

*Borough of Medford Lakes, NJ
Friday, March 16, 2012*

Chapter 202A. STORAGE TANKS, UNDERGROUND

[HISTORY: Adopted by the Borough Council of the Borough of Medford Lakes 11-9-2011 by Ord. No. 587. Amendments noted where applicable.]

GENERAL REFERENCES

Storage and trash containers — See Ch. 202.

§ 202A-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ABANDONED UNDERGROUND STORAGE TANK (UST)

An underground storage tank that is no longer in use, including all ancillary parts, that remains intact or partially intact and underground or partially underground.

CLOSURE

The complete and final remediation of a UST site in accordance with all applicable local, state, and/or federal laws, codes, and regulations.

CLOSURE OF ABANDONED UST

Closure in accordance with all applicable local, state, and/or federal laws, codes, and regulations at the time of abandonment.

DISCHARGE

The intentional or unintentional uncontained release by any means of hazardous substances into the environment.

TOXIC OR HAZARDOUS MATERIALS OR CONTAMINANTS

All liquid (at ambient pressure and temperature) hydrocarbon products, including but not limited to gasoline, fuel and diesel fuel, and any other substance controlled and regulated as being toxic and hazardous by the New Jersey Department of Environmental Protection (DEP).

UNDERGROUND STORAGE TANK (UST)

Any tank or combination of tanks including appurtenant pipes, lines, fixtures and other related equipment used to store hazardous substances underground or partially underground.

§ 202A-2. Tank registration.

A. All property owners of active USTs located within the Borough of Medford Lakes shall file a registration certificate with the Borough Clerk on a form prescribed by the Borough Clerk on or before June 30, 2012. All property owners shall be required to provide information detailing the size, composition, approximate age, and location of every UST located on said owner's property within the Borough. The registration certificate shall include a sketch showing the location of USTs on the property.

B. Abandoned USTs.

- (1) All property owners of abandoned USTs located within the Borough of Medford Lakes shall file a registration certificate with the Borough Clerk on a form prescribed by the Borough Clerk on or before June 30, 2012. With the registration certificate, the property owner must provide evidence of proper closure of the abandoned UST, as defined above, prior to the issuance of a registration certificate.
 - (2) If the property owner can not provide documentation confirming closure of an abandoned UST, then the property owner shall have to provide confirmation that there is no petroleum or ground contamination at the location of the abandoned UST by means of a valid soil test from a state certified laboratory, and comply with the standards for abandoning a UST in place. (Property owners who are uncertain of the existence or location of an abandoned UST can contract at their own expense for ground screening services that assist in the search for abandoned USTs.)
- C. Property owners with a registered active UST will be issued a permanent Medford Lakes identification tag, embossed with a registration number unique to that tank. This registration tag must be affixed to the fill pipe associated with the storage tank in such a location as to be visible to any distributor or retailer of fuel oil or other products when filling the tank, and to any inspector authorized to perform inspections of such tanks within the Borough of Medford Lakes.
- D. As of July 1, 2012, all retailers or distributors of petroleum or other products shall be prohibited from delivering petroleum or other products into a UST that does not have a Medford Lakes identification tag, except that a retailer or distributor may make a one-time delivery to a UST that does not have a Medford Lakes identification tag on the condition that the retailer or distributor notify the Borough of such delivery within two business days of such delivery. No subsequent deliveries shall be made unless and until the UST bears the required identification tag. Retailers or distributors who make delivery of petroleum or other chemical products to a UST without notifying the Borough of a one-time delivery to an unregistered UST within two days of such delivery or to a UST that does not bear the identification tag in accordance with the requirements herein shall be subject to violation of this chapter.
- E. After the effective date, *Editor's Note: This ordinance provided an effective date of 1-1-2012.* all property owners in Medford Lakes with a registered UST shall provide a change of ownership registration within 10 days after the closing of a sale of property in Medford Lakes, signed by both the seller and buyer. The change of ownership registration form can be obtained from the Borough Clerk.

§ 202A-3. Tank removal/abandonment in-place.

- A. All tank removals shall be performed by a qualified license holder in accordance with the New Jersey Administrative Code and the applicable International Building Subcode.
- B. USTs which have soil tests or soil sampling with negative results for any petroleum or contaminant discharge can be abandoned in-place. Proper UST abandonment requires the use of good engineering practices, including consideration of the future condition of the UST. Abandonment in-place shall require:
 - (1) A building permit issued by the Borough of Medford Lakes.
 - (2) An abandonment process accomplished by a company or individual state certified for that purpose.
 - (3) The UST must be emptied and cleaned of all liquids, dangerous vapor levels, and accumulated sludge.

- (4) In addition to emptying and cleaning the UST, the owner must empty and clean all connecting lines; disconnect the suction inlet, gauge, and vent lines, and cap the remaining piping.
- (5) The property owner must remove the fill-pipe.
- (6) After completion of the items in Subsection B(3), (4) and (5), the owner must schedule an inspection by the Borough or agent of the Borough.
- (7) After inspection and written Borough approval, the UST must be filled with an acceptable solid, inert material such as sand, concrete slurry, or commercial foams sold specifically for that purpose.
- (8) The property owner shall provide the Borough Clerk with all copies of pertinent information and approvals specific to the abandoned UST, at which time the Borough Clerk shall close out the building permit.

§ 202A-4. Installation.

- A. Upon the effective date of this chapter, *Editor's Note: This ordinance provided an effective date of 1-1-2012.* all new installations of any UST shall require, at a minimum, a UST constructed of fiberglass material and/or a multi-walled storage tank. Installation shall require a new UST registration and a zoning permit. The Borough reserves the right to deny a zoning permit for a new UST installation that does not meet standards established by the Building Code Official or other designee. Said standards may be revised from time to time to reflect new product innovations and technology.
- B. In the case of any new installation which is a removal and replacement of a UST, the property owner will be required to submit results of a soils test performed within the twelve-month period prior to the application date before approval of a zoning permit for the new UST will be granted. The soil test shall be in accordance with standards established by the Code Enforcement Official, or other designee, specifically for Medford Lakes. All samples must be tested by a state-certified laboratory (field testing is not acceptable).
- C. Any exceptions to the above shall require a variance application and Planning Board approval.

§ 202A-5. Violations and penalties.

Any property owner or any supplier of petroleum products who violates any provision of the regulations contained herein shall be subject to a fine of not less than \$100 or more than \$1,000.

Borough of Medford Lakes

UST REGISTRATION FORM

Property Location

Name: _____

Address: _____ City: _____ State: _____ Zip _____

Phone (_____) _____ Work Phone (_____) _____ Cell Phone (_____) _____

Owner Information (If different from above)

Name: _____

Address: _____ City: _____ State: _____ Zip _____

Phone (_____) _____ Work Phone (_____) _____ Cell Phone (_____) _____

Check Appropriate Boxes: Initial Registration Change of Ownership Active UST Abandoned UST

Size of Tank: _____ gallons Type of Tank _____ Age of Tank _____

Please attach a sketch showing the location of tank on your property.

If you have an abandoned UST please attach evidence of the proper closure of the abandoned tank. This can include construction permit issued by the Borough of Medford Lakes and/or Letter of No Further Action from the NJDEP.

Information on UST remediation can be found at www.nj.gov/dep/srp/

Property Owner Certification

I, property owner of the above referenced property hereby certify that I have personally examined and I am familiar with the information submitted in this registration and all attached documents, I believe this information to be true, accurate and complete. I also acknowledge that I have received a copy of Ordinance 587 of the Borough of Medford Lakes.

Signature of Property Owner

For Borough Use Only

Registration Date: _____ Identification Tag # _____

Issuing Authority Signature _____