

ASSEMBLY, No. 1489

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 5, 1996

By Assemblymen IMPREVEDUTO and COHEN

1 AN ACT concerning the certification of persons performing certain  
2 services on underground storage tanks and amending P.L.1991,  
3 c.123.

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5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:

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8 1. Section 3 of P.L.1991, c.123 (C.58:10A-24.3) is amended to  
9 read as follows:

10 3. a. The department shall establish and conduct examinations for  
11 certifying that a person is qualified to perform services on  
12 underground storage tanks at underground storage tank sites for  
13 purposes of complying with the provisions of P.L.1986, c.102  
14 (C.58:10A-21 et seq.). Application to the department for examination  
15 for certification shall be made in a manner and on such forms as may  
16 be prescribed by the department. The department may prescribe  
17 training or continuing education, experience or other requirements as  
18 a condition for taking a certification examination, or for  
19 recertification. The filing of an application shall be accompanied by a  
20 nonrecoverable application fee of \$35.00 to cover the costs of  
21 processing the application and conducting examinations. No person  
22 shall be certified by the department unless he or she satisfactorily  
23 completes the examination and satisfies any other requirements of this  
24 act, or of the department adopted pursuant thereto.

25 b. Notwithstanding the provisions of subsection a. of this section,  
26 any person who files, within 300 days of the effective date of this act,  
27 an application for certification under this subsection, and demonstrates  
28 to the department that he or she has adequately performed services on  
29 underground storage tanks at underground storage tank sites for at  
30 least five consecutive years immediately preceding the filing of the  
31 application, shall be certified without examination upon payment of an  
32 application and certification fee. Within one year of certification, a  
33 person certified pursuant to this subsection shall submit to the  
34 department evidence of attendance at a department approved training

**EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.**

**Matter underlined thus is new matter.**

1 course on the department's rules and regulations concerning  
2 underground storage tanks. One year from the effective date of this  
3 act, no person applying for certification pursuant to this subsection  
4 shall perform services requiring certification until certified by the  
5 department.

6 c. A person certified pursuant to subsection b. of this section shall  
7 not be required to comply with the examination and other  
8 requirements adopted by the department pursuant to subsection a. of  
9 this section as a precondition for filing for a renewal of a certification  
10 issued pursuant to subsection b. of this section.

11 d. The department may establish a general certification for tank  
12 services and on-site supervisory responsibilities, and such other classes  
13 of certification for particular tank services or for on-site supervisory  
14 responsibilities as it deems appropriate, and may establish separate  
15 training, examination and working experience requirements therefor.  
16 (cf: P.L.1991, c.123, s.3)

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18 2. This act shall take effect immediately.

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#### STATEMENT

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23 This bill amends the underground storage tank contractor  
24 certification program to eliminate the necessity for examinations and  
25 other requirements to be imposed on those certified contractors, who  
26 were grandfathered under the act, when those contractors seek  
27 recertification. A contractor must be recertified after three years.

28 Under the provisions of P.L.1991, c.123, any person who  
29 performed underground storage tank services for at least five  
30 consecutive years prior to that law's passage, could be certified to  
31 perform those services without the need to take an examination or  
32 comply with other similar requirements. That person would be  
33 required, however, to take certain training courses. The law provided  
34 that when a person who is certified due to prior experience seeks to be  
35 recertified, that person would be subject to the examination and other  
36 requirements for which they were originally exempt. This bill would  
37 change that requirement and allow experienced contractors to be  
38 recertified without any additional examinations or other unnecessary  
39 requirements being imposed.

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44 Changes requirements for recertification of underground storage tank  
45 contractors.