



Unregulated Heating Oil Tank Program



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New Jersey Department of Environmental Protection



Program Scope

- Underground storage tanks containing heating oil for on-site consumption in a residential building, or Tanks with a capacity of 2,000 gallons or less for on-site consumption in a nonresidential building
- Above ground storage tanks containing oil for on-site consumption in a residential building, or Tanks with a capacity of 2,000 gallons or less for on-site consumption in a nonresidential building

Program Scope

- Utilizes the Certification Program under The Underground Storage of Hazardous Substances Act, and LSRPs as Environmental professionals to perform remediation activities
- Mandatory time frames DO NOT apply
- New UHOT Rules are under development
- DEP will issue NFA letters whether remediation is conducted by a subsurface evaluator or LSRP

Program Objectives

- Allow Certified Subsurface Evaluators to investigate/remediate low-risk unregulated heating oil tank 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
- Improve the environmental consulting profession

NJDEP Review

To obtain an NFA, the following shall be submitted to DEP when remediation is complete:

1. A copy of all appropriate Remediation Documents prepared in accordance with the reporting requirements contained in N.J.A.C. 7:26E;
2. A completed Unregulated Heating Oil Tank Program Questionnaire;
3. A “Certification Statement,” signed by the remediating party and the pre-qualified environmental professional; and
4. A non-refundable certified check for \$400

Audits

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

UHOT Rule Adoption Process

- N.J.A.C. 7:26F, Unique set of rules that will only apply to unregulated heating oil tanks.
- Anticipated dates for Rule:
 - Proposal August 2011
 - Adoption - May 2012
- New rules that will remain prescriptive
 - Ensure consistency and efficiency
 - Enable environmental professionals to perform better work
 - Protect homeowners
- Adopt enforcement criteria for Environmental Professionals performing remediation activities for UHOTs

Consumer Protection

N.J.A.C. 7:14B-16.10 - Professional Business Practices

Written contract with the client containing:

- Clear and detailed descriptions of the work activities;
- Lists of all materials, equipment, tools and other incidentals necessary;
- Lists of the number and types of personnel necessary
- The maximum contract price that cannot be exceeded without written amendments to the contract;
- Estimated time frames for the completion of the work activities listed in the contract.

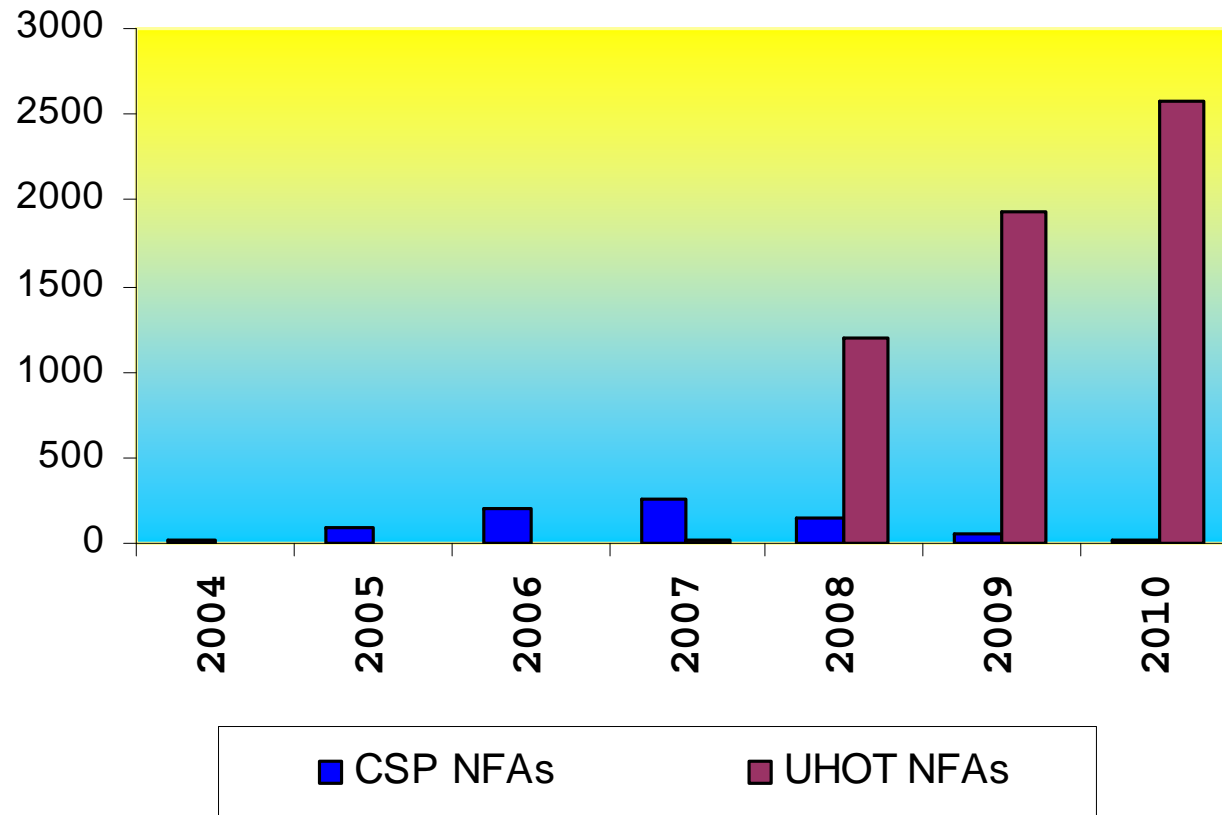
Consumer Protection

DEP's Enforcement of Certification Program

- **Building permit obtained prior to January 10, 2010 – No requirement for certification**
- **Building permit obtained on/or after to January 10, 2010 – Contractor must be certified in the category of work being performed**

NFA History

Number of NFAs



The Petroleum Underground Storage Tank Remediation, Upgrade And Closure Fund

EFFECTIVE MAY 3, 2011

**New applications for unregulated petroleum
underground storage tanks**

- **Will not be reviewed or processed at this time due to insufficient funds**
- **Will be date stamped and held**
- **Includes home heating oil tanks**

The Petroleum Underground Storage Tank Remediation, Upgrade And Closure Fund

Applications submitted before May 3, 2011:

- New Jersey Department of Environmental Protection (NJDEP) reviewed, and have been Transmitted to the New Jersey Economic Development Authority (NJEDA)**

Projected to be funded sometime after July 2011.

The Petroleum Underground Storage Tank Remediation, Upgrade And Closure Fund

Applications submitted before May 3, 2011:

- **Currently under New Jersey Department of Environmental Protection (NJDEP) review; and have not yet been transmitted to the New Jersey Economic Development Authority (NJEDA)**

Projected to be funded sometime after July 2012.

The Petroleum Underground Storage Tank Remediation, Upgrade And Closure Fund

- Applications received on or after May 3, 2011 will not be funded until at least sometime after July of 2014.
- Supplemental Funding Requests will continue to be accepted, reviewed and processed *provided sufficient funding is available.*
- Cases where the discharge poses a threat to a drinking water source, to human health, or to a sensitive or significant ecological area will be prioritized above all others

Information

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<http://www.nj.gov/dep/srp/unregulatedtanks/>