

# NJDEP SRP - Unregulated Heating Oil Tank Program (UHOT): Homeowner's Guide

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## Site Remediation Program

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### Unregulated Heating Oil Tank Program (UHOT)

## Homeowner's Guide to the Unregulated Heating Oil Tank Program (UHOT)

### Introduction

The Unregulated Heating Oil Tank (UHOT) Program allows qualified environmental professionals to investigate and remediate discharges from Unregulated Heating Oil Tanks, including all residential fuel oil underground storage tanks, with limited oversight by the New Jersey Department of Environmental Protection (NJDEP). All such tank cases are subject to possible audit by NJDEP.

### No Further Action Letter

A No Further Action (NFA) is a final remediation document issued by the NJDEP that is a determination that there are no contaminants present, or that any discharged contaminants that were present have been remediated to applicable standards or remediation regulations. A NFA letter closes out the contamination issue of a heating oil tank discharge. More information on [No Further Action Letters](#).

### What is an Unregulated Heating Oil Tank (UHOT)?

### Related Links

- [Unregulated Heating Oil Tank - Frequently Asked Questions](#)
- [Unregulated Heating Oil Tank - No Further Action Letter](#)
- [Paying a Bill Online for Unregulated Heating Oil Tank \(UHOT\) fees](#)
- [Open Public Records Act \(OPRA\) - to get copies of reports and previously issued NFA letters](#)

The UHOT program reviews cleanups of:

- A residential heating oil tank of any size; or
- One or more heating oil tanks located on the same non-residential property with an aggregate capacity of 2,000 gallons or less.

An unregulated heating oil tank can be either an aboveground or a below-ground tank. Gasoline and diesel tanks are **not** unregulated heating oil tanks and are **not** included in the UHOT program.

## Underground Storage Tank Closure

Except for the occasional audit of underground storage tank (UST) closure contractors, the NJDEP has a limited role in the removal of an UHOT and is primarily involved when there is a confirmed discharge reported to the NJDEP Hotline (1-800-WARNDEP) and remediation is required. However, because the NJDEP receives many questions about the overall process, we have designed this guidance to provide the homeowner an overview of the entire process.

## Hire a Certified Contractor

The closure of an underground storage tank (UST), whether the tank is removed or abandoned-in-place, must be conducted by a contractor certified for underground storage tank closure pursuant to the Underground Storage Tanks rules, N.J.A.C. 7:14B. A list of certified firms is available through NJDEP DataMiner reports, including:

- [All DEP Certified UST Firms](#) and
- [NJDEP Certified UST firms by County](#) for a list of certified closure contractor located in the specific county selected.

For ease of review, export the report as a PDF or Excel file. To verify the certification for a firm to close your underground storage tank, look under the Cert Type column in the table on the right side of the page for CLOSURE (Can close any UST) or HHO CLOSURE (Can only close heating oil USTs).

The NJDEP recommends that the homeowner contact several **certified** contractors for a price quote and the services covered in the quote.

## What Should I Expect in the Contract?

The Underground Storage Tanks rules, N.J.A.C. 7:14B, require that a certified individual and business firm enter into a written contract with the client and that the contract

- [Petroleum Underground Storage Tank Remediation Upgrade and Closure Fund \(UST Fund\)](#) - for information on financial assistance
- [SRWMP DataMiner](#) - to find the status of the case and to find an environmental professional
- [Heating Oil Tank System Remediation Rules N.J.A.C. 7:26F](#)

contain the following provisions:

1. Clear and detailed descriptions of the work activities to be performed;
2. Lists of all materials, equipment, tools, and other incidentals anticipated to be necessary for the execution of the proposed work activities;
3. Lists of the number and types of personnel anticipated to be necessary for the execution of the proposed work activities;
4. The maximum contract price that cannot be exceeded without written amendments to the contract;
5. Estimated time frames for the completion of the work activities listed in the contract; and
6. A listing and description of all services in the contract which exceed the requirements of applicable local, State, or Federal rules and regulations.

Note that the Underground Storage Tanks rules at N.J.A.C. 7:14B-16.10(c) also require that, at the request of a client, a certified individual and business firm must provide the client with a written standard price list of the services that it provides as applicable, including:

1. The categories of labor and the daily/hourly rates;
2. Daily and weekly rates for heavy equipment, instrumentation, vehicles, and any ancillary equipment that is separately billed;
3. The price or the formula for pricing variable costs such as subcontracted services, transport, and disposal of wastes;
4. A listing of all applicable governmental fees and costs typically associated with the contracted service, including, but not limited to, all application fees, local and State permit fees and State inspection fees, and a statement that State oversight costs may also be incurred; and
5. All ancillary administrative costs typically incurred such as document reproduction costs, mailing costs and phone calls.

### **How much will this cost?**

The NJDEP does not set or control prices. Prices are set by the individual contractor. However, the NJDEP does have a guide to the New Jersey Petroleum Underground Storage Tank Remediation, Upgrade, and Closure Fund (UST Fund Cost Guide) that the homeowner can use to get a sense of costs associated with the tank removal and remediation. The NJDEP recommends that the homeowner contact several certified contractors for a price quote and the services covered in the quote.

The NJDEP also recommends that homeowners check insurance coverage, including homeowners insurance or an UST policy, to learn of any financial assistance that may be available.

### **What is a contractor required to do in order to decommission my tank?**

The standards for the removal or abandonment-in-place of an unregulated heating oil tank (UHOT) are outlined in New Jersey's Uniform Construction Code (NJUCC). The NJ Department of Community Affairs (NJDEP) publishes bulletins that provide advice to code enforcing agencies and other interested parties. The bulletin that addresses the removal/abandonment of UHOTs is [Bulletin 95-1B](#).

### **Why did the contractor call the NJDEP Hotline?**

If the tank is an "active tank" or a tank "no longer in operation," then the following would warrant a call to the NJDEP Hotline:

- Holes in the tank;
- Staining in the excavation;
- Observation of oil in contact with soils or groundwater;
- Elevated field instrument readings;
- Fuel oil odors in the excavation; or
- Any detectable results of extractable petroleum hydrocarbons (EPH) from a lab analysis.

The Heating Oil Tank System Remediation Rules, N.J.A.C. 7:26F require that the NJDEP Hotline be notified upon discovery of a discharge, but what constitutes a discharge? Another publication that the NJDEP provides for local code officials is the Construction Code Communicator. The [2022-Vol 34, No. 1 - Spring](#) issue has an article titled, "When to Call the DEP Hotline for Unregulated Heating Oil Tanks (UHOTs)" that provides guidance.

For the purposes of this discussion an "active tank" or a tank "no longer in operation" means a tank that has not been abandoned-in-place. The Construction Code Communicator [2022-Vol 34, No. 1 - Spring](#) issue also provides guidance for tanks that were previously abandoned-in-place.

### **A discharge was reported to the NJDEP Hotline. Now what?**

The [Heating Oil Tank System Remediation Rules \(N.J.A.C. 7:26F\)](#), require that the tank owner hire an environmental professional to remediate the discharge. The

environmental professional hired must be either a:

1. Certified Subsurface Evaluator, in accordance with the Underground Storage Tanks rules, N.J.A.C. 7:14B; or
2. Licensed Site Remediation Professional (LSRP), in accordance with the Regulations of the New Jersey Site Remediation Professional Licensing Board, N.J.A.C. 7:26I.

See the following NJDEP DataMiner reports for a complete list of qualified environmental professionals:

- All Certified Subsurface Evaluators; "DEP Certified UST firms by County" for a list of Certified Subsurface Evaluators located in the specific county selected; and
- Licensed Site Remedial Professional List.

It is necessary to ensure that the firm is certified in Subsurface Evaluation in the "Cert Type" column on the right side of the report. For ease of review, export the report as a PDF or Excel file.

### **Can my tank closure contractor also conduct the remediation of the discharge from my UHOT?**

A closure contractor can only perform remediation services if they are also certified for subsurface evaluation or if they are a Licensed Site Remediation Professional. Otherwise, you will need to hire a separate contractor to complete the remediation. The homeowner is encouraged to verify their contractor's qualifications.

### **What is required to get a No Further Action letter?**

The full requirements for obtaining a No Further Action letter are outlined in the Heating Oil Tank System Remediation Rules (N.J.A.C. 7:26F). Generally, one can expect:

- The collection of at least five samples to be analyzed by a New Jersey Certified Laboratory for Extractable Petroleum Hydrocarbons (EPH);
- If any of the samples exceed 1,000 mg/kg of EPH, then additional analysis for naphthalene and 2-methylnaphthalene will be required\*; and
- If the excavation extends to within two feet of ground water or bedrock, then the collection of a ground water sample will be required.

The actual number of samples and work to be conducted is dependent on the circumstances specific to the tank excavation. After the remediation is complete, the environmental professional will prepare a Remedial Action Report for submission to the UHOT Program.

\*The soil remediation standard for EPH is 5,300 mg/kg, for naphthalene is 5.7 mg/kg, and for 2-methylnaphthalene is 3 mg/kg.

## **Field Audits**

NJDEP has developed auditing requirements and other safeguards to ensure that public health and environmental standards are rigorously enforced in the UHOT Program. Environmental professionals who routinely fail to meet the highest standards may be removed from the UHOT Program.

The NJDEP will conduct field audits on a percentage of sites. Selection of sites for audit will be at the discretion of the NJDEP. During the field audit, the NJDEP verifies that the contractor is certified for the work being conducted by verifying their credentials. The NJDEP may also stay on site for the tank closure to verify that all proper procedures are being followed.

## **The environmental professional I hired completed the remediation. Now what?**

To obtain a No Further Action ("NFA") letter under the UHOT Program, pursuant to the Heating Oil Tank System Remediation Rules, N.J.A.C. 7:26F, the environmental professional and the homeowner must complete and submit the following to the NJDEP/Bureau of Case Assignment and Initial Notice (BCAIN) via email at [srpuhot@dep.nj.gov](mailto:srpuhot@dep.nj.gov):

1. A completed **Unregulated Heating Oil Tank (UHOT) System Remediation Form**.
  - o [Form](#) Version 1.7 - 01/18/2022
  - o [Instructions](#) Version 1.7 - 01/18/2022
  - o [Update Log](#) Version 1.7 - 01/18/2022
2. Pay \$400 electronically by e-check or credit card, using <http://www.nj.gov/dep/online/> with the option of 'Pay a Paper Invoice'. Please note that while paying by E-check is free of transaction charges, there is a convenience fee of 2.0% for the amount being charged + \$0.50 for payment by credit card. As an additional option, a non-refundable check in the amount of \$400 may be sent by mail, payable to the "Treasurer, State of New Jersey", but time delays may occur.

3. A copy of all appropriate Remediation Documents prepared in accordance with the reporting requirements contained in Heating Oil Tank System Remediation Rules, N.J.A.C. 7:26F.

**Notice:** Effective January 16, 2022, electronic submission of Unregulated Heating Oil Tank (UHOT) forms, applications, and documents became mandatory. Please see the NJDEP's Listserv for details.

### **When will I get my NFA letter?**

Generally, after the NJDEP deems the submission administratively complete and payment of the review fee is made, the UHOT Program takes two to four weeks to conduct the technical review of a Remedial Action Report. The actual timeframe is dependent on the volume of reports the NJDEP received. If there are any questions regarding the report, the assigned case manager will contact the environmental professional to resolve any issue. If there are no issues with the report, or after any issues are resolved, the UHOT Program will complete the technical review of the case and issue the NFA letter. The NFA letter is sent via email to the tank owner, the environmental professional, the municipal clerk, and the local health officer.

### **How can I search for the Communications Center Number (a/k/a the Incident Number) for a property? How will I know if a Remedial Action Report was submitted?**

If an incident has been reported to the NJDEP since 2002, the status of the incident on a particular property can be determined via NJDEP's Data Miner. The user must know the Communications Center Number (a/k/a the incident number) to ascertain the status of an incident. If the user does not know the Communications Center Number then the user can run the "Incidents by Address" to find the incident number. Note, the date range of the search may need to be changed when searching by address.

Once the user has the Communications Center Number then they can run the "Incidents by Communications Center Number" report. When running the "Incidents by Communications Center Number" report the user will have to navigate to page 2 of the report to find the "Follow-up Status:." If the Follow-up Status: of the incident is "closed sent to UHOT" or "UHOT Central File," then that means that a report has been submitted to the UHOT Program. If the Follow-up Status: of the incident is "UHOT-Pending," then that means that a report has not been submitted to the UHOT Program.

\*The Program Interest Number (PI#) can be found in the report "Incidents by Communications Center Number" and should be noted for future reference.

### **How can I check on the status of my case?**

The status of the remediation case (not the incident), including whether a NFA letter has been issued, can be determined using the PI number generated in the above report or using the site address, via NJDEP's Data Miner.

- Select "Search by Site," change to the "ID" tab, and under "Search Criteria" change the Program to "Site Remediation;"
- Type in the Program Interest number found above in the "ID" field, click the "Program Interest" radio button and click "Submit;"
- When the site comes up, change the drop down on the right side of the report from "Case Tracking Tools" to "SRP Site Details," then click the green arrow; and
- On the next screen, the "Document Status" column indicates whether the case is open or closed.

If desired, click the blue link in the "More Info" column for more information.

### **I didn't get my NFA letter in my email. Is there another way to get it?**

All UHOT NFAs from July 1, 2021, forward will be available on the NJDEP's Data Miner. The NJDEP is also uploading the UHOT NFA letters from September 2015 to June 2021. If the No Further Action is available, the user will be able to download the letter through the report, thus eliminating the need to conduct an OPRA Request. There are two reports available:

- UHOT NFA Letters Search by Incident Number; and
- UHOT NFA Letters Search by PI and Activity Number.

To obtain a copy of a previously issued NFA letter or a copy of a report, contact NJDEP's Office of Records Access (OPRA) at: [www.nj.gov/dep/opra/](http://www.nj.gov/dep/opra/). Click "Submit an Online OPRA Records Request."

### **Properties and Tanks That May be Transferred to Other Offices**

Unregulated Heating Oil Tank cases with an Immediate Environmental Concern (IEC) will be assigned to the Bureau of Environmental Measurement and Site Assessment - Immediate Concern Unit. Once the

remediation of the IEC has been completed, the final Remedial Action Report will be submitted to the UHOT program.

Depending on the complexity of the case, some cases may be transferred to other offices within the Program.

Regardless of the complexity, all documents related to UHOT cases must be submitted through the Bureau of Case Assignment and Initial Notice (BCAIN).

### **Is there state funding available to deal with my underground storage tank?**

The UST Fund provides financial assistance to eligible owners and operators of leaking petroleum underground storage tanks. Click [here](#) for information regarding the UST Fund, including contact information.

### **Disclaimer of Agency Relationship**

An environmental professional's status shall be that of any independent principal and not as an agent, employee, or contractor of NJDEP or the State. Nothing relating to the UHOT Program shall be construed or asserted to create, either expressly or by implication, a contractual relationship between the State and the environmental professional. NJDEP has no responsibility for ensuring the quality of work performed by environmental professionals or guaranteeing payment to environmental professionals by parties who retain them. Nothing in this guidance or the UHOT Program shall create rights or causes of action against NJDEP or the State on behalf of environmental professional or parties retaining environmental professionals.

### **Who can I contact with questions?**

You can contact the UHOT Program at (609) 633-0544 or via email at [UHOT\\_Info@dep.nj.gov](mailto:UHOT_Info@dep.nj.gov).

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