



ENVIRONMENTAL JOINT INSURANCE FUND

Presented to: New Jersey Utilities Authority Joint Insurance Fund
Executive Safety Committee Meeting

Date: December 9, 2022

Above Ground Storage Tanks (ASTs)

- So far, the NJDEP regulates Underground Storage Tanks (USTs) under N.J.A.C. 7:14B
- For review:
 - ***“Underground storage tank or “UST” means any one or combination of tanks as set forth in N.J.A.C. 7:14B-1.4, including appurtenant pipes, lines, fixtures, and other related equipment, used to contain an accumulation of hazardous substances, the volume of which, including the volume of the appurtenant pipes, lines, fixtures, and other related equipment, is 10 percent or more beneath the surface of the ground.”***
- BUT, the NJDEP has only a few regulations for aboveground storage tanks (ASTs), and nothing in their bulk storage tank/bulk storage program – until now. (Well, January 1, 2023!)

Above Ground Storage Tanks(ASTs)



- NJDEP **does** regulate air emissions for ASTs under-regulated USTs (N.J.A.C. 7:27-8.2(c)):
 - ***“8. Stationary storage tanks which have a capacity in excess of 10,000 gallons and which are used for the storage of liquids, except water or distillates of air;***
 - 9. Stationary storage tanks which have a capacity of 2,000 gallons or greater and which are used for the storage of a VOC or mixture of VOCs having a vapor pressure or sum of partial pressures of 0.02 pounds per square inch absolute (1.0 millimeters of mercury) or greater at standard conditions”***

Above Ground Storage Tanks (ASTs)



- And the USEPA **does** regulate aboveground oil storage under 40 CFR Part 112.1 (D) (2) (ii) where:
 - ***“The aggregate aboveground storage capacity of the facility is 1,320 U.S. gallons or less of oil. For the purposes of this exemption, only containers with a capacity of 55 U.S. gallons or greater are counted.”***
 - **AND:**
 - ***“this part applies to any owner or operator of a non-transportation-related onshore or offshore facility engaged in drilling, producing, gathering, storing, processing, refining, transferring, distributing, using, or consuming oil and oil products, which due to its location, could reasonably be expected to discharge oil in quantities that may be harmful, as described in part 110 of this chapter, into or upon the navigable waters of the United States or adjoining shorelines, or into or upon the waters of the contiguous zone.....”***

Above Ground Storage Tanks (ASTs)



- And the New York State Department Of Environmental Conservation (DEC) **does** regulate aboveground oil and chemical storage under 6 NYCRR Parts 595-599, 613, 370, 374-2 where:
 - ***Petroleum Storage - 6 NYCRR Part 613 1.3 (v)***
 - ***(1) one or more tank systems having a combined storage capacity of more than 1,100 gallons (including a major facility); or***
 - ***(2) an underground tank system having a storage capacity that is greater than 110 gallons***

Above Ground Storage Tanks (ASTs)



- **New York - Chemical Storage - 6 NYCRR Part 596.1 (b):**
 - *(1) This Part applies to a storage facility which has one or more of the following:*
 - *(i) an aboveground tank system used to store hazardous substances which has a tank with a storage capacity of 185 gallons or greater;*
 - *(ii) an underground tank system used to store hazardous substances which has a tank of any storage capacity; or*
 - *(iii) a container used to store 1,000 kilograms (2,200 lbs.) or more of a hazardous substance at the facility for a period of 90 consecutive days or more*

Above Ground Storage Tanks (ASTs)

- **New Jersey????????**
- What is the NJDEP doing about ASTs?
- Well, there is N.J.A.C. 7:1E – DISCHARGES OF PETROLEUM AND OTHER HAZARDOUS SUBSTANCES RULES (DPCC), but that generally kicks in when:
- ***"Major facility" means all facilities, located on one or more contiguous or adjacent properties owned and/or operated by the same person, having total aggregate, combined storage capacity of:***
 - ***1. 20,000 gallons or more for hazardous substances other than petroleum or petroleum products;***
 - ***2. 200,000 gallons or more for hazardous substances of all kinds; or***
 - ***3. An equivalent measure as defined in this section, for hazardous substances which are not commonly measured by volume***

Above Ground Storage Tanks (ASTs)



- **New Jersey????????**

- NJDEP has just issued a new Municipal Stormwater Permit under N.J.A.C. 14A – NJPDES.
- This new permit INCLUDES new requirements for ASTs and their management.
- Does this give us an idea of what is in our future?

- **Spill Kits**

- Spill Kits: The permittee shall conduct cleanups of spills of liquids or dry materials immediately after discovery. Spills that are suspected to be a threat to human health or the environment shall be immediately reported to the NJDEP Hotline at:

1-877-WARNDEP (1-877-927-6337)

- All spills shall be cleaned using dry cleaning methods only. Clean up spills with a dry, absorbent material (i.e., kitty litter, sawdust, etc.) and sweep the rest of the area
- Dispose of collected waste properly. Store clean-up materials, spill kits, and drip pans near all liquid transfer areas, protected from rainfall

NEW AST Requirements for Municipalities



- Spill Kits – supplies to prevent spills from spreading and helping with faster clean up



- **Bulk Liquid Storage**

- Bulk Liquid Storage: The permittee shall have secondary containment (e.g., spill containment dikes, double-walled tanks, etc.) for all ASTs containing bulk liquid (including but not limited to gasoline, diesel fuel, heating oil, hydraulic oil, used oil, and liquid de-icing materials)
- The containment area must be impervious and be able to contain the volumetric capacity of at least 110% of the largest tank's capacity within the containment area. The containment area must be constructed so that no volume of bulk liquid can escape through drains, storm sewer systems, or to the surface waters or ground waters of the state
- All accessory pipes, hoses, valves, and pumps must also be located within the containment area. It is recommended that the tank be protected to prevent stormwater from accumulating in the containment structure

NEW AST Requirements for Municipalities



- Bulk Liquid Storage-
secondary containment
and drip pans

NEW AST Requirements for Municipalities



- Bulk Liquid Storage-
secondary tank containment



- **Fueling Operations**

- The permittee shall establish, maintain, and implement standard BMPs to address vehicle fueling; receipt of bulk fuel deliveries; and inspection and maintenance of storage tanks, including the associated piping and fuel pumps. At a minimum, these include:
 - 1. Place drip pans under all hose and pipe connections and other leak-prone areas during the bulk transfer of fuels;
 - 2. Block storm sewer inlets, or contain tank trucks used for bulk transfer, with temporary berms or temporary absorbent booms during the transfer process. If temporary berms or booms are being used instead of blocking the storm sewer inlets, all hose connection points associated with the transfer of fuel shall be within the temporarily bermed or boomed area during the loading/unloading of bulk fuels

• Fueling Operations (cont'd)

- 3. A trained employee shall be present to supervise the bulk transfer of fuel;
- 4. Clearly post, in a prominent area of the facility, instructions for the safe operation of fueling equipment that include all the following:
“Topping off of vehicles, mobile fuel tanks, and storage tanks is strictly prohibited”; “Stay in view of fueling nozzle during dispensing”; and the contact information for the person(s) responsible for spill response; and
- 5. Immediately repair or replace any equipment, tanks, pumps, piping, and fuel dispensing equipment found to be leaking or in disrepair.

NEW AST Requirements for Municipalities



- Fueling Operations –
Protect storm drain inlets



NEW AST Requirements for Municipalities



Attend All Deliveries



NEW AST Requirements for Municipalities



Repair Equipment Leaks



WEBSITE: New Jersey Environmental Risk Management Fund



Take a tour of the NJ EJIF Website at <http://www.njejif.org/>

A screenshot of the NJ EJIF website homepage. The header is green with the text 'NJ EJIF' and 'New Jersey Environmental Risk Management Fund'. A navigation menu on the left lists various sections. The main content area has a dark background with the EJIF logo and a title 'Environmental Joint Insurance Fund'. Below the title is a paragraph explaining the fund's purpose, followed by a section for 'Compliance News & Updates' with several links to environmental alerts and requirements.

NJ EJIF
New Jersey Environmental Risk Management Fund

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Environmental Information
Claims Procedures
Executive Committee
Standing Committees
Fund Professionals
Membership
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Coverage
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Annual Budgets

Environmental Joint Insurance Fund

The New Jersey Municipal Environmental Risk Management Fund (EJIF) was established by property and casualty joint insurance funds to provide their member public entities and utility authorities with environmental coverages.

[Compliance News & Updates:](#)

- [Environmental Alert - March 2022: Tier A Municipal Stormwater General Permit Renewal](#)
- [Environmental Alert - March 2021: Environmental Impacts of NJ Legalized Cannabis](#)
- [2020-01 - AST Underground Piping Testing Requirement](#)
- [Environmental Alert – July 2020: NJDEP Changes Municipal Stormwater Management Regulations](#)

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Areas of Expertise

- Environmental regulatory compliance
- Environmental multimedia compliance audits
- Waste management
- Feasibility studies for anaerobic digesters
- Environmental resource recovery
- Public/private partnership development
- Sustainability planning
- Training

Questions?

