

P.L. 1997, CHAPTER 430, *approved January 19, 1998*
Assembly, No. 2896 (*First Reprint*)

1 AN ACT concerning the regulation of underground storage tanks, and
2 amending P.L.1986, c.102.

3

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

6

7 1. Section 1 of P.L.1991, c.123 (C.58:10A-24.1) is amended to
8 read as follows:

9 1. [One year from the effective date of this act, no] a. Except as
10 provided in subsection b. of this section, a person shall not perform,
11 except in accordance with the provisions of this act, tank services on
12 an underground storage tank at an underground storage tank site
13 required for purposes of complying with the provisions of P.L.1986,
14 c.102 (C.58:10A-21 et seq.), including, but not limited to, tank
15 testing, tank installation, tank removal, tank repair, installation of
16 monitoring systems, and subsurface evaluations for corrective action,
17 closure, and corrosivity.

18 b. Subsection a. of this section shall not apply to ¹[tank removal
19 performed] a person performing tank closure¹ on an underground
20 storage tank located on a farm. ¹A person performing tank closure on
21 an underground storage tank located on a farm shall comply with the
22 guidelines and the criteria established pursuant to subsection c. of this
23 section.¹ For the purposes of this section, "farm" shall mean land that
24 qualifies for a special tax assessment pursuant to the "Farmland
25 Assessment Act of 1964," P.L.1964, c.48 (C.54:4-23.1 et seq.), or any
26 land less than five acres in area that would otherwise qualify for that
27 farmland assessment and that has produced agricultural or horticultural
28 products with a wholesale value of \$10,000 or more annually for at
29 least the two successive years immediately preceding the year in which
30 the tank removal is performed.

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly AAW committee amendments adopted May 12, 1997.

1 ¹c. Within 90 days of the effective date of P.L. , c. (now before
2 the Legislature as this bill), the department shall implement guidelines
3 establishing a protocol for the performance of tank closures on a farm.
4 Within 18 months of the effective date of P.L. , c. (now before the
5 Legislature as this bill), the Department of Environmental Protection,
6 in consultation with the Department of Agriculture and the State Soil
7 Conservation Committee, shall, pursuant to the "Administrative
8 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), adopt criteria
9 for the performance of tank closures on farms. Both the guidelines
10 and the criteria shall be developed with the objectives of reducing the
11 cost and increasing the efficiency of the process of tank closure while
12 also ensuring environmental protection and public safety.¹
13 (cf: P.L.1991, c.123, s.1)

14

15 2. Section 2 of P.L.1991, c.123 (C.58:10A-24.2) is amended to
16 read as follows:

17 2. a. **[No]** A business firm shall not engage in the business of
18 performing services on underground storage tanks at underground
19 storage tank sites for purposes of complying with the requirements of
20 P.L.1986, c.102 (C.58:10A-21 et seq.) unless the business firm has
21 been certified in accordance with section 3 of **[this act]** P.L.1991,
22 c.123 (C.58:10A-24.3), by certification of the owner, or, in the case
23 of partnership, a partner in the firm, or, in the case of a corporation,
24 an executive officer of the corporation.

25 b. **[Any]** Except as provided pursuant to subsection b. of section
26 1 of P.L.1991, c.123, any service performed on an underground
27 storage tank at an underground storage tank site for the purpose of
28 complying with the provisions of P.L.1986, c.102 (C.58:10A-21 et
29 seq.), shall be performed by, or under the immediate on-site
30 supervision of, a person certified by the department in accordance with
31 section 3 of **[this act]** P.L.1991, c.123 (C.58:10A-24.3).

32 c. A business firm or other person performing well drilling or pump
33 installation services at the site of an underground storage tank who is
34 licensed to perform such services pursuant to section 7 of P.L.1947,
35 c.377 (C.58:4A-11), shall not be required to be certified pursuant to
36 section 3 of **[this act]** P.L.1991, c.123 (C.58:10A-24.3), or to perform
37 those services under the supervision of a person certified thereunder.

38 d. Professional engineers licensed pursuant to P.L.1938, c.342
39 (C.45:8-27 et seq.) shall be exempt from the certification requirements
40 of section 3 of **[this act]** P.L.1991, c.123 (C.58:10A-24.3) and from
41 the payment of a recertification or renewal fee required pursuant to
42 section 4 of **[this]** that act, but shall be required to obtain a
43 certification card issued by the department at no charge and to make
44 the card available for inspection by a State or local official when
45 performing tank services on an underground storage tank at an
46 underground storage tank site. Professional engineers exempt pursuant

1 to this subsection shall be required to attend a department approved
2 training course on the department's rules and regulations concerning
3 underground storage tanks within one year of certification or
4 recertification.

5 e. A plumbing contractor, as defined pursuant to section 2 of
6 P.L.1968, c.362 (C.45:14C-2), engaged in the installation, repair,
7 testing, or closure of a waste oil underground storage tank shall be
8 exempt from the certification requirements of section 3 of [this act]
9 P.L.1991, c.123 (C.58:10A-24.3) and from payment of a
10 recertification or renewal fee required pursuant to section 4 of [this]
11 that act, but shall be required to obtain a certification card issued by
12 the department at no charge and to make the card available for
13 inspection by a State or local official when performing tank services
14 on an underground storage tank. Plumbing contractors exempt
15 pursuant to this subsection shall be required to attend a department
16 approved training course on the department's rules and regulations
17 concerning underground storage tanks within one year of certification
18 or recertification. A plumbing contractor engaged in the installation,
19 repair, testing, or closure of an underground storage tank that is not
20 a waste oil tank shall be required to comply with section 3 of [this act]
21 P.L.1991, c.123 (C.58:10A-24.3).

22 (cf: P.L.1991, c.123, s.2)

23

24 3. This act shall take effect immediately.

25

26

27

28

29 Exempts certain farm underground storage tanks from certain
30 regulatory requirements.