

What is Green Acres' policy regarding Underground Storage Tanks (USTs)?

USTs are generally governed by the following regulations and policies:

- *Technical Requirements for Site Remediation (TRSR) (N.J.A.C. 7:26E)*
(http://www.nj.gov/dep/rules/rules/njac7_26e.pdf)
- *Underground Storage Tank Regulations (N.J.A.C. 7:14B)*
(http://www.nj.gov/dep/rules/rules/njac7_14b.pdf)
- *Administrative Requirements for the Remediation of Contaminated Sites (ARRCS) (N.J.A.C. 7:26C)*
(<http://www.nj.gov/dep/srp/regs/arrcs/>)
- *Soil Remediation Standards (N.J.A.C. 7:26D)*
(http://www.nj.gov/dep/rules/rules/njac7_26d.pdf)
- *NJDEP's Protocol for Addressing Extractable Petroleum Hydrocarbons*
(http://www.nj.gov/dep/srp/guidance/srra/eph_protocol.pdf)
- *NJDEP's Technical Guidance for Investigation of Underground Storage Tank Systems*
(http://www.state.nj.us/dep/srp/guidance/srra/ust_inv_guidance.pdf)

For properties being acquired by the Green Acres Program (including the Blue Acres flood buyouts), the Green Acres Program requires the removal of all USTs as well as soil sampling to determine if contamination is present. This policy applies to all "regulated" and "unregulated" USTs, as defined at N.J.A.C. 7:14B. Please note that existing USTs may not be abandoned in place to comply with this policy. If a UST was previously abandoned in place, it must still be removed.

The following information provides additional detail depending on the size and status of the UST:

1. For "unregulated" USTs:

Soil samples are required, unless the UST always had secondary containment and leak detection pursuant to N.J.A.C. 7:14B. The soil samples shall be collected at the depths, locations, and frequency as specified in Section 5.2.1 of the NJDEP's "Technical Guidance for Investigation of Underground Storage Tank Systems". The sampling is required regardless of the size and age of the UST, or whether it is in-use, abandoned in place, or previously removed.

The person performing this work must hold a current New Jersey UST Certification in Subsurface Evaluation and be employed by a firm holding the same certification, pursuant to N.J.A.C. 7:14B. A list of certified firms/individuals is available online at the following web address:

http://datamine2.state.nj.us/DEP_OPRA/OpraMain/categories?category=Underground+Storage_Tanks

Alternatively, a Licensed Site Remediation Professional (LSRP) may be retained to oversee the work. A list of LSRPs is available online at the following web address:

http://datamine2.state.nj.us/DEP_OPRA/OpraMain/categories?category=SRRA

All sampling results shall be compared to the applicable NJDEP remediation standards/criteria.

a. If the sampling results are below the applicable standards/criteria, a report shall be prepared and submitted to the Green Acres Program for review. This report shall contain the following information:

- a narrative of the UST removal activities including how they conform to the applicable regulations and Green Acres policies
- a description of the soil sampling activities including sample locations, depths, and field observations
- a table comparing the laboratory analytical results to the applicable standards/criteria

- a scaled map depicting the location of the UST, the extent of the excavation, and sample locations
- copies of all documents demonstrating local permit compliance, a waste manifest for disposal of residual contents, a bill of lading/receipt for disposal of the UST, and the use of certified clean fill material to backfill the excavation per the TRSR and NJDEP's "Alternative and Clean Fill Guidance for SRP Sites"

Note: As an alternative to the required report, a copy of a No Further Action (NFA) letter for unrestricted use, issued by the NJDEP's Site Remediation Program, may be provided. To obtain the NFA letter, a Site Investigation Report shall be prepared in accordance with N.J.A.C. 7:26E and submitted along with any other applicable documentation and fees to the NJDEP's Site Remediation Program (SRP).

- b. **If the sampling results are above the applicable remediation standards/criteria**, remediation is required prior to closing. A subsurface evaluator who is certified pursuant to N.J.A.C. 7:26C-13.2, or an LSRP, shall be retained to address the remediation. An LSRP may not issue a Response Action Outcome (RAO) for these unregulated USTs, so for either entity hired, an NFA letter issued by the NJDEP's Site Remediation Program shall be obtained. A copy of the NFA letter must be provided to the Green Acres Program to document that the remediation is complete.

2. **For "regulated" USTs:**

The Green Acres Program requires a copy of the final remediation document issued after a "regulated" UST is removed and any associated contamination is remediated. For a "regulated" UST that was previously removed, the final remediation document can be either an NFA letter issued by SRP, or a RAO issued by a LSRP. For a "regulated" UST that still exists in the ground (in-use or abandoned in place), the final remediation document is only a RAO.

Note: All remediation must be done to allow unrestricted use of the property.