



## **Top Ten Violations Encountered During Underground Storage Tank Compliance Inspections**

New Jersey Department of Environmental Protection's (DEP) Water Compliance and Enforcement Program has been focusing on inspecting underground storage tank (UST) systems throughout the state. This ongoing initiative includes, but is not limited to, heating oil tanks with a capacity greater than 2,000 gallons for non-residential buildings; gas stations; public works fuel depots; and USTs located at manufacturing facilities and containing hazardous substances. Homeowner heating oil tanks are excluded. DEP's primary goal is to reduce the number of releases from regulated UST systems. Numerous past releases have resulted in soil, ground water and air contamination in every county in New Jersey. Inspections conducted over the past three years have revealed the following list of "Top 10" most common violations encountered:

1. **Expired and/or Inaccurate Facility Registration<sup>1</sup>.** Check to see if your facility is listed in [The Active Facilities with Compliant Tanks Report](#) found on the DEP Web site. This inventory is based on information provided to the DEP via the Underground Storage Tank Facility Certification Questionnaire. If your facility is not listed in this report, then consult the [Department's Compliance Guide](#) to verify the compliant or non-compliant status of your tank(s). If you determine that the tank(s) are actually in compliance, an updated Underground Storage Tank Facility Certification Questionnaire containing current, accurate information must be submitted to the DEP at the address on top of the questionnaire. Questionnaires can be obtained at <http://www.nj.gov/dep/srp/forms/ust/index.html - ust021>. No changes will be made to the DEP's records based on information relayed by telephone. Also, check your current registration and confirm that the information is still correct (number of tanks (don't forget to include fuel oil), tank contents, type of tank, etc.). (N.J.A.C. 7:14B-2)
2. **Lack of or incorrect method of Release Detection Monitoring for tanks and/or lines** – If you are unsure of the requirements, please refer to the UST Regulations, specifically N.J.A.C. 7:14B-6.5 Methods of release detection for tanks and N.J.A.C. 7:14B-6.6 Methods of release detection for piping.
3. **Lack of or incompatible method of Overfill Protection** – If you are unsure of the requirements, please refer to the UST Regulations, specifically N.J.A.C. 7:14B-4.1(a)3ii. Pressurized fills require a high level alarm or an OPW 61fstop<sup>®</sup> for overfill protection. Although the OPW 61fstop<sup>®</sup> was designed for aboveground storage tanks, it has worked well for USTs as a less costly alternative to an alarm system. A riser will need to be installed on the tank to conduct manual tank gauging; a gauging stick will not go past the OPW 61fstop<sup>®</sup>. Also, to avoid damage to the OPW 61fstop<sup>®</sup>, the pressurized fills should not exceed 125 pounds per square inch (psi).
4. **Failure to inspect spill containment equipment and failure to keep same equipment free of debris/water/product** - to ensure proper operation of spill containment equipment, the owner/operator must:
  - a. Keep spill catchment basins, dispenser sumps and piping sumps clean of product, water and debris
  - b. Visually inspect spill catchment basins before every delivery
  - c. Visually inspect spill catchment basins, dispenser sumps and piping sumps once every 30 days, and properly dispose of any accumulated debris and liquid
  - d. Not accept product delivery to any tank if the spill catchment basin contains product, water or debris
  - e. You must keep a log of each inspection (N.J.A.C. 7:14B-5.1)

<sup>1</sup> If you need to submit a UST initial registration, registration modification or process a registration renewal you may do so online at <http://www.nj.gov/dep/online/>. Initial registrations and renewals have associated fees. A Visa, MasterCard, Discover, American Express credit card, or a valid checking account is required for online payment of the required fees.

# COMPLIANCE ADVISORY

- 5. Failure to test mechanical line leak detectors in accordance with manufacturers' requirements (annually)** - Automatic line leak detectors alert the operator to the presence of a leak greater than three gallons per hour by restricting or shutting off the flow of regulated substances through piping. The leak detector operation must be tested annually in accordance with the manufacturer's requirements (N.J.A.C. 7:14B-6.6(a) 1).
- 6. Failure to provide cathodic protection for steel tanks and lines and/or to test cathodic systems every three years** - All owners and operators of metallic underground storage tank systems with corrosion protection must ensure that releases due to corrosion are prevented for as long as the underground storage tank system is used to store regulated substances. A certified Cathodic Protection Tester or Cathodic Protection Specialist must inspect the corrosion protection system (sacrificial or impressed) for proper operation at least once every three years. Impressed current cathodic protection rectifiers must be inspected every 60 calendar days to ensure the equipment is running properly. A record of each inspection result must be kept (N.J.A.C. 7:14B-5.2).
- 7. Failure to maintain financial responsibility for UST systems** - The financial responsibility requirements are designed to make sure that someone can pay the costs of cleaning up discharges and to compensate third parties for bodily injuries and property damage caused by discharges from UST systems. Either the owner or the operator of the UST system must demonstrate financial responsibility (N.J.A.C. 7:14B-15).
- 8. Failure to conduct and submit Site Investigation Report when required** – An investigation must be conducted anytime there is suspicion of a release. The site investigation report must contain, at a minimum, all of the information outlined in N.J.A.C. 7:26E-3.3 through 3.12.
- 9. Failure to mark fill ports correctly** - All fill ports must be permanently marked to identify the contents of the tank system. This prevents your supplier from accidentally filling your tank with the wrong product, or pumping product into ground water monitoring wells. The markings need to follow the color and symbol codes established by the American Petroleum Institute Publication #1637, *Using the API Color-Symbol System to Mark Equipment and Vehicles for Product Identification at Service Station and Distribution Terminals*. (N.J.A.C. 7:14B-5.8)
- 10. Failure to make Release Response Plan available for inspection** – A release response plan must:
  - a. Contain emergency telephone numbers of the local fire department, local health department, DEP Hotline (877 WARNDEP or 877-927-6337), and any other appropriate local or State agencies
  - b. Contain name and telephone number(s) of the person responsible for the operation of the facility in case of an emergency
  - c. Contain name and telephone number of any retained corrective action contractor
  - d. Contain procedures to be followed in the event of a leak or discharge of a hazardous substance from the facility and if the underground storage tank system must be closed
  - e. Be available for on site inspection (N.J.A.C. 7:14B-5.5)

## Who should I contact with questions?

The contact for DEP UST enforcement issues is Jonathan D. Berg at 609-633-0737. Visit the following link for UST contact information. <http://www.nj.gov/dep/srp/bust/contact.htm>

## Where can I get more information?

The following web sites can be accessed for additional information:

**Underground Storage Tanks**

<http://www.nj.gov/dep/srp/bust/bust.htm>

**UST Systems: Inspecting and Maintaining Sumps and Spill Buckets Practical Help and Checklist**

[http://www.epa.gov/oust/pubs/sumps\\_manual\\_4-28-05.pdf](http://www.epa.gov/oust/pubs/sumps_manual_4-28-05.pdf)

**NJ Vapor Recovery Program for Gasoline Dispensing Facilities-Compliance Calendar 2006**

<http://www.nj.gov/dep/opppc/small/comp06cal.pdf>

Please note this advisory is intended to be a summary explanation of a department initiative. It does not include all potentially applicable requirements. If you have any questions related to compliance with this initiative, please contact the Enforcement number listed above.