

58:10A-21

**LEGISLATIVE HISTORY CHECKLIST**  
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**NJSA:** 58:10A-21

(Underground  
storage tanks--  
certify providers)

**LAWS OF:** 1991

**CHAPTER:** 123

**Bill No:** A2527

**Sponsor(s):** Zangari

**Date Introduced:** Pre-filed

**Committee: Assembly:** Energy & Environment

**Senate:** Environmental Quality

**Amended during passage:** Yes Assembly Committee Substitute  
(2R) enacted

**Date of Passage: Assembly:** October 1, 1990

**Senate:** December 13, 1990

**Date of Approval:** April 25, 1991

**Following statements are attached if available:**

**Sponsor statement:** Yes

**Committee Statement: Assembly:** Yes

**Senate:** Yes

**Fiscal Note:** No

**Veto Message:** No

**Message on signing:** No

**Following were printed:**

**Reports:** No

**Hearings:** No

**KBG/SLJ**

[SECOND REPRINT]

ASSEMBLY COMMITTEE SUBSTITUTE FOR  
ASSEMBLY, No. 2527

STATE OF NEW JERSEY

ADOPTED MAY 31, 1990

Sponsored by Assemblymen ZANGARI, Duch and Gill

1 AN ACT concerning underground storage tanks and supplementing  
2 P.L.1986, c.102 (C.58:10A-21 et seq.).

3

4 BE IT ENACTED *by the Senate and General Assembly of the*  
5 *State of New Jersey:*

6 1. <sup>1</sup>[No] One year from the effective date of this act, no<sup>1</sup>  
7 person shall perform, except in accordance with the provisions of  
8 <sup>1</sup>[P.L. , c. (C. ) (pending in the Legislature as this  
9 bill)] this act<sup>1</sup>, tank services on an underground storage tank <sup>1</sup>[at  
10 an underground storage tank site]<sup>1 2</sup>at an underground storage  
11 tank site<sup>2</sup> required for purposes of complying with the provisions  
12 of P.L.1986, c.102 (C.58:10A-21 et seq.), including, but not  
13 limited to, tank testing, tank installation, tank removal, tank  
14 repair, installation of monitoring systems, and subsurface  
15 evaluations for corrective action, closure, and corrosivity<sup>1</sup>[. on or  
16 after the 121st day following the adoption of rules and  
17 regulations by the department pursuant to section 7 of P.L. ,  
18 c. (C. ) (pending in the Legislature as this bill)]<sup>1</sup>.

19 2. a. No business firm shall engage in the business of  
20 performing services on underground storage tanks <sup>1</sup>[at  
21 underground storage tank sites]<sup>1 2</sup>at underground storage tank  
22 sites<sup>2</sup> for purposes of complying with the requirements of  
23 P.L.1986, c.102 (C.58:10A-21 et seq.) unless the business firm has  
24 been certified in accordance with section 3 of <sup>1</sup>[P.L. , c.  
25 (C. ) (pending in the Legislature as this bill)] this act<sup>1</sup>,  
26 by certification of the owner, or, in the case of partnership, a  
27 partner in the firm, or, in the case of a corporation, an executive  
28 officer of the corporation.

29 b. Any service performed on an underground storage tank <sup>1</sup>[at  
30 an underground storage tank site]<sup>1 2</sup>at an underground storage  
31 tank site<sup>2</sup> for the purpose of complying with the provisions of  
32 P.L.1986, c.102 (C.58:10A-21 et seq.), shall be performed by, or  
33 under the immediate on-site supervision of, a person certified by  
34 the department in accordance with section 3 of <sup>1</sup>[P.L. , c.  
35 (C. ) (pending in the Legislature as this bill)] this act<sup>1</sup>.

36 c. A business firm or other person performing well drilling or

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in the  
above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup> Senate SEQ committee amendments adopted October 15, 1990.

<sup>2</sup> Assembly floor amendments adopted January 8, 1991.

1 pump installation services at <sup>1</sup>the site of<sup>1</sup> an underground storage  
2 tank <sup>1</sup>[site]<sup>1</sup> who is licensed to perform such services pursuant to  
3 section 7 of P.L.1947, c.377 (C.58:4A-11), shall not be required to  
4 be certified pursuant to section 3 of <sup>1</sup>[P.L. , c.  
5 (C. ) (pending in the Legislature as this bill) for  
6 purposes of performing those services] this act<sup>1</sup>, or to perform  
7 those services under the supervision of a person certified  
8 thereunder.

9 <sup>1</sup>d. Professional engineers licensed pursuant to P.L.1938, c.342  
10 (C.45:8-27 et seq.) shall be exempt from the certification  
11 requirements of section 3 of this act and from the payment of a  
12 recertification or renewal fee required pursuant to section 4 of  
13 this act, but shall be required to obtain a certification card issued  
14 by the department at no charge and to make the card available  
15 for inspection by a State or local official when performing tank  
16 services on an underground storage tank <sup>2</sup>at an underground  
17 storage tank site<sup>2</sup>. Professional engineers exempt pursuant to  
18 this subsection shall be required to attend a department approved  
19 training course on the department's rules and regulations  
20 concerning underground storage tanks within one year of  
21 certification or recertification.

22 e. A plumbing contractor, as defined pursuant to section 2 of  
23 P.L.1968, c.362 (C.45:14C-2), engaged in the installation, repair,  
24 testing, or closure of a waste oil underground storage tank shall  
25 be exempt from the certification requirements of section 3 of  
26 this act and from payment of a recertification or renewal fee  
27 required pursuant to section 4 of this act, but shall be required to  
28 obtain a certification card issued by the department at no charge  
29 and to make the card available for inspection by a State or local  
30 official when performing tank services on an underground storage  
31 tank. Plumbing contractors exempt pursuant to this subsection  
32 shall be required to attend a department approved training course  
33 on the department's rules and regulations concerning  
34 underground storage tanks within one year of certification or  
35 recertification. A plumbing contractor engaged in the  
36 installation, repair, testing, or closure of an underground storage  
37 tank that is not a waste oil tank shall be required to comply with  
38 section 3 of this act.<sup>1</sup>

39 3. a. The department shall establish and conduct examinations  
40 for certifying that a person is qualified to perform services on  
41 underground storage tanks <sup>1</sup>[at underground storage tank sites]<sup>1</sup>  
42 <sup>2</sup>at underground storage tank sites<sup>2</sup> for purposes of complying  
43 with the provisions of P.L.1986, c.102 (C.58:10A-21 et seq.).  
44 Application to the department for examination for certification  
45 shall be made in a manner and on such forms as may be  
46 prescribed by the department. The department may prescribe  
47 training or continuing education, experience or other  
48 requirements as a condition for taking a certification

1 examination, or for recertification. The filing of an application  
2 shall be accompanied by a nonrecoverable application fee <sup>1</sup>of  
3 \$35.00<sup>1</sup> to cover the costs of processing the application and  
4 conducting examinations. No person shall be certified by the  
5 department unless he <sup>1</sup>or <sup>1</sup>she<sup>1</sup> satisfactorily completes the  
6 examination and satisfies any other requirements of <sup>1</sup>[P.L. ,  
7 c. (C. ) (pending in the Legislature as this bill)] this  
8 act<sup>1</sup>, or of the department adopted pursuant thereto.

9 b. Notwithstanding the provisions of subsection a. <sup>1</sup>of<sup>1</sup> this  
10 section, any person who <sup>1</sup>[demonstrates to the department not  
11 later than the last day for filing] files, within 300 days of the  
12 effective date of this act,<sup>1</sup> an application for certification under  
13 this subsection<sup>1</sup>, and demonstrates to the department<sup>1</sup> that he  
14 <sup>1</sup>or <sup>1</sup>she<sup>1</sup> has <sup>1</sup>adequately<sup>1</sup> performed services on underground  
15 storage tanks <sup>1</sup>[at underground storage tank sites]<sup>1</sup> <sup>2</sup>at  
16 underground storage tank sites<sup>2</sup> for at least five consecutive  
17 years immediately preceding the filing of <sup>1</sup>[an] the<sup>1</sup> application  
18 <sup>1</sup>[for certification pursuant to this subsection]<sup>1</sup>, shall be certified  
19 <sup>1</sup>[by the department]<sup>1</sup> without examination upon payment of an  
20 application and certification fee<sup>1</sup>. Within one year of  
21 certification, a person certified pursuant to this subsection shall  
22 submit<sup>1</sup> to the department <sup>1</sup>evidence of attendance at a  
23 department approved training course on the department's rules  
24 and regulations concerning underground storage tanks<sup>1</sup>. <sup>1</sup>[A  
25 person qualifying for certification pursuant to this subsection  
26 shall have 120 days from the adoption of rules and regulations by  
27 the department pursuant to section 7 of P.L. , c.  
28 (C. ) (pending in the Legislature as this bill) to file an  
29 application under this subsection. No] One year from the  
30 effective date of this act, no<sup>1</sup> person applying for certification  
31 pursuant to this subsection<sup>1</sup>,<sup>1</sup> shall perform services requiring  
32 certification <sup>1</sup>[on or after the 121st day following the adoption of  
33 rules and regulations by the department]<sup>1</sup> until certified by the  
34 department.

35 c. A person certified pursuant to subsection b. of this section  
36 shall comply with the examination and other requirements  
37 adopted by the department pursuant to subsection a. of this  
38 section as a precondition for filing for a <sup>1</sup>[second]<sup>1</sup> renewal of a  
39 certification issued pursuant to subsection b. of this section.

40 d. The department may establish a general certification for  
41 tank services and on-site supervisory responsibilities, and such  
42 other classes of certification for particular tank services or for  
43 on-site supervisory responsibilities as it deems appropriate, and  
44 may establish separate training, examination and working  
45 experience requirements therefor.

46 4. <sup>1</sup>a.<sup>1</sup> Certification shall be for a three year period.  
47 Renewal of a certification, or recertification, shall be made to  
48 the department at least 60 days prior to the expiration date of

1 the certification<sup>1</sup>, and shall be accompanied by evidence of  
2 attendance at a department approved training course, within the  
3 preceding 12 months, on the department's rules and regulations  
4 concerning underground storage tanks<sup>1</sup>. Certification shall not  
5 be transferable. No certification or recertification<sup>1[,]</sup> shall be  
6 issued until a certification fee <sup>1</sup>of \$250.00<sup>1</sup> has been paid in full  
7 to the department. Application and certification fees shall be in  
8 an amount sufficient to cover the costs to the department of  
9 administering and enforcing the provisions of this act <sup>1</sup>and may  
10 be adjusted by the department through the adoption of rules and  
11 regulations pursuant to the "Administrative Procedure Act,"  
12 P.L.1968, c.410 (C.52:14B-1 et seq.)<sup>1</sup>. A person shall have 90  
13 days from the expiration date of a certification to renew an  
14 expired certification, after which date the person shall be  
15 required to apply for a new certification. The 90-day grace  
16 period shall not entitle a person to perform any services for  
17 which certification is required.

18 <sup>1</sup>b.<sup>1</sup> As a condition of certification or recertification, a  
19 business firm shall be required to provide the department with  
20 evidence of financial responsibility for the performance of  
21 services provided pursuant to P.L.1986, c.102 (C.58:10A-21 et  
22 seq.) and for the cleanup or mitigation of a hazardous substance  
23 discharge resulting from the performance of such services.  
24 Financial responsibility shall be in an amount to be determined by  
25 the department <sup>1</sup>but in no case less than \$250,000<sup>1</sup>. Financial  
26 responsibility may be in the form of insurance, a surety bond,  
27 letter of credit, or other security posted with the department, or  
28 self-insurance, as may be prescribed by the department. If the  
29 financial responsibility is in the form of insurance, a surety bond,  
30 or similar device, the business firm shall promptly notify the  
31 department of any cancellation or change in coverage. Financial  
32 responsibility in the amount and form required by the department  
33 shall be maintained for the term of certification by the business  
34 firm.

35 A copy of the certification shall be conspicuously displayed for  
36 public review in the business office of a firm engaged in providing  
37 services for underground storage tanks <sup>1</sup>[at underground storage  
38 tank sites]<sup>1</sup> <sup>2</sup>at underground storage tank sites<sup>2</sup>. If a firm  
39 maintains a business office at more than one location, the  
40 certification shall be conspicuously displayed at each location.

41 5. a. The department may deny, suspend, revoke, or refuse to  
42 renew a certification for good cause, including:

43 (1) a violation, or abetting another to commit a violation, of  
44 any provision of <sup>1</sup>[P.L. , c. (C. ) (pending in the  
45 Legislature as this bill)] this act<sup>1</sup>, or of P.L.1986, c.102  
46 (C.58:10A-21 et seq.), or rule or regulation adopted, or order  
47 issued under either act;

48 (2) making a false statement on an application for

1 certification or other information required by the department  
2 pursuant to <sup>1</sup>[P.L. , c. (C. ) (pending in the Legislature  
3 as this bill)] this act<sup>1</sup>, or P.L.1986, c.102;

4 (3) misrepresentation or the use of fraud in obtaining  
5 certification or performing underground storage tank services.

6 b. Before suspending, revoking, or refusing to renew a  
7 certification, the department shall afford the applicant or  
8 certificate holder an opportunity to be heard in accordance with  
9 the provisions of the "Administrative Procedure Act," P.L.1968,  
10 c.410 (C.52:14B-1 et seq.).

11 c. Suspension, revocation, or refusal to renew a certification  
12 shall not bar the department from pursuing against the applicant  
13 or certificate holder any other lawful remedy available to the  
14 department.

15 d. Any business firm or person whose certification is revoked  
16 shall be ineligible to apply for certification for three years from  
17 the date of the revocation.

18 e. If the department has reason to believe that a condition  
19 exists that poses an imminent threat to the public health, safety  
20 or welfare, it may order the certificate holder to cease  
21 operations pending the outcome of the hearing.

22 6. a. If a person violates any of the provisions of <sup>1</sup>[P.L. ,  
23 c. (C. ) (pending in the Legislature as this bill)] this act<sup>1</sup>,  
24 or any rule or regulation adopted, or order issued, thereunder, the  
25 department may institute a civil action in a court of competent  
26 jurisdiction for injunctive or other appropriate relief to prohibit  
27 and prevent the violation, and the court may proceed in the  
28 action in a summary manner.

29 b. Any person who violates the provisions of <sup>1</sup>[P.L. , c.  
30 (C. ) (pending in the Legislature as this bill)] this act<sup>1</sup>, or  
31 any rule or regulation adopted, or order issued, hereunder, is  
32 liable to a civil administrative penalty of not more than \$5,000  
33 for the first offense, not more than \$10,000 for the second  
34 offense, and \$25,000 for the third and each subsequent offense.  
35 If the violation is of a continuing nature, each day of violation  
36 subsequent to receipt of an order to cease the violation  
37 constitutes an additional, separate and distinct offense. No civil  
38 administrative penalty shall be levied except subsequent to the  
39 notification of the violator by certified mail or personal service.  
40 The notice shall include a reference to the section of the statute,  
41 regulation, order or permit condition violated; a concise  
42 statement of the facts alleged to constitute the violation; a  
43 statement of the amount of the civil penalty to be imposed; and a  
44 statement of the violator's right to a hearing. The violator shall  
45 have 20 days from receipt of notice within which to deliver to the  
46 department a written request for a hearing. Subsequent to the  
47 hearing and upon a finding that a violation has occurred, the  
48 department may issue a final order assessing the amount of the

1 penalty. If no hearing is requested, the notice shall become a  
2 final order upon the expiration of the 20-day period. Payment of  
3 the penalty is due when a final order is issued or when the notice  
4 becomes a final order. Agreement to, or payment of a civil  
5 administrative penalty shall not be deemed to affect the  
6 availability of any other enforcement provision in connection  
7 with the violation for which the penalty is levied.

8 c. Any person who violates the provisions of <sup>1</sup>[P.L. , c.  
9 (C. ) (pending in the Legislature as this bill)] this act<sup>1</sup>, is  
10 liable to a civil penalty of not more than \$5,000 for the first  
11 offense, not more than \$10,000 for the second offense, and  
12 \$25,000 for the third and each subsequent offense. Any person  
13 violating an administrative order issued pursuant to subsection b.  
14 of this section, or a court order issued pursuant to subsection a.  
15 of this section, or who fails to pay a civil administrative penalty  
16 when due and owing as provided in subsection b. of this section, is  
17 subject to a civil penalty not to exceed \$25,000 per day of the  
18 violation. Each day's continuance of a violation constitutes a  
19 separate and distinct violation. Any penalty imposed under this  
20 subsection may be recovered with costs in a summary proceeding  
21 pursuant to "the penalty enforcement law" (N.J.S.2A:58-1 et  
22 seq.). The Law Division of Superior Court shall have jurisdiction  
23 to enforce "the penalty enforcement law."

24 d. The department may compromise and settle any claim for a  
25 penalty under this section in such amount as the department may  
26 determine to be appropriate and equitable under all of the  
27 circumstances.

28 e. Any person who fails to contest or to pay, in whole or in  
29 part, a penalty imposed pursuant to this section, or who fails to  
30 agree to a payment schedule therefor, within 30 days of the date  
31 that the penalty is due and owing, shall be subject to an interest  
32 charge on the amount of the penalty from the date that the  
33 amount was due and owing. The rate of interest shall be that  
34 established by the New Jersey Supreme Court for interest rates  
35 on judgments, as set forth the in Rules Governing the Courts of  
36 the State of New Jersey.

37 f. The penalty provisions of this section shall be in addition to  
38 such penalties as may be assessable pursuant to section 12 of  
39 P.L.1986, c.102 (C.58:10A-32) for violations of that act.

40 g. All penalties monies, and any interest thereon, assessed and  
41 collected pursuant to this section shall be deposited into the  
42 "New Jersey Spill Compensation Fund," established pursuant to  
43 section 10 of P.L.1976, c.141 (C.58:10-23.11i) for use for any of  
44 the authorized purposes of the fund. The provisions of this  
45 subsection shall not apply to penalties assessed and collected  
46 pursuant to section 12 of P.L.1986, c.102 (C.58:10A-32).

47 7. Within <sup>1</sup>[15] 18<sup>1</sup> months of the effective date of <sup>1</sup>[P.L. ,  
48 c. (C. ) (pending in the Legislature as this bill)] this

1 act<sup>1</sup>, the department shall adopt, in accordance with the  
2 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
3 seq.), rules and regulations necessary to implement the provisions  
4 of <sup>1</sup>[P.L. , c. (C. ) (pending in the Legislature as this  
5 bill)] this act<sup>1</sup>.

6 8. This act shall take effect immediately.

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ENVIRONMENT

10

11 Requires certification of certain persons providing on-site  
12 underground storage tank services.



## STATEMENT

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This bill requires the Department of Environmental Protection to establish a certification program for persons who perform underground tank services pursuant to P.L.1986, c.102. That law established a regulatory program for certain underground storage tanks. The department is required to establish the certification program within 18 months of the bill's effective date.

Services requiring certification will include tank removal, installation and repair, installation of monitoring systems, and subsurface evaluations for corrective action, closure, and corrosivity.

## ENVIRONMENT

Requires certification of persons providing underground tank services.

ASSEMBLY ENERGY AND ENVIRONMENT COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR

**ASSEMBLY, No. 2527**

**STATE OF NEW JERSEY**

DATED: MAY 31, 1990

The Assembly Committee Substitute for Assembly Bill No. 2527 is reported favorably by the Assembly Energy and Environment Committee.

The substitute bill establishes a certification program administered by the Department of Environmental Protection (DEP) for persons performing on-site underground storage tank services pursuant to P.L.1986, c.102, popularly referred to as the underground storage tank act. The underground storage tank act applies to the underground storage of hazardous substances. The regulated services for which certification would be required include the testing, installation, removal or repair of underground storage tanks, the installation of monitoring systems, and subsurface evaluations for corrective action, closure, and corrosivity.

Section 1 prohibits the rendering of on-site underground storage tank services on or after the 121st day following adoption of rules and regulations by DEP to implement the provisions of the bill, except in accordance with the provisions of the bill, and rules and regulations adopted pursuant thereto. DEP is afforded 15 months to adopt rules and regulations.

Section 2 requires the certification of any business firm engaged in the business of providing on-site tank services. Certification shall be obtained by the owner or partner, or, in the case of a corporation, an executive officer. Section 2 further requires that on-site tank services be performed by, or under the immediate on-site supervision of, a person certified by the department. Business firms or persons licensed to perform well drilling or pump installation services are exempt from the certification requirements of the bill while performing those services.

Section 3 prescribes the requirements for certification, which include satisfactory completion of an examination, and such other requirements as may be prescribed by DEP. An exemption from the examination requirements is provided to persons with at least five consecutive years of on-the-job experience as of the 120th day following the adoption of rules and regulations by DEP; but such persons are required to satisfy the examination and any other requirements prescribed by the department prior to the second renewal of their certification. Section 3 also authorizes DEP to establish a general certification and such other classes of certification as it deems appropriate, and to prescribe different examination, training and experience requirements therefor.

Section 4 provides that certification shall be for a three year

period, and that application and certification fees shall be in an amount sufficient to cover the costs of administering and enforcing the certification program. Section 4 also requires a business firm to provide evidence of financial responsibility in a form and an amount to be determined by the department.

Section 5 authorizes the department to deny, suspend, revoke, or refuse to renew a certification for good cause, including for a violation of, or abetting others to violate, the provisions of the bill or P.L.1986, c.102, for making false statements with regard to either the bill or the act, or for misrepresentation or the use of fraud. If certification of a business firm or person is revoked, the firm or person shall not be eligible for a new certification for three years from the date of revocation.

Section 6 provides civil administrative penalties and civil penalties for violations of the provisions of this bill, which penalties shall be in addition to those contained in section 12 of P.L.1986, c.102 (C.58:10-23.11i) for violations of that act.

DEP is directed to adopt rules and regulations for the implementation of the provisions of the bill within 15 months of the bill's enactment.

SENATE ENVIRONMENTAL QUALITY COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR

**ASSEMBLY, No. 2527**

with Senate committee amendments

**STATE OF NEW JERSEY**

DATED: OCTOBER 15, 1990

The Senate Environmental Quality Committee favorably reports Assembly Bill No. 2527 (ACS) with Senate committee amendments.

This bill would establish a certification program administered by the Department of Environmental Protection (DEP) for persons performing on-site underground storage tank services pursuant to P.L.1986, c.102, popularly referred to as the "underground storage tank act." The act applies to the underground storage of hazardous substances, including petroleum products. The regulated services for which certification would be required include the testing, installation, removal, or repair of underground storage tanks, the installation of monitoring systems, and subsurface evaluations for corrective action, closure, and corrosivity.

Section 1 prohibits, one year from the effective date of the bill, the rendering of on-site underground storage tank services except in accordance with the provisions of the bill, and rules and regulations adopted pursuant thereto. The committee amended this section to establish the one year timeframe, rather than await the adoption of regulations by the department.

Section 2 requires the certification of any business firm engaged in the business of providing on-site tank services. Certification would be obtained by the owner or partner, or, in the case of a corporation, an executive officer. This section also requires that on-site tank services be performed by, or under the immediate on-site supervision of, a person certified by the department. Business firms or persons licensed to perform well drilling or pump installation services are exempt from the certification requirements of the bill while performing those services.

The committee amended the bill to provide for two additional exemptions from certification. These would be for all licensed professional engineers, and licensed plumbing contractors for waste oil tank work only. These individuals would not be required to take examinations for certification or pay for certification, recertification, or renewals, but would be required to obtain a certification card issued by the department at no charge and to make the card available to an inspector at an underground storage tank work site. Within one year of their certification, professional engineers and plumbing contractors would be required to attend a department approved training course on the rules and regulations pertaining to underground storage tanks, and thereafter to provide

evidence of attendance at such a course with each renewal of a certification.

Section 3 prescribes the requirements for certification, which include satisfactory completion of an examination, and such other requirements as may be prescribed by DEP. An exemption from the examination requirements is provided to persons with at least five consecutive years of on-the-job experience; but the committee amended the bill to require that such persons submit, within one year of certification, evidence of attendance at a department approved training course on the department's rules and regulations concerning underground storage tanks. These persons must also satisfy the examination and other requirements prescribed by the department prior to the renewal of their certification. Section 3 also authorizes DEP to establish a general certification and such other classes of certification as it deems appropriate, and to prescribe different examination, training, and experience requirements therefor. An amendment to provide for an application fee of \$35.00 was also made by the committee.

Section 4 provides that certification would be for a three year period. The committee amended the bill to provide that application and certification fees would be set initially at \$250.00 and could thereafter be adjusted through the adoption of rules and regulations so as to reflect the amounts sufficient to cover the costs of administering and enforcing the certification program. Additional amendments to this section include that renewal or recertification be accompanied by evidence of attendance at a department approved training course on the underground storage tank rules and regulations. Section 4 also requires a business firm to provide evidence of financial responsibility in a form and an amount to be determined by the department. The committee amended the bill to specify that in no case could financial responsibility be less than \$250,000.

Section 5 authorizes the department to deny, suspend, revoke, or refuse to renew a certification for good cause, including for a violation of, or abetting others to violate, the provisions of the bill or P.L.1986, c.102, for making false statements with regard to either the bill or the act, for misrepresentation, or fraud. If a certification is revoked, the firm or person would not be eligible for a new certification for three years from the date of revocation.

Section 6 provides civil administrative penalties and civil penalties for violations of the provisions of this bill, which penalties would be in addition to those contained in section 12 of P.L.1986, c.102 (C.58:10-23.11i) for violations of that act.

In section 7, DEP is directed to adopt rules and regulations for the implementation of the provisions of the bill. The committee amended the bill to provide the department with 18 months within which to adopt regulations.

Several technical changes were also made by the committee. As released, Assembly Bill No. 2527 (ACS) with Senate committee amendments is identical to the Senate committee substitute for Senate Bill No. 2185, which was also released from committee.