

Environmental ALERT

NJDEP Continues Crackdown on Underground Storage Tanks

In 2004, the New Jersey Department of Environmental Protection (NJDEP) began conducting compliance sweeps to identify administrative and technical underground storage tank (UST) deficiencies. The NJDEP assessed significant penalties to many UST owners and operators for both administrative and equipment related deficiencies.

Examples of penalty assessments include \$15,000 for delivering product to an unregistered UST; and \$71,000 for failing to properly insure and register USTs, and failing to maintain leak detection and corrosion control systems. Regulated UST owners may have recently experienced their first NJDEP Compliance Inspection. Since record-keeping and maintenance are a major part of the NJDEP program, regulated UST owners should also understand that the State of NJ anticipates conducting additional compliance inspections of all regulated USTs once every three years.

Although many USTs owned and operated by Housing Authorities may not be regulated by NJDEP due to their residential use, some may store diesel fuel for emergency power or heating oil for heating their non-residential structures, such as maintenance garages and offices. Depending on the tank contents, size and

use, these tanks may be regulated by the NJDEP. If so, complying with the NJDEP UST regulations is no easy task.

With few exceptions, the following systems must be installed on all regulated USTs, and facility operators must maintain proper documentation of regular maintenance, inspections, and testing:

Release (Leak) Detection & Monitoring (RDM)

RDM systems are required to be installed on all regulated USTs except diesel tanks that exclusively fuel emergency generators. Automatic Tank Gauging (ATS) systems with interstitial probes are common, though statistical inventory reconciliation (SIR), and other methods are permissible. Underground piping also requires an RDM system. For pressurized piping, Automatic Line Leak Detection is required to be used in conjunction with another RDM method. Recordkeeping of water

volumes within heating oil tanks is also required subsequent to deliveries. Most methods require monthly recordkeeping and these records must be available for inspection.

Corrosion Protection

The estimated lifespan of an unprotected, single-wall steel UST is approximately 15 years. To extend the life of steel USTs, a cathodic protection system (sacrificial anode or impressed current) may be installed which must be tested every three years. Impressed current systems must also be inspected every 60-days. Tanks constructed of, or coated with, non-corrosive materials do not have to be tested unless cathodic protection is also utilized. Product piping also requires corrosion protection. Testing and inspection records must be available for inspection.

Overfill Prevention

Many devices can be used, though all must alert the delivery truck operator when the tank is



approaching its capacity. Electronic probes can be used to trigger a high-level alarm (visual and audible) at 90%. A flapper valve or ball float will close the fill tube at 95%; however, flapper valves are not compatible with pressure deliveries and ball floats are not compatible with pressure deliveries, remote fills, suction systems (air eliminator valves) or coaxial Stage 1 vapor recovery. A waste oil UST that receives less than 25 gallons at one time does not require overfill protection.

Spill Prevention

Containment devices or spill buckets with at least a 3-gallon capacity must be affixed to each fill port and must be checked for liquid and debris at least every 30 days and before every bulk delivery. Dispenser and piping sumps also require monthly inspections for liquid and debris. Inspection records must be available on-site. UST fill ports must also be properly marked in accordance with American Petroleum Institute (API) Publication #1637. A waste oil UST that receives less than 25 gallons at one time does not require spill prevention.

Unregulated Tanks

Many New Jersey Housing Authorities utilize USTs to store heating oil for on-site consumption. USTs containing heating oil are not regulated as long as the predominant use of the structure it serves is residential. However, if a discharge is confirmed from an unregulated UST, the owner/operator must immediately contact the NJDEP Spill Hotline (1-877-WARNDEP) and perform corrective action in accordance with the NJDEP Technical Requirements for Site Remediation.

In addition, the NJDEP recently modified the UST Regulations to include the Unregulated Heating Oil Tank Program. Through this program, the NJDEP has pre-qualified contractors and consultants to investigate and remediate low risk UST discharges with limited NJDEP oversight. To obtain more information about this program or to identify a qualified firm, please visit www.nj.gov/dep/srp/unregulatedtanks/uhot_guidance.htm.

We hope you find the above information useful for complying with the NJDEP UST Regulations. For further information, please contact Chris Gulics (cgulics@birdsall.com) at 800-879-6681.