHOT No Further Action Letter when there has been no discharge to the environment



Who is a certified individual?

A certified Subsurface Evaluator (SSE)

or

A Licensed Site Remediation Professional (LSRP)

- DEP issues UHOT NFA letter whether remediation is conducted by a SSE or an LSRP, with one exception...
- An LSRP may issue an Response Action Outcome (RAO) only when a UHOT is remediated as part of a larger site remediation.



What happens after the remediation is done?

- The certified individual details the remediation in a UHOT remediation report .
- The Department reviews to determine:

Was the remediation conducted in accordance with the Department's rules and guidance?

- If properly conducted, the Department will issue a UHOT No Further Action (NFA) letter.
- The NFA "closes out" the incident that was generated by the hotline call.

Note: the NFA is specific to the UHOT remediation and does not address any other environmental issues at the site



DEP Review

What needs to be submitted?

1. A signed and certified Unregulated Heating Oil Tank (UHOT) System Remediation Form
2. Remediation reports prepared in accordance with the Technical Requirements for Site Remediation, N.J.A.C. 7:26E-5.7
3. A \$400 non-refundable check or money order, made payable to "Treasurer, State of New Jersey"



DEP's Administrative Process

Bureau of Case assignment and Initial Notice (BCAIN) conducts an administrative review and will verify information submitted.

If the submittal is incorrect or incomplete:

- BCAIN holds the report
- Contacts the SSE or LSRP to correct the problem

Incorrect/Incomplete submittals will not be reviewed by UHOT staff.

Incorrect/Incomplete submittals will not receive a UHOT NFA letter.



Common Administrative Errors

- Incorrect address and/or block and lot
 - Use street address and municipality (not the mailing address).
 - Block and lot can change; consult current tax database.
- Missing or incorrect DEP Incident Number
 - DEP generates this number from the hotline call
- \$400 check NOT included



DEP Conducts Audits

- Ensure compliance with DEP regulations and standards
- Triggered by anomalies on the UHOT form, or randomly, at DEP's discretion
- Desk Audits: review of remediation documents
- Field Audits: on-site inspections, independent sampling and analysis



UHOT Program Exceptions

- A UHOT case that has Immediate Environmental Concern (IEC) conditions will be handled by SRP's IEC Unit.
 - IEC conditions include contamination resulting in exposure via Vapor Intrusion, Potable Water, Direct Contact.
- SRP's Field Offices oversee UHOT cases requiring water discharge permits:
 - NJPDES Permits by Rule: discharge to Ground Water
 - On-Scene Coordinator Discharge Authority: discharge to Surface Water



How are small surface spills handled?

- Surface spills of less than 100 gallons of fuel oil should be called into the DEP Hotline.
- These cases are referred to county/local health departments for them to “close.”
- DEP will not issue No Further Action letters for these incidents.



New UHOT Rules and Guidance



IT'S HERE



New UHOT Rules and Guidance

- As of August 6, 2018 the HOTS Rule N.J.A.C 7:26F is in full effect.
- All remediations started after August 6, 2018 must comply with the new HOTS Rule N.J.A.C 7:26F.
- Contains all of the administrative and technical requirements for UHOTs



What is different about the UHOT Rules?

- More prescriptive rules are aimed at consistency
- Focus is on more timely and less costly cleanups
- Includes detailed sampling and analytical requirements, and EPH soil remediation criterion



What else is different about the UHOT rules?

- Contains UHOT- specific regulatory timeframes
- Contains specific sampling requirements for both soil and groundwater
- More data required in applications for UST Fund grants and loans

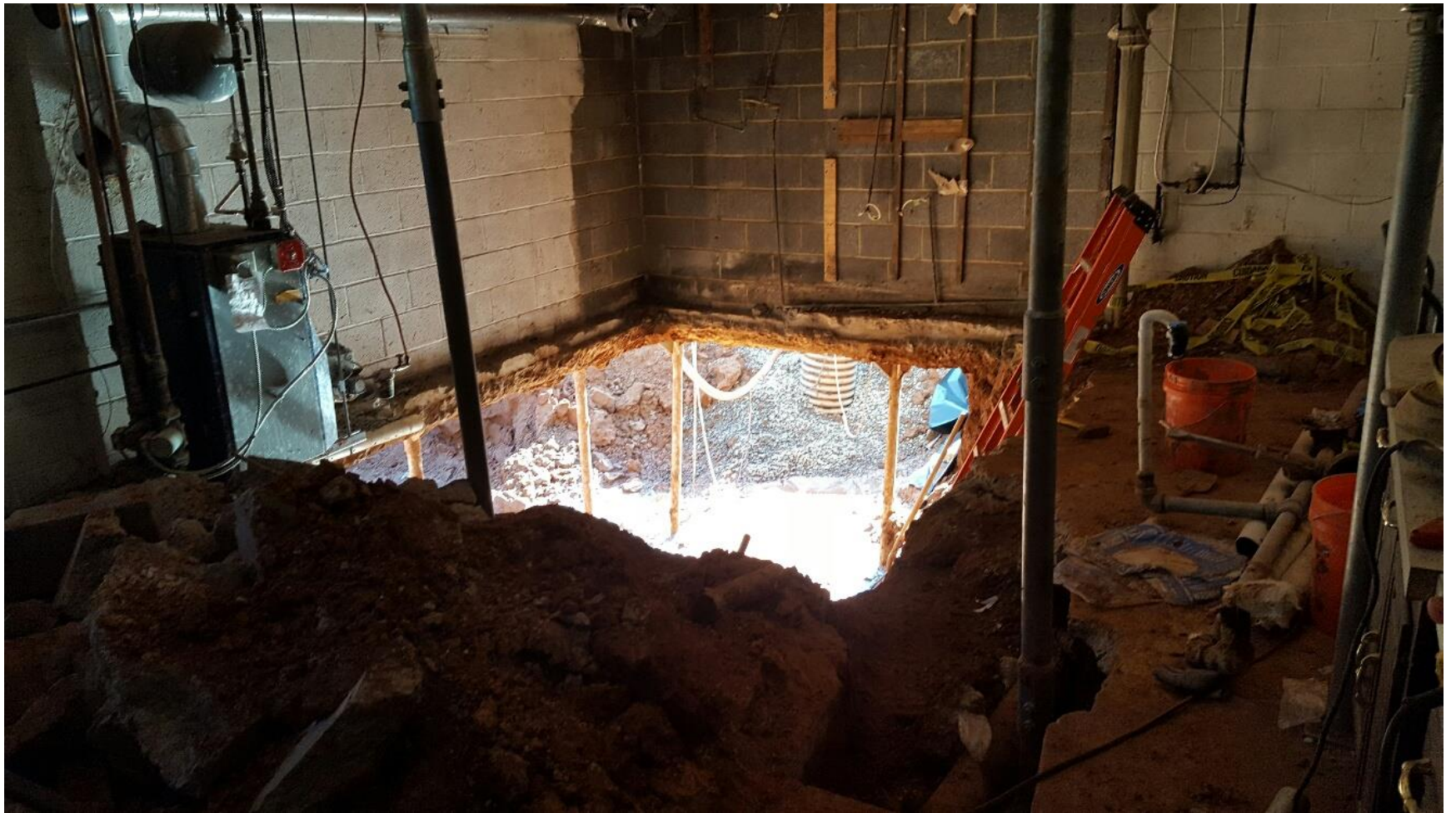


What else is different about the UHOT rules?

- Contains its own LNAPL requirements that differ from the Tech Rules (quicker remediation timeframes)
- No requirement to submit a Receptor Evaluation form – Requirements focus on timely identification of potential receptors and mitigation when needed.
- Not subject to mandatory timeframes







Questions ?

