

58:10A-24.1

LEGISLATIVE HISTORY CHECKLIST  
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(Underground storage tanks)

NJSA: 58:10A-24.1

LAWS OF: 1997 CHAPTER: 430

BILL NO: A2896

SPONSOR(S): Gibson and Collins

DATE INTRODUCED: May 1, 1997

COMMITTEE: ASSEMBLY: Agriculture and Waste

SENATE: \_\_\_\_\_

AMENDED DURING PASSAGE: Yes Amendments during passage denoted by  
First reprint enacted superscript numbers

DATE OF PASSAGE: ASSEMBLY: June 5, 1997

SENATE: January 12, 1998

DATE OF APPROVAL: January 19, 1998

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: Yes

SENATE: No

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:  
REPORTS: No

HEARINGS: No

KBP:pp

[Passed Both Houses]

[First Reprint]

ASSEMBLY, No. 2896

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**STATE OF NEW JERSEY**

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INTRODUCED MAY 1, 1997

By Assemblymen GIBSON, COLLINS, Asselta,  
Cottrell and Garrett

1 AN ACT concerning the regulation of underground storage tanks, and  
2 amending P.L.1986, c.102.

3

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

6

7 1. Section 1 of P.L.1991, c.123 (C.58:10A-24.1) is amended to  
8 read as follows:

9 1. **[One year from the effective date of this act, no]** a. Except as  
10 provided in subsection b. of this section, a person shall not perform,  
11 except in accordance with the provisions of this act, tank services on  
12 an underground storage tank at an underground storage tank site  
13 required for purposes of complying with the provisions of P.L.1986,  
14 c.102 (C.58:10A-21 et seq.), including, but not limited to, tank  
15 testing, tank installation, tank removal, tank repair, installation of  
16 monitoring systems, and subsurface evaluations for corrective action,  
17 closure, and corrosivity.

18 b. Subsection a. of this section shall not apply to <sup>1</sup>[tank removal  
19 performed] a person performing tank closure<sup>1</sup> on an underground  
20 storage tank located on a farm. <sup>1</sup>A person performing tank closure on  
21 an underground storage tank located on a farm shall comply with the  
22 guidelines and the criteria established pursuant to subsection c. of this  
23 section.<sup>1</sup> For the purposes of this section, "farm" shall mean land that  
24 qualifies for a special tax assessment pursuant to the "Farmland  
25 Assessment Act of 1964," P.L.1964, c.48 (C.54:4-23.1 et seq.), or any  
26 land less than five acres in area that would otherwise qualify for that  
27 farmland assessment and that has produced agricultural or horticultural

**EXPLANATION** - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and 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> Assembly AAW committee amendments adopted May 12, 1997.

1 products with a wholesale value of \$10,000 or more annually for at  
2 least the two successive years immediately preceding the year in which  
3 the tank removal is performed.

4 <sup>1</sup>c. Within 90 days of the effective date of P.L. , c. (now before  
5 the Legislature as this bill), the department shall implement guidelines  
6 establishing a protocol for the performance of tank closures on a farm.  
7 Within 18 months of the effective date of P.L. , c. (now before the  
8 Legislature as this bill), the Department of Environmental Protection,  
9 in consultation with the Department of Agriculture and the State Soil  
10 Conservation Committee, shall, pursuant to the "Administrative  
11 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), adopt criteria  
12 for the performance of tank closures on farms. Both the guidelines  
13 and the criteria shall be developed with the objectives of reducing the  
14 cost and increasing the efficiency of the process of tank closure while  
15 also ensuring environmental protection and public safety.<sup>1</sup>

16 (cf: P.L.1991, c.123, s.1)

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18 2. Section 2 of P.L.1991, c.123 (C.58:10A-24.2) is amended to  
19 read as follows:

20 2. a. **【No】** A business firm shall not engage in the business of  
21 performing services on underground storage tanks at underground  
22 storage tank sites 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 **【this act】** P.L.1991,  
25 c.123 (C.58:10A-24.3), by certification of the owner, or, in the case  
26 of partnership, a partner in the firm, or, in the case of a corporation,  
27 an executive officer of the corporation.

28 b. **【Any】** Except as provided pursuant to subsection b. of section  
29 1 of P.L.1991, c.123, any service performed on an underground  
30 storage tank at an underground storage tank site for the purpose of  
31 complying with the provisions of P.L.1986, c.102 (C.58:10A-21 et  
32 seq.), shall be performed by, or under the immediate on-site  
33 supervision of, a person certified by the department in accordance with  
34 section 3 of **【this act】** P.L.1991, c.123 (C.58:10A-24.3).

35 c. A business firm or other person performing well drilling or pump  
36 installation services at the site of an underground storage tank who is  
37 licensed to perform such services pursuant to section 7 of P.L.1947,  
38 c.377 (C.58:4A-11), shall not be required to be certified pursuant to  
39 section 3 of **【this act】** P.L.1991, c.123 (C.58:10A-24.3), or to  
40 perform those services under the supervision of a person certified  
41 thereunder.

42 d. Professional engineers licensed pursuant to P.L.1938, c.342  
43 (C.45:8-27 et seq.) shall be exempt from the certification requirements  
44 of section 3 of **【this act】** P.L.1991, c.123 (C.58:10A-24.3) and from  
45 the payment of a recertification or renewal fee required pursuant to  
46 section 4 of **【this】** that act, but shall be required to obtain a

1 certification card issued by the department at no charge and to make  
2 the card available for inspection by a State or local official when  
3 performing tank services on an underground storage tank at an  
4 underground storage tank site. Professional engineers exempt pursuant  
5 to this subsection shall be required to attend a department approved  
6 training course on the department's rules and regulations concerning  
7 underground storage tanks within one year of certification or  
8 recertification.

9 e. A plumbing contractor, as defined pursuant to section 2 of  
10 P.L.1968, c.362 (C.45:14C-2), engaged in the installation, repair,  
11 testing, or closure of a waste oil underground storage tank shall be  
12 exempt from the certification requirements of section 3 of **[this act]**  
13 P.L.1991, c.123 (C.58:10A-24.3) and from payment of a  
14 recertification or renewal fee required pursuant to section 4 of **[this]**  
15 ~~that~~ act, but shall be required to obtain a certification card issued by  
16 the department at no charge and to make the card available for  
17 inspection by a State or local official when performing tank services  
18 on an underground storage tank. Plumbing contractors exempt  
19 pursuant to this subsection shall be required to attend a department  
20 approved training course on the department's rules and regulations  
21 concerning underground storage tanks within one year of certification  
22 or recertification. A plumbing contractor engaged in the installation,  
23 repair, testing, or closure of an underground storage tank that is not  
24 a waste oil tank shall be required to comply with section 3 of **[this**  
25 **act]** P.L.1991, c.123 (C.58:10A-24.3).  
26 (cf: P.L.1991, c.123, s.2)

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28 3. This act shall take effect immediately.

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33 Exempts certain farm underground storage tanks from certain  
34 regulatory requirements.

1 repair, testing, or closure of an underground storage tank that is not  
2 a waste oil tank shall be required to comply with section 3 of **[this**  
3 **act]** P.L.1991, c.123 (C.58:10A-24.3).  
4 (cf: P.L.1991, c.123, s.2)

5

6 3. This act shall take effect immediately.

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#### STATEMENT

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11 This bill would exempt certain farm underground storage tanks  
12 from the requirement that tank removals be performed by persons  
13 certified by the Department of Environmental Protection as qualified  
14 to perform tank removals. The exemption would apply to tanks  
15 located on land that qualifies for a special tax assessment pursuant to  
16 the "Farmland Assessment Act of 1964," P.L.1964, c.48 (C.54:4-23.1  
17 et seq.), or on any land less than five acres in area that would  
18 otherwise qualify for that farmland assessment and that has produced  
19 agricultural or horticultural products with a wholesale value of  
20 \$10,000 or more annually for at least the two successive years  
21 immediately preceding the year in which the tank removal is  
22 performed.

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27 Exempts certain farm underground storage tanks from certain  
28 regulatory requirements.

ASSEMBLY AGRICULTURE AND WASTE MANAGEMENT  
COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 2896**

with committee amendments

**STATE OF NEW JERSEY**

DATED: MAY 12, 1997

The Assembly Agriculture and Waste Management Committee favorably reports Assembly Bill No. 2896 with committee amendments.

As amended, this bill would exempt certain farm underground storage tanks from the requirement that tank closures be performed by persons certified by the Department of Environmental Protection as qualified to perform tank removals. The exemption would apply to tanks located on land that qualifies for farmland assessment pursuant to the "Farmland Assessment Act of 1964," P.L.1964, c.48 (C.54:4-23.1 et seq.), or on any land less than five acres in area that would otherwise qualify for that farmland assessment and that has produced agricultural or horticultural products with a wholesale value of \$10,000 or more annually for at least the two successive years immediately preceding the year in which the tank removal is performed.

Committee amendments revise the exemption to encompass tank closure. Committee amendments require a person performing tank closure on an underground storage tank located on a farm to comply with certain guidelines and criteria. Committee amendments direct the Department of Environmental Protection to implement, within 90 days of the effective date of this act, guidelines establishing a protocol for the performance of tank closures on a farm. Committee amendments also require that within 18 months of the effective date of the act, the Department of Environmental Protection, in consultation with the Department of Agriculture and the State Soil Conservation Committee, adopt by regulation criteria for the performance of tank closures on farms. Finally, committee amendments direct that both the guidelines and the criteria be developed with the objectives of reducing the cost and increasing the efficiency of the process of tank closure while also ensuring environmental protection and public safety.