



# Compliance Alert

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION  
Compliance & Enforcement #2020-10 Issued: 5/05/2020

## COVID-19 ALERT

### GENERAL GUIDANCE FOR FACILITIES AND CONTRACTORS MAINTAINING COMMERCIAL UNDERGROUND STORAGE TANKS

#### WHO IS AFFECTED BY THIS ADVISORY?

This guidance applies to entities regulated by the Department of Environmental Protection (DEP) who own, operate or are required to perform maintenance and repairs on underground storage tanks (USTs) whose operations may be affected by circumstances created by or directly related to the Public Health Emergency declared by Governor Phil Murphy in Executive Order No. 103 (EO 103) due to the novel coronavirus (COVID-19) pandemic.

#### WHY IS DEP ADDRESSING THESE ISSUES?

The circumstances surrounding the ongoing COVID-19 emergency and the Governor's direction to strictly observe the practice of social distancing, including suspending all non-essential retail business and construction, restricting travel and directing most employees to work remotely, may impact the ability of regulated entities to continue deliveries, monitoring, and services related to USTs. To account for these limitations, DEP is providing general guidance on how regulated entities can continue operating in a manner that complies with applicable regulations and ensures the protection of public health, safety and the environment. As most commercial underground storage tanks supply fuel to critical facilities such as service stations, emergency generators, hospitals, large apartment buildings, prisons and manufacturing facilities it is essential that UST deliveries, monitoring and services continue uninterrupted.

#### WHAT SHOULD I DO?

##### **Maintain Compliance:**

All regulated entities shall make every effort to meet with their environmental compliance obligations. However, entities who believe their compliance efforts to be at risk due to circumstances created by or directly related to the COVID-19 pandemic are encouraged to contact the DEP immediately at [14dayUSTnotice@dep.nj.gov](mailto:14dayUSTnotice@dep.nj.gov).

If a facility stops operating on a temporary basis, the owner and operator must remain in compliance with all applicable UST requirements, including but not limited to release detection monitoring, maintenance of the cathodic protection and spill and overflow prevention systems, and conducting necessary inspections. Owners and operators must also ensure any temporary closure of an UST system follows the DEP's UST rules at N.J.A.C. 7:14B-9.1.

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## **Emergency Notifications:**

Emergencies and required notifications must be communicated to the DEP using the DEP Hotline at 1-877- WARN DEP (1-877- 927-6337). Knowing if or when you might be required to call demands familiarity with your permits and the rules that apply to your operations. Review of rules and permits is the best way to ensure you know your obligations. For more on this, please refer to Compliance Advisory #2020-04, issued on March 20, 2020.

## **Workforce Reduction:**

Although the DEP is not currently aware of any certified UST contractor shortages affecting maintenance and repair work, should such shortages arise, the DEP will review all requests to extend repair/compliance timeframes (where such violations are not related to discharge monitoring, spill/discharge containment, and tank or piping integrity issues) on a case-by-case basis to determine whether an extension is necessary to address circumstances created by or directly related to the COVID-19 pandemic. The DEP must approve any such extension in writing.

All requests must be sent to [14dayUSTnotice@dep.nj.gov](mailto:14dayUSTnotice@dep.nj.gov).

## **Surface Caution:**

The DEP recommends that workers continue to follow the precautions noted by the United States, Department of Labor, Occupational Safety and Health Administration (OSHA), including the use of typical engineering and administrative controls, safe work practices, and personal protective equipment (PPE), such as puncture-resistant gloves and face and eye protection when handling pump nozzles and/or application of hand sanitizer prior to and after handling pump nozzles.

## **UST Contractor Certifications:**

DEP is unable to process new or renewal certifications as they are 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 or will expire between March 31, 2020 and August 31, 2020 will, by operation of a companion emergency rule adoption signed on this date, be extended until 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 must comply with the Department's certification renewal requirements on or before September 30, 2020.

## **UST Registration Questionnaires:**

DEP will continue to process UST registration questionnaires (FCQ) and issue facility certificates. Invoices for UST registrations expiring June 30, 2020 (this includes Camden, Hudson, Ocean, Union, and Warren counties) have been issued early to accommodate any need for additional processing time and to prevent interruptions in fuel deliveries.

In addition to mailing your annual UST registration renewal package along with the \$50.00 renewal fee, the DEP is requesting a scanned, signed copy of the FCQ be emailed to the address below as a temporary measure.

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The UST Financial Responsibility (FR) Insurance Policy including all endorsements and certifications should continue to be sent only as an email. All items (FCQ, copy of check, and FR policy) should be emailed as separate pdf attachments to: [srpustregistration@dep.nj.gov](mailto:srpustregistration@dep.nj.gov)

Email Subject Line should be: "Facility/PI# FCQ", for example "013164 FCQ". Make sure you insert your specific Facility/PI#. UST owners and operators with UST registrations expiring March 31, 2020 (this includes Burlington, Mercer, Passaic, and Sussex counties) that have been remiss in the timely mailing of the annual FCQ should follow this same procedure of emailing these required items.

The FCQ is available at [www.nj.gov/dep/srp/forms/ust/](http://www.nj.gov/dep/srp/forms/ust/) (UST-021) and must be utilized when renewing your annual registration. Please note:

1. All seven pages Section A – G (Section E Installer certification optional) must be entirely completed.
2. NJ Business Entity 10-digit ID information can be found at: <https://www.njportal.com/dor/businessnamesearch/>
3. Attachment A - Specific Tank Information should only be submitted if there have been changes to the tank information previously submitted.

## **Minimize Physical Contact and Facilitate Social Distancing:**

According to the United States Centers for Disease Control and Prevention (CDC), *transmission of novel coronavirus to persons from surfaces contaminated with the virus has not been documented. Transmission of coronavirus in general occurs much more commonly through respiratory droplets than through fomites.* However, CDC also notes that *current evidence suggests that novel coronavirus may remain viable for hours to days on surfaces made from a variety of materials.* In light of this concern, and in an abundance of caution, the DEP is allowing paperwork and other submissions required pursuant to permits, approvals or general rules to be maintained and managed in a manner that minimizes physical contact and facilitates social distancing, including through electronic submissions or remote meetings. Please refer to program-specific guidance available at <https://nj.gov/dep/covid19regulatorycompliance/>. Notification of certain process change may be necessary.

## WHO SHOULD I CONTACT WITH QUESTIONS?

Please communicate to the DEP any problems, questions, or issues you are encountering by e-mailing [14dayUSTnotice@dep.nj.gov](mailto:14dayUSTnotice@dep.nj.gov) or contacting staff listed below.

### **UST Compliance and Enforcement**

Kevin Marlowe, Supervisor Northern Region, 609-439-9589  
*Bergen, Essex, Hudson, Hunterdon, Morris, Passaic, Somerset, Sussex, Union, Warren*

Kristina LeNoir, Supervisor Southern Region, 609-221-3306  
*Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, Middlesex, Monmouth, Ocean, Salem*

Michael Hollis, Bureau Chief, 609-477-0945  
*Statewide*

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## UST Registration and Billing

Stuart Friedman, Section Chief, 609-292-2943 or [Stuart.Friedman@dep.nj.gov](mailto:Stuart.Friedman@dep.nj.gov)  
*Statewide*

### WHERE CAN I GET MORE INFORMATION?

The following websites can be accessed for additional information:

DEP COVID-19 Documents: <https://nj.gov/dep/covid19regulatorycompliance/>  
DEP Underground Storage Tanks: <https://www.nj.gov/dep/srp/bust/>  
UST Compliance and Enforcement: <https://www.state.nj.us/dep/enforcement/ust.html>  
Bureau of Licensing & Registrations: <https://www.state.nj.us/dep/enforcement/pcp/bpo.htm>

Contact the appropriate DEP Compliance and Enforcement offices listed at the following address:  
<https://www.nj.gov/dep/easyaccess/compenf.htm>

For additional contact information at DEP visit: <https://www.nj.gov/cgi-bin/dep/contactdep.pl>

For a list of compliance advisories visit: <https://www.nj.gov/dep/enforcement/advisories-date.html>

To comment on this compliance advisory visit: <https://www.nj.gov/dep/enforcement/survey.html>

**This advisory is intended to be a summary explanation of a DEP 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.**

**For additional information about the State of New Jersey's response to the novel coronavirus, please visit the COVID-19 Information Hub at [covid19.nj.gov](https://covid19.nj.gov).**