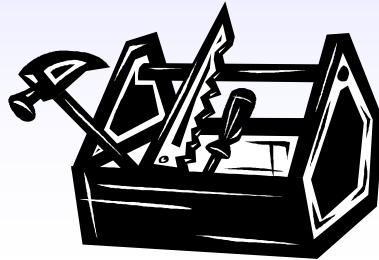


Compliance Assistance Tools



Lauren Keltos

Environmental Specialist, Central Regional Office



Presented by –

ACE academy

New Jersey Department of Environmental Protection

Air C&E Compliance Assistance Tools

- Compliance & Enforcement Website
- Compliance Advisories
- Compliance & Enforcement List Serve
- EZ Inspect Guide
- Inspection Checklist
- DEP Online
- Small Business Assistance Program
- Greenstart Program
- Affirmative Defense
- Self Disclosure
- Environmental Stewardship
- 3 Regional Enforcement Offices



Compliance & Enforcement Website

NJDEP - Compliance and Enforcement - Windows Internet Explorer

http://www.nj.gov/dep/enforcement/

new jersey department of environmental protection

Compliance & Enforcement

compliance & enforcement home | njdep home

- Home
- Programs/Contacts
- Enforcement in Action
- Compliance Advisories
- Compliance Assistance
- Stewardship
- Self Disclosure
- Reports & Requests
- Contact Info

Updates

- November 2010
[Annual Emission Inspection Required for Tow Trucks and Roll-Back Vehicle Transporters](#)
- October 2010
[A-901 Annual Update Submittal](#)
- October 2010
[Notice of Proposed Rule Changes Concerning Site Remediation Compliance Timeframes and Vapor IEC Requirements](#)
- September 2010
[NOx RACT Required Boiler Emission Limit demonstration for Industrial/Commercial/Institutional boilers and other indirect heat exchangers](#)
- September 2010
[Failure to Notify the Department Regarding Incident with Potential Off-site Impact](#)

Compliance & Enforcement plays a critical role within the DEP by deterring violations that would otherwise threaten our environment and the health of our citizens. We pursue the goal of violation deterrence in a manner that is fair and predictable in concert with partners on federal, state and local levels, ensuring that all NJ citizens and groups are protected equally and businesses are on a level playing field.

- ▶ To encourage compliance and environmental stewardship, we continue to seek innovative ways to provide incentives, information and assistance to those we regulate and to the interested public.
- ▶ To ascertain compliance, we employ site inspections and detailed reviews of reported information.

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www.nj.gov/dep/enforcement/

Compliance Advisories

- Compliance & Enforcement has an advisory system to help you quickly recognize the intent of its various outreach efforts.
- Each advisory will follow a common abbreviated format which:
 - Outlines the issue.
 - Will help you determine if you are affected.
 - Describe what you can do.
 - Tell you how to get more information.



Compliance Advisories

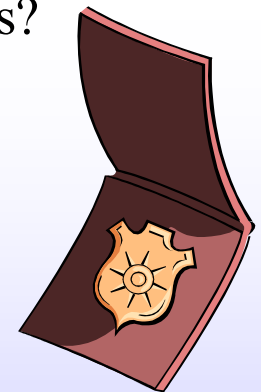
- In addition to posting a Compliance Advisories on the web, when possible, a target audience will be reached by distribution to:
 - various industry associations
 - interest groups
 - through direct mailings
- **Website with Air Advisories:**
<http://www.nj.gov/dep/enforcement/advisories-air.htm>
- **Compliance Advisories / Compliance & Enforcement E-mail List Serve Subscription:**
<http://www.nj.gov/dep/enforcement/listserv.html>

Preparation for Inspections

- **NJDEP - EZ Inspect Guide:**
 - A guide to assist in understanding the inspection process.
 - Not intended to be program/media specific.
 - Doesn't contain all regulations and/or requirements.
 - Guide focuses on general questions.

For Example:

- What if I am not sure if I am in compliance with the regulations?
- Why is my business being inspected?
- What should I do to be prepared for the inspection?
- How long will the inspection take?
- What kinds of records will the inspector want to look at?
- What are the most common violations that an inspector finds?



Website: <http://www.nj.gov/dep/enforcement/ezinspect.html>

Preparation for Inspections

- **Air Inspection Checklist:**

- Generic checklist.
- Helps identify regulated equipment.
- Helps determine what needs an air permit.



For Example:

- Does the facility perform any surface cleaning operations, either with or without solvents?
- Does the facility burn any waste oil, or any other non-commercial fuel?
- Did you observe any odors or visible emissions at this facility?

Website:

<http://www.nj.gov/dep/enforcement/Air%20inspection%20checklist.doc>

DEP Online

Online access to:

- Review your facility information
- Print your Certificates to Operate
- Submit electronic reports (ex: EERs, Annual & Semiannual Compliance Certifications, Annual Combustion Adjustment Reports)
- Pay for permit renewals online
- Apply for new General Permits

Website:

www.nj.gov/dep/online



Small Business Assistance Program

- Designed to provide facilities with:
 - Technical & administrative support.
 - Help with resolving compliance problems.
 - Help understanding environmental regulations.
 - Help with understanding what regulation apply to your facility.
- For facilities with less than 100 employees.

- No Cost

- **Ky Asral, Manager**

NJDEP – Economic Growth and Green Energy

Small Business Assistance Program

401 E. State Street

P.O. Box 402

Trenton, NJ 08625-0402

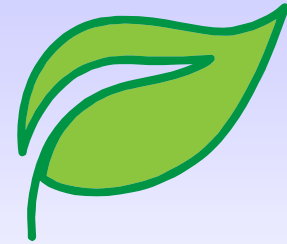
Phone: (609) 777-0319 **Email:** ky.asral@dep.state.nj.us

- **Website:** <http://www.nj.gov/dep/egge/sbap/>



NJDEP Greenstart Program

- This compliance assistance program offers help to:
 - Small Businesses
 - Schools
 - Municipalities
- Purpose is to help these groups understand their environmental obligations.
- Designed for businesses with less than 100 employees, but exceptions may be made on a case by case basis.
- Facility Limitations:
 - Can't have a history of serious environmental violations.
 - Can't be involved in any ongoing enforcement action with the NJDEP.
- Program can include an on-site consultation
- If violations are found, penalties may be eliminated Grace periods (up to 90 days) may be granted, allowing you time to achieve compliance.
- However, egregious violations may result in an enforcement action
- **Contact:** Ky Asral
Phone: 609-777-0319
Email: ky.asral@dep.state.nj.us



Affirmative Defense

- Affirmative Defense (AD) to penalty liability may be provided for air pollution violations which result from:
 - a non-recurring equipment malfunction.
 - equipment start-up.
 - equipment shut-down.
 - necessary equipment maintenance.



Affirmative Defense

- AD entitlement criteria include:
 - Facility was being operated with due care.
 - Violation was not caused by operator error.
 - Violation was not caused by failure to maintain equipment
 - Reasonable steps were taken to minimize emissions.
 - If malfunction, not part of a recurrent pattern.
 - Must meet 2 deadlines for notification/reporting.



Affirmative Defense



- If asserting AD, two deadlines must be met:
 - Notification to the Department Hotline **(1-877-WARNDEP)** by 5:00 pm of the second full day following the occurrence.

AND

- Submit written documentation demonstrating that the criteria for the Affirmative Defense entitlement have been met, to the Regional Office, within 30 days of the occurrence.
- For additional AD requirements, see website below:

Website:

http://www.nj.gov/dep/enforcement/affirmative_defence_guidance_to_facility.pdf

Self Disclosure

- Pursuant to Departmental policy (N.J.A.C. 7:33-1 et seq) as well as proposed new rules, a regulated entity may be eligible for a penalty reduction as follows:
 - Tier 1 (Minor) Violations eligible for 100% reduction.
 - Tier 2 (Non-Minor) Violations eligible for 75% reduction.

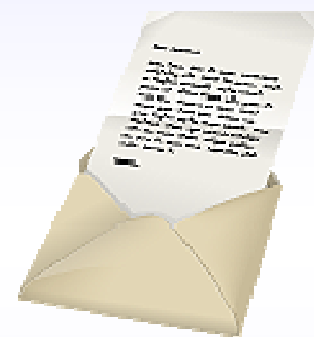


Self Disclosure

- Conditions for penalty reduction under Self Disclosure include:
 - Violation did not cause serious actual harm to human health/environment, or pose an imminent and substantial danger.
 - Voluntary discovery of the violation.
 - Discovered and disclosed independent of a regulatory agency or third party complaint.
 - Correction of the violations to the Department's satisfaction, which includes implementation of measures to mitigate any harm caused.
 - The violations are not repeat violations, a pattern of illegal conduct, or the result of purposeful, knowing, reckless, or criminal negligence.
 - The facility agrees to take appropriate action to prevent a reoccurrence.
 - Not the result of a failure to take reasonable/appropriate preventive measures.

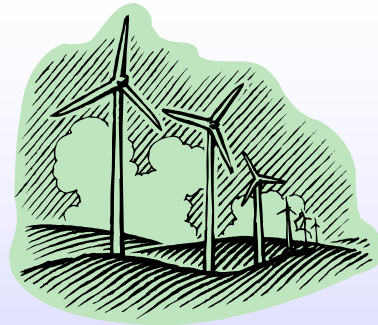
Self Disclosure

- In order to be eligible for Self Disclosure, violations must be reported within 21 days of discovery.
- Report must be on specific forms.
- Report must be mailed to:
NJDEP Compliance and Enforcement
PO Box 422
401 East State Street, 4th Floor
Trenton, NJ 08625-0422
Attn: Self-Disclosures
- The Report must also be sent electronically to:
selfdisclosure@dep.state.nj.us.
- See the website for the required forms:
<http://www.nj.gov/dep/enforcement/self-disclosure.htm>



Environmental Stewardship

- **ENVIRONMENTAL STEWARDSHIP ACTIVITIES**
 - Do any site activities "go beyond" the minimum regulatory requirements and serve as examples of Environmental Stewardship or Sustainability?



Environmental Stewardship

- **For Example:**
 - CARBON FOOTPRINT ANALYSIS - Has the site accounted for all greenhouse gases?
 - ENVIRONMENTAL PURCHASING POLICY- Has the site implemented an "Environmental Purchasing Policy" resulting in the purchase of products and office supplies that are recognized as environmentally responsible?
 - OUTREACH PROGRAM - Does the site have a outreach program that offers assistance to community leaders, local schools, neighborhood groups, etc. to address, educate and collaborate on environmental issues within the community?
 - HAZARDOUS MATERIALS REDUCTION - Has the site implemented a change in operations and/or product formulation resulting in reduction or elimination of hazardous materials used/disposed of at the site?
 - RENEWABLE ENERGY USE - Does the site use renewable energy sources? If yes, identify the direct source (solar, wind, bio,etc) or name the CleanPower supplier and characterize the amount.
- **Website:** <http://www.nj.gov/dep/enforcement/stewardship/>

Have a Question? Contact Your Regional Office!

- **If you have questions about:**

- Regulation Applicability
- Regulation Compliance
- Permit Requirements
- Permit Applicability
- Any other Air Pollution related topics



- **Ask for your Inspector or Duty Officer:**

Northern Regional Office: (973) 656-4444

(Bergen, Essex, Hudson, Hunterdon, Morris, Passaic, Somerset, Sussex, Union, & Warren)

Central Regional Office: (609) 292-3187

(Burlington, Mercer, Middlesex, Monmouth, & Ocean)

Southern Regional Office: (856) 614-3601

(Atlantic, Camden, Cape May, Cumberland, Gloucester, & Salem)

- **DEP Hotline: 1-877-WARNDEP (927-6337)**

Questions?



Thank You