# To Enforcement and Beyond! (NJ Edition)

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## "Normal" Enforcement (UST Violations)

- •\$5,000 base penalty: (1st offenses only)
  - No Registration
  - No Insurance
  - No Corrosion Protection (including 3-year test)
  - No Lining inspection
  - •No RDM
  - No Spill Prevention
  - No Overfill Prevention
  - Failure to notify (spill)
  - •Failure to test: Spill bucket, Overfill prevention, monitoring system or containment (each)
  - •\$15,000 penalty
    - Second offense for any of the above
    - No 7-day investigation
    - Failure to remove out of service tanks
    - Deliver to unregistered UST (delivery companies)
- •\$35,000 penalty
  - •Received delivery to a tank with failing spill bucket or failing overfill prevention

## "Normal" Enforcement (Vapor Recovery Violations)

#### No air permit:

- 1. 30-day grace; \$100/day with 30-day cap
- 2. \$200/day
- 3. \$500/day
- 4. \$1,500/ day

### **Stage 1 or Stage 2: not present / not functioning**

- 1. \$600/day per piece
- 2. \$1,200/day per piece
- 3. \$3,000/day per piece
- 4. \$9,000/day per piece

#### Failure to conduct air testing

- 1. \$500/month per test
- 2. \$1,000/month per test
- 3. \$2,500/month per test
- 4. \$7,500/month per test

#### Failure to 14-day notice

- 1. \$600
- 2. \$1,200
- 3. \$3,000
- 4. \$9,000

#### FY2025

- 350 Delivery Prohibitions
- 602 Formal Enforcement documents
- \$2.8 million in penalties collected

Obviously, that's a lot of work for only 14 people!



## We're not always "gasholes"!

Believe it or not, NJ's UST program actually does try to help folks achieve compliance without trying to balance the state budget...

- Upfront zero penalty Administrative Consent Orders (ACOs)
- ACOs with Supplemental Environmental Projects (SEPs)
- A whole lot of outreach (seminars, web-based, compliance advisories, countless hours on the phone and email)

# **Sump Failures (Upfront ACO)**





## If they come to us first...

- If containment failures are found, and repairs/replacement will take longer than 30 days, a facility can contact us about an ACO to extend their deadline
- Requires monthly line testing
- Must meet the agreed upon deadline, or daily penalties accrue
- Our staff typically deals with the contractor as much as the facility in these cases



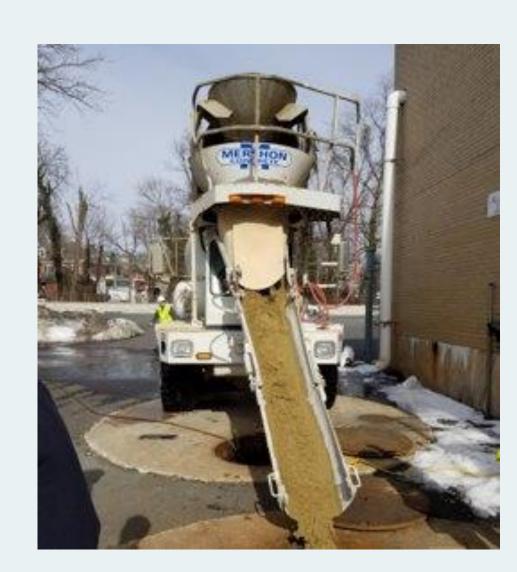
We don't do this for spill buckets!

# **SEPs (UST Closures)**



## ...only if the tank isn't required to be closed

- In cases where large penalty liability exists, it can be beneficial to both the state and the facility to remove/replace old tanks to offset some of that penalty liability
- Minimum 25% of negotiated assessment must be collected in the form of the penalty, while the other 75% can be spent on the project
- Great success with this has lowered our numbers of older and single walled systems



## **Pitfalls**

- Always the chance something goes wrong
- Facility may not comply, we may have to issue stipulated penalties and enforce the ACO in Superior Court
- The facility might get sold, which can complicate things
- Local construction permits/politics can delay projects
- We had too much happen with 3<sup>rd</sup> party monitoring ACOs, and no longer accept that as a SEP



# Thanks! (Questions/Discussion at the end)



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