

PROCEDURE AND ENFORCEMENT GUIDELINES FOR REGULATION OF LOCAL, UNREGULATED, UNDERGROUND STORAGE TANKS

Declaration of Findings and Policy:

WHEREAS leaking underground storage tanks pose a serious threat to the environment and public health, welfare, safety and quality of life; and, WHEREAS a substantial body of science and historical data exists that supports the need to thoroughly investigate the removal and abandonment of unregulated underground storage tanks in the County of Camden; and WHEREAS the people have a right to, and should be ensured of an environment free of leaking underground storage tanks and the threat they pose to the health, safety and welfare of the people,

Now THEREFORE, it is the policy of the County of Camden to prevent the serious threat to the environment, public health, welfare, safety and quality of life of leaking underground storage tanks, by adopting and enforcing the Camden County Procedure and Enforcement Guidelines for Regulation of Local, Unregulated, Underground Storage Tanks.

Section I - Authority:

This Procedure and Enforcement Guideline is enacted pursuant to and consistent with the County Environmental Health Act, *N.J.S.A. 26:3A2-21 et seq.*, *N.J.A.C. 7:26E et seq.* and the Water Pollution Control Act, *N.J.S.A. 58:10A-1 et seq.*

Section II - Purpose:

This Enforcement Guideline establishes procedures and protocols for removing and abandoning in place residential and commercial underground storage tanks that are unregulated by the New Jersey Department of Environmental Protection, (NJDEP). The

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unregulated group includes underground residential tanks and commercial tanks that fall below the registration criteria and regulations established by the NJDEP. This Procedure and Enforcement Guideline establishes that unregulated tanks when removed or abandoned in place will require inspection by the Camden County Department of Health and Human Services. Soil testing will also be required in accordance with current NJDEP soil testing protocols established in N.J.A.C. 7:26E-2.1. Above ground tanks are exempt from this Procedure and Enforcement Guideline.

Section III – Definitions:

“County” means the Camden County Department of Health and Human Services.

“Unregulated Tank” means underground tanks used to store heating oil for onsite residential consumption, farm or residential tanks of 1,100 gallons or less capacity used for storing motor fuel for noncommercial purposes and tanks with a capacity of 2,000 gallons or less used to store heating oil for onsite consumption in a nonresidential building. Should the NJDEP change their regulated tank community in the future, this Procedure and Enforcement Guideline will adapt to exclude the regulated underground storage tank community based on future changes.

“Testing Requirements” means the soil testing criteria established by the NJDEP for testing suspected contaminated soil for contaminants below the tank at NJAC 7:26E 2.1.

“Fees” means the fee established in the Camden County 1995 fee resolution which establishes a fee of \$75 per tank removal.

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“Licensed Sub-Surface Soil Evaluator” or LSSE, means a person certified to perform services at the site of an unregulated heating oil tank pursuant to P.L. 1991, c123 (C58:10A-24.1 et seq.) as a subsurface evaluator.

“Licensed Site Remediation Professional”, LSRP means an individual who is licensed by the board pursuant to section 7 of P.L. 2009, c.60 (C.58:10C-7) or the department pursuant to section 12 of P.L. 2009, c.60 (C58:10C-12).

“NOPA” means a Notice of Penalty Assessment.

Section IV - Tank Inspection Requirements

All unregulated tanks that are abandoned or removed require an inspection by the County prior to backfilling of the tank grave or tank. A minimum of 24 hours notice, to the Camden County Department of Health and Human Services, of inspection is required and only available on normal business days. Weekend and holiday removal and abandonment will be inspected on the next County business day. The tank must remain on site so a visual inspection of the tank can take place to determine if holes exist in the tank. Tank removal and abandonment will require soil samples to be taken. Sampling shall take place at the time of inspection in accordance with N.J.A.C. 7:26E-6.3(b) 6i (3)

(A) Abandoned tanks will require a minimum of 2 borings through the bottom of the tank with a biased sample taken in accordance with N.J.A.C 7:26E- 6.3(b) 6ii (3).

Section V- Sampling Requirements

Samples will be taken in accordance with N.J.A.C. 7:26E-2.1. All unregulated tanks that are not reported to the NJDEP hot line must be sampled. The County may waive the sampling requirement based on visual evaluation and/or field screening at the

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inspector's discretion. Sample results and chain of custody forms must be submitted to the County within 45 days.

Section VI- Non Compliance of the LSSE Licensed Sub-Surface Soil Evaluator or LSRP, Licensed Site Remediation Professional.

It is the responsibility of the LSRP or LSSE to notify the County of an unregulated tank removal or abandonment. Only LSRP or LSSE may remove an unregulated tank. Failure of LSRP or LSSE to notify the County of an unregulated tank removal or abandonment will be considered a violation. Failure to provide sample results to the County by the LSRP or LSSE within 45 days will be considered a violation. The first violation will generate a Notice of Violation, (NOV), to the LSRP or LSSE. A second violation will generate a Notice of Penalty Assessment, (NOPA), with a penalty of \$200 to the LSRP or LSSE. Each violation will be considered a separate and distinct violation. Multiple violations against a LSRP or LSSE can accumulate regardless of tank locations. Enforcement of the NOPA will be in municipal court with assessed penalties less court fees being deposited into the Camden County Environmental Quality Enforcement Fund.

Section VI Consistency, Severability and Repealer

- (A) If any provision or portion of a provision of this Procedure and Enforcement Guideline is held to be unconstitutional, preempted by Federal or State law, or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the Procedure and Enforcement Guideline shall not be invalid

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(B) All Procedure and Enforcement Guidelines or parts of Procedure and Enforcement Guidelines, which are inconsistent with any provisions of this Procedure and Enforcement Guideline, are hereby repealed as to the extent of such inconsistencies.