

**STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
NOTICE OF RULE WAIVER/MODIFICATION/SUSPENSION
PURSUANT TO EXECUTIVE ORDER NO. 103 (MURPHY) (MARCH 9, 2020)
COVID-19 STATE OF EMERGENCY**

Temporary Rule Modification adopted by Catherine R. McCabe, Commissioner, Department of Environmental Protection

Date: May 5, 2020

Authority: N.J.S.A. 13:1D-1 et seq., 58:10A-1 et seq., 58:11-64 et seq., and 58:12A-1 et seq., N.J.S.A. App.A:9-45 & App.A:9-47; Executive Order No. 103 (Murphy)(EO 103)

Effective Date: March 31, 2020

Expiration Date: Concurrent with expiration of EO 103

This is an emergency adoption of a temporary modification of certain provisions of the Department of Environmental Protection's (Department) Underground Storage Tank rules, N.J.A.C. 7:14B.

By way of Executive Order No. 103, dated March 9, 2020 (EO 103), Governor Phil Murphy declared that a Public Health Emergency and State of Emergency exists in the State of New Jersey as a result of Coronavirus disease 2019 (COVID-19) pandemic and, by virtue of Section 6 of EO 103, authorized agency heads to waive, suspend or modify any existing rule, where the enforcement of the rule would be detrimental to the public welfare during the COVID-19 emergency, notwithstanding the provisions of the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., or any law to the contrary. Pursuant to that authority, and with the approval of the Governor and in consultation with the State Director of Emergency Management and the Commissioner of the Department of Health, the Department of Environmental Protection is authorizing necessary modification of its rules as follows:

N.J.A.C. 7:14B establishes the rules governing the registration, operation, design, construction and installation, permitting, release reporting and investigation, remediation, and closure of underground storage tanks (USTs) and UST systems that contain hazardous substances, as well as the requirements for certification of individuals and business firms performing services on USTs and UST systems and on unregulated heating oil tank (UHOT) systems. The continued maintenance and service of UST systems is essential to the protection and preservation of public health and the environment.

Due to the COVID-19 pandemic and the resulting social distancing practices described in Executive Order No. 107, the regulated community and the Department are constrained in their abilities to execute new or renewal UST certifications conditioned upon the completion of in-person examinations and training. In order to ensure uninterrupted services, all existing certifications of individuals and business firms that have expired or will expire between March 31, 2020 and August 31, 2020 are extended to September 30, 2020, provided that the individual or business firm was in good standing at the time their certification expired. The Department is not waiving any certification renewal requirement. All individuals and business firms whose certification is extended pursuant to this rule modification must comply with the Department's certification renewal requirements on or before September 30, 2020.

All other provisions of N.J.A.C. 7:14B remain unaffected.

Accordingly, because I have found that strict adherence to the certification expirations referenced above would be detrimental to the public welfare during this emergency and by operation of this adoption, N.J.A.C. 7:14B is modified as follows:

Full text of the adopted modifications follows (additions indicated in bold **thus**; deletions indicated in brackets [(thus]):

N.J.A.C. 7:14B-13.11

Notwithstanding the provisions of N.J.A.C. 7:14B or any other rule to the contrary, any certification issued under this subchapter of any individual or business firm that has expired or will expire between March 31, 2020 and August 31, 2020 is extended to September 30, 2020, provided such individual or business firm was in good standing at the time the certification expired.

An individual or business firm wishing to renew its certification, on or before September 30, 2020, shall meet the renewal requirements at N.J.A.C. 7:14B-13.7.

Date: 5/5/20



Catherine R. McCabe, Commissioner
Department of Environmental Protection