



State of New Jersey

DEPARTMENT OF THE TREASURY
DIVISION OF TAXATION
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MAJOR FACILITY DETERMINATION GUIDELINES

The owner or operator of any facility engaging in the transfer of petroleum or chemical hazardous substances within New Jersey and the suppliers or customers of such facilities should review these guidelines to determine if their facility is a major facility as defined by the New Jersey Spill Compensation and Control Act N.J.S.A. 58:10-23.11 et seq. and therefore subject to the requirements of the Act.

A "major facility" is any structure that is used to store, process, handle, produce, refine, transfer or transport hazardous substances, as defined by the Act, and has or exceeds the hazardous substance storage capacity stated in the Act. All buildings, plants, factories, and complexes, including manufacturing facilities and distribution facilities, involved in the petrochemical industry would be major facilities if they handle hazardous substances and meet or exceed the required hazardous substance storage capacity.

"Storage capacity" is the total combined storage capacity dedicated to, used for or intended to be used for the storage of hazardous substances of all kinds.

"Total combined storage capacity" means all storage space at the facility, whether above or below ground, and includes the entire capacity of all tanks, any enclosed storage space, such as warehouse space, and open land or unenclosed storage space such as outdoor yard storage.

Storage space must be included in a major facility storage capacity determination if it is "dedicated to, used for or intended to be used for" the storage or containment of hazardous substances. If the amount of storage capacity dedicated to the storage of hazardous substances cannot easily be determined, the Division will accept a capacity determination based on actual past use. A facility may, therefore, declare as its hazardous substance storage capacity the maximum quantity of hazardous substances of all kinds stored at any one time since the last storage capacity revision in the Act. It is presumed that this "maximum quantity" is the capacity of the facility dedicated to the storage of hazardous substances.

Major facility storage capacity requirements have been revised by amendment to that Act as follows:

- A. Chemical Hazardous Substances only:
 - 1. 20,000 gallons or more effective February 1, 1987;
 - 2. 50,000 gallons or more effective April 1, 1980 and;
 - 3. 400,000 gallons or more effective April 1, 1977.
- B. Petroleum and Nonpetroleum Hazardous Substances combined:
 - 1. 200,000 gallons or more effective February 1, 1987 and;
 - 2. 400,000 gallons or more effective April 1, 1977.

The solid equivalent to 20,000 gallons is 167,043 pounds. The solid or nonfluid conversion, for Spill Compensation and Control Tax purposes, is uniform for all substances. The weight of one barrel of water at standard conditions (60° Fahrenheit and 1 atmosphere of pressure) is 350.79 pounds. This standard is used for all substances regardless of the actual weight of any individual substance. One barrel equals 42 gallons equals 350.79 pounds.