

New Jersey Department of Environmental Protection

Bureau of Release Prevention

Summary of Adopted Amendments for N.J.A.C. 7:1E Effective February 27, 2007

This document contains a synopsis of the changes made to the Discharges of Petroleum and Other Hazardous Substances (DPHS) rules, N.J.A.C. 7:1E, during the last readoption process completed on February 27, 2007. The Bureau of Release Prevention (bureau) has attempted to ensure that the summary contained herein is complete. However, only a comparison of the official adopted version of the DPHS rules with the previous version can ensure that all amendments have been identified.

This summary is intended as a guide to point owners or operators with Discharge Prevention, Containment and Countermeasure (DPCC) and Discharge Cleanup and Removal (DCR) Plans toward those sections of their plans that need to be revised when the plans are renewed.

The bureau has attempted to ensure that the summary contained in this document is complete. However, only a comparison of the official adopted version of these rules with the previous version can ensure that all amendments have been identified.

Summary of Adopted Amendments for N.J.A.C. 7:1E Effective February 27, 2007

Subchapter 1. General Provisions

- 1.1(a): added the word “operational”.
- 1.6: added definitions for “ASTM D5856,” “ASTM D93,” “field-erected storage tank,” “financial reporting year,” “grace period,” “out-of-service,” “repair,” “shop-built storage tank,” “soil permeability testing,” “SP001” and “STI.”
deleted definitions for “affiliate,” “API 574,” “bulk storage,” “handling,” “paved or surfaced” and “SPCC plan.”
amended definitions for: “API,” “ASME,” “ASTM,” “ASTM E1067,” “controlling interest,” “discharge cleanup organization,” “guarantor,” “hazardous substances,” “integrity testing,” “internal visual inspection,” “petroleum” or “petroleum products,” “response coordinator,” “standard operating procedure” or “SOP,” “static head product testing,” and “storage capacity”
- 1.8(a)6: added reference to transition areas, as well as wetland buffers
- 1.8(a)7 through 9 were deleted and replaced with N.J.A.C. 7:1E-1.8(a)7 containing the phrase “critical wildlife habitat”
- 1.8(a)15: terminology corrected to “wild and scenic river corridors”
- 1.9(b): recodification of N.J.A.C. 7:1E-4.6(h)

Subchapter 2: Prevention and Control of Discharges at Major Facilities

- 2.2(a)1: deleted “an adequate means of”
- 2.2(a)2: added the phrase “or the bottom is being replaced”
- 2.2(a)3: replaced the word “rupture” with “failure”
- 2.2(a)4, 5, 6 and 7: deleted and replaced with new 2.2(a)4 which is a reference to the new integrity testing section.
- 2.2(d): added the phrase “set to activate at a predetermined level and,” deleted the word “plant”, and replaced “overfills” with “high liquid level conditions.”
- 2.2(d)1: added the phrase “with a level detector separate from the high liquid level detector”
- 2.2(g): now references 2.9

The bureau has attempted to ensure that the summary contained in this document is complete. However, only a comparison of the official adopted version of these rules with the previous version can ensure that all amendments have been identified.

Summary of Adopted Amendments for N.J.A.C. 7:1E - Effective February 27, 2007

- 2.2(h): replaced the phrase “drum and other storage areas” with “tote, drum, bag, and other small container storage areas”
- 2.3(a): deleted the phrase “paved or surfaced with impermeable materials” and revised to “or a diversion system”
- 2.3(b): new provision which requires that loading and unloading operations be performed in accordance with an SOP, and “in accordance with the appropriate SOP” deleted from paragraphs (c), (d), (f) and (g)
- 2.3(d): “During filling and prior to” revised to “Prior to”
- 2.3(e): deleted the phrase “such as a physical barrier (that is, wheel chocks) or brake interlock system”
- 2.3(e): split into two paragraphs, (f) and new (g)
- 2.3(h): new provision that establishes that “attended” for loading and unloading operations means having an employee within 100 feet of the tank car or tank truck with an unobstructed view
- 2.4(a): deleted the phrases “where practicable” and “indicate the substance transferred through it” and replaced with requiring the pipe to be sufficiently marked to enable facility personnel to identify any substance being leaked or discharged from that pipe
- 2.4(b): inserted the word “either” before “double walled,” and deleted “adequate”
- 2.4(c): divided into two subparagraphs
- 2.4(e): substituted “pipes removed from service” with the term “out-of-service”
- 2.4(f): replaced “should” with “shall”
- 2.5: deleted “at major facilities” from the title
- 2.5(a): now reads “Process areas shall be provided with a means of secondary containment or diversion designed and built pursuant to N.J.A.C. 7:1E-2.6.”
- 2.5(b): deleted the last sentence
- 2.6(b): deleted “impermeable” from the beginning of this section
- 2.6(c)2i: replaced the phrase “drum utilizing the system” with “container within the area”
- 2.6(c)2iv: added the word “maximum” before “volumetric flow rate”

The bureau has attempted to ensure that the summary contained in this document is complete. However, only a comparison of the official adopted version of these rules with the previous version can ensure that all amendments have been identified.

Summary of Adopted Amendments for N.J.A.C. 7:1E - Effective February 27, 2007

- 2.6(c)3i: amended to state the owner or operator of the facility may have to provide proof that an existing secondary containment system has the ability to protect groundwater, including soil permeability testing (a test used to determine how quickly a substance will move through the existing soil), knowledge of depth to groundwater in affected sections of the facility, and information on how long it would take to clean up the contents of the largest tank within the system
- 2.6(c)3iii: cross-references N.J.A.C. 7:1E-2.10
- 2.6(c)5: deleted
- 2.6(c)7: deleted first sentence
- 2.6(d): deleted
- 2.7(b): combines N.J.A.C. 7:1E-2.7(b) and (c) into one paragraph
- 2.7(c): incorporate the term “ASTM D93” and deletes the reference to the Penske Martens closed cup flash test
- 2.7(f) and (g): combined into one paragraph, 2.7(e)
- 2.7(i)1: changed “rain, snow, sleet” to “precipitation”
- 2.7(g)8: proper name is the National Oil and Hazardous Substances Pollution Contingency Plan, found at 40 C.F.R. 300
- 2.7(h): revised to begin “Prior to the removal of a deployed containment device”
- 2.7(i): clarified that deployed containment devices must be retrieved and secured when they are no longer in use and replaced the phrase “cleaned or dispose of” with the sentence “If the containment device is contaminated, it must be properly cleaned or disposed of”
- 2.7(j): recodified part of 5.3(d) concerning posting of discharge notification requirements at marine transfer facilities
- 2.9: separated into two paragraphs, (a) covering delineated areas and (b) covering areas known by the owner or operator of the major facility to be subject to high probability of flooding or washout. Also, deleted the reference to the 100-year flood hazard area and used floodways and tidal floodplains
- 2.10(a): added the phrase “as well as all cleanup and removal equipment and supplies”
- 2.10(a)6: includes cleanup and removal equipment and materials as something to be inspected on

The bureau has attempted to ensure that the summary contained in this document is complete. However, only a comparison of the official adopted version of these rules with the previous version can ensure that all amendments have been identified.

Summary of Adopted Amendments for N.J.A.C. 7:1E - Effective February 27, 2007

a quarterly basis, and was broken into parts

2.10(b): added the phrase “in accordance with N.J.A.C. 7:1E-2.15”; also, minimum information about an inspection expected to be in a record is established and includes the date, the person performing it, any problems found, including if no problems were found, and the subsequent correction of such problems

2.10(c): deleted

2.11(d): materials to be kept on hand must be adequate for “those leaks and discharges that facility personnel will respond to, as described in the DCR plan in accordance with N.J.A.C. 7:1E-4.3(b)7.”

2.11(e): replaced “gas masks” with “respiratory protection”

2.11(f): added the phrase “free of accumulated debris, and”

2.12(b)1: deleted the requirement that education and experience be included in the written job description

2.12(b)2: recodified from 3, second and third sentences of paragraph deleted

2.12(b)3: recodified from 2

2.12(c)2: requires job-specific training that can be classroom, on-the-job, or both, as appropriate for the position

2.12(c)3: requires employee training on updated or new SOPs

2.12(c)4: added “and which can be combined with such training required under any other State or Federal requirement”

2.12(d): recodified from (e)

2.12(e): recodified from (f)

2.12(f): documentation required to be kept changed from evaluation and qualifying activities to only final qualifying activities; also, “shall be kept in accordance with N.J.A.C. 7:1E-2.15” replaced “shall be kept at the facility”

2.13(a): deleted the phrase “during hours of darkness”

2.13(b): deleted the phrase “(full fencing on land)”

2.14(d)1: replaced requirement for a process description with a requirement for a description of

The bureau has attempted to ensure that the summary contained in this document is complete. However, only a comparison of the official adopted version of these rules with the previous version can ensure that all amendments have been identified.

Summary of Adopted Amendments for N.J.A.C. 7:1E - Effective February 27, 2007

the operation, including all requirements from this subchapter

2.14(d)2: recodified from 5

2.14(d)3: recodified from 2

2.14(d)4: requires a description of leak monitoring equipment and alarms

2.14(d)5: recodified from 2 and added “from the operation”

2.14(e): amended to make it clear that the items delineated in this paragraph must be included in an SOP only when it is appropriate to the operation

2.14(e)6: revised to read “Procedures to perform and inspect maintenance work”

2.14(e)7: deleted “where appropriate to the operation”

2.14(h): revised so that index of SOPs includes the title, identification number, and latest date of issue

2.15(a): added records of inspections of cleanup and removal equipment and “hazardous substance” replaced by “facility”

2.15(b): split into two paragraphs

2.15(d): replaced “major maintenance” and “major repair” with “repair”

2.15(f): inserted comma after “microfiche”

2.16(a): all aboveground storage tanks with a capacity greater than 2,000 gallons that were installed and in use prior to July 22, 1990, must have undergone integrity testing or static head testing by August 1, 1993

2.16(b): requirements for the initial integrity testing of all aboveground storage tanks with a capacity greater than 2,000 gallons that were installed and operated after July 22, 1990

2.16(b)1: testing in accordance with the construction standard is required for new field-erected tanks

2.16(b)2: integrity testing using one of the standards in 2.16 must be performed on existing tanks returning to service

2.16(b)3: for new shop-built tanks, at a minimum, a static head test or similar leak tightness test should be performed

The bureau has attempted to ensure that the summary contained in this document is complete. However, only a comparison of the official adopted version of these rules with the previous version can ensure that all amendments have been identified.

Summary of Adopted Amendments for N.J.A.C. 7:1E - Effective February 27, 2007

- 2.16(c): all records of integrity testing to be kept in compliance with 2.15
- 2.16(d): integrity testing requirements for field-erected steel aboveground storage tanks with a storage capacity greater than 2,000 gallons
 - 2.16(d)1: API 653 can be used, except for similar service or risk based inspections, for the integrity testing of tanks operated at atmospheric pressure.
 - 2.16(d)2: for tanks that operate under pressure, establishes API 510 and ASME Section VIII, as applicable as standards to follow
- 2.16(e): integrity testing requirements for shop-built steel aboveground storage tanks established as SP001 or API 653, without the use of similar service and risk based inspection scheduling is not allowed
- 2.16(f): addresses the testing of FRP tanks and requires an acoustic emission test in combination with internal and external inspections by an experienced, qualified inspector, on a five year interval
- 2.16(g): addresses homogeneous plastic tanks and required internal and external inspections of the tank every five years by an experienced, qualified inspector
- 2.16(h): five-year testing protocol for those who currently use it and wish to continue, or for those that cannot utilize one of the other protocols, and requires shell and the bottom of the tank undergo thickness testing, a visual inspection of the exterior of the tank, and a visual inspection of the support structure and ancillary equipment of the storage tank
- 2.16(i): allows the owner or operator to propose a protocol for approval
- 2.16(j): recodification of 2.2(a)7

Subchapter 3: Transmission Pipelines

- 3.2(a)2: requires inclusion of the name or designation of a transmission pipeline and information for a contact person for that transmission pipeline
- 3.2(a)3: recodified from 2
- 3.2(a)4: added “and location, including street address and municipality”
- 3.2(a)5: added “including maximum quantities of each substance stored at any one time”
- 3.2(a)6: requires information about facilities that are served by the transmission pipeline, including the physical address

The bureau has attempted to ensure that the summary contained in this document is complete. However, only a comparison of the official adopted version of these rules with the previous version can ensure that all amendments have been identified.

Summary of Adopted Amendments for N.J.A.C. 7:1E - Effective February 27, 2007

3.2(a)7: recodified from 7

3.2(a)8: requires submitted maps to be compatible with the Department's GIS

3.3: corrected the title of 49 C.F.R. 195

3.4(a)2: added "A copy of all current contracts or agreements between the owner or operator and a discharge cleanup organization for emergency response service shall be included"

3.4(a)3: added "and whether personnel are employed by the owner or operator or by a discharge cleanup organization"

3.4(a)5: changed "operations" to "activities"

Subchapter 4: Plans

each instance of "DPCC or DCR" changed to "DPCC and DCR" throughout

4.1: revised to more accurately reflect the scope of this subchapter

4.2(a): split into two parts, (a)1 contains requirement that a DPCC plan be prepared, and (a)2 requires the appointment of a facility contact

4.2(b)3: information about the facility contact

4.2(b)5: if the facility is served by or operates a transmission pipeline, the facility provide the name or designation of the transmission pipeline, and the mailing address and telephone number of the pipeline owner or operator

4.2(b)6: requires a brief description of the facility

4.2(b)7: incorporates cross-reference to N.J.A.C. 7:1E-4.10

4.2(b)6: incorporates cross-reference to N.J.A.C. 7:1E-4.10

4.2(b)9: incorporates cross-reference to N.J.A.C. 7:1E-4.10

4.2(b)10: added an "and" to the end

4.2(b)11: combines 4.2(c) and 4.9(e) concerning the submission of information on discharges along with plans

4.2(c): revised to read "The DPCC plan shall include, at a minimum, the following technical

The bureau has attempted to ensure that the summary contained in this document is complete. However, only a comparison of the official adopted version of these rules with the previous version can ensure that all amendments have been identified.

Summary of Adopted Amendments for N.J.A.C. 7:1E - Effective February 27, 2007

information, in the following order or indexed to this order.”

- 4.2(c)1: addresses only aboveground storage tanks, with individual information requirements listed separately which include tank identification and location; material of construction and tank orientation; tank size and contents; overfill protection measures; and the schedule for integrity testing
- 4.2(c)2: addresses all underground storage tanks, requiring information on the location and contents
- 4.2(c)3: addresses all other storage areas, requiring information on location and identification, the type and size of containers stored, and the substances stored
- 4.2(d)4: addresses tank car and tank truck loading or unloading areas, added “but not limited to”, requiring information on location and identification, the size of the largest compartment, and substances loaded or unloaded
- 4.2(d)5: addresses marking of in-facility pipes requiring information on location and identification; the marking system used; any product-sensitive leak detection devices in use on buried piping; any maintenance and repair program for buried pipes; and procedures for minimizing the chance of a vehicular collision with overhead pipes
- 4.2(c)6: addresses process areas, requiring information on location and identification, and the largest vessel or maximum volumetric flow rate in each area
- 4.2(d)7: addresses secondary containment, added “addressing all standards under N.J.A.C. 7:1E-2.6, including, but not limited to”
- 4.2(c)8: recodified from (d)5
- 4.2(c)9: added “and washout”
- 4.2(c)10: replaced “leak detection or” with “visual inspection and”
- 4.2(c)11: recodified from (d)8
- 4.2(c)12: requires a description of training, covering the types of training, time periods for performing that training, and training procedures
- 4.2(c)13: added “including lighting”
- 4.2(c)14: revised “catalog list” to “current index”
- 4.2(c)15: recodified from (d)12

The bureau has attempted to ensure that the summary contained in this document is complete. However, only a comparison of the official adopted version of these rules with the previous version can ensure that all amendments have been identified.

Summary of Adopted Amendments for N.J.A.C. 7:1E - Effective February 27, 2007

- 4.2(d): replaced “shall” with “may”, added “any” before “equipment” and the word “those” before “portions”, also added “that existed prior to the submission of the owner or operator’s DPCC plan to the Department”
- 4.2(f): deleted
- 4.3(a): requirement that a response coordinator be appointed
- 4.3(b): added “in the following order or indexed to this order”
- 4.2(b)4: revised to read “an annual simulated emergency response drill”, and added “and this DCR plan” and “and cannot be of the same type, such as a table top drill, in consecutive years”
- 4.3(b)5: added “Each major facility shall have available to it, by ownership or by arrangement with a discharge cleanup organization, adequate equipment to clean up any discharge that occurs at the facility”, and “minimum” before “quantities”
- 4.3(b)6: added “Each major facility shall have available to it, by ownership or by arrangement with a discharge cleanup organization, adequate personnel to clean up any discharge that may occur at the facility”
- 4.3(b)7: requires information about the types and sizes of discharges that facility personnel will respond to, as opposed to calling in a discharge cleanup organization, for both leaks and discharges
- 4.2(b)8i through iii: recodified from (a)7ii through iv, with the citation in (b)8iii revised to N.J.A.C. 7:1E-4.11(f)
- 4.3(b)9: added “housekeeping or” before “cleanup” and replaced “operations” with “activities”
- 4.3(b)10: recodified from (a)9
- 4.3(b)11: deleted “A copy of” from the beginning
- 4.4(a): deleted “and for the removal of any abandoned structure owned or operated, as the case may be, by the owner or operator”
- 4.4(g): deleted “fiscal” and inserting “financial reporting” and “The owner or operator must” replaced “and.”
- 4.4(g)1i: replaced “the test” by “a financial test”
- 4.4(g)1ii and 2iii: replaced the Rural Electrification Administration with the Rural Utilities Services; also, the Board of Public Utilities was added

The bureau has attempted to ensure that the summary contained in this document is complete. However, only a comparison of the official adopted version of these rules with the previous version can ensure that all amendments have been identified.

Summary of Adopted Amendments for N.J.A.C. 7:1E - Effective February 27, 2007

4.4(g)1iii: added “if independently audited”

4.4(g)2: replaced “from” with “as issued by”, and “aggregate” was added before “amount” and the phrase “in (b) above, plus any other liability coverage provided by a financial test” after

4.4(g)2ii: added “in (b) above plus any other liability coverage provided by a financial test”

4.4(g)2iii: replaced requirement that the financial statements be examined by a certified public accountant and accompanied by the accountant's report of the examination with one for a special report by an independent certified public accountant stating that the data specified in the letter from the chief financial officer have been compared to the data in the latest financial statements and that no matters have come to his or her attention which cause him or her to believe that the data should be adjusted

4.4(g)3: added “and wishes to use a bond rating as the basis of the financial test” after “local government”

4.4(g)3ii: added “other than municipal bond insurance” after “credit enhancement”

4.4(g) 3 and 4: added “The owner or operator must maintain onsite a letter signed by the chief financial officer worded as specified in Appendix B, incorporated herein by reference”

4.4(h): replaced “of self-insurance” with “to provide financial responsibility”

4.5(d): added “or of an existing facility that plans to increase its storage capacity to such an extent that it will meet the definition of a major facility,” and “as a major facility”

4.5(e): deleted

4.5(f): added “for good cause shown”

4.6(a): deleted issuance of treatment works approval

4.6(b): deleted

4.6(b): conditional approval involving maps can be granted only for drainage and land use maps and topographic maps showing environmentally sensitive areas, as well as the general site plan when it is not in digital format

4.7: title revised to “Denial or revocation of approval of plans”

4.7(a): deleted “or amendments thereto”

The bureau has attempted to ensure that the summary contained in this document is complete. However, only a comparison of the official adopted version of these rules with the previous version can ensure that all amendments have been identified.

Summary of Adopted Amendments for N.J.A.C. 7:1E - Effective February 27, 2007

- 4.7(b): revised “the facility’s plan into compliance” to “the facility into compliance”
- 4.7(d): deleted “or amendments thereto”
- 4.8: deleted “by owners or operators” from the title
- 4.8(a): now requires that written notices contain information on the project proposed and a preliminary schedule for the proposed work
- 4.8(b): clarified which changes require a plan amendment; deleted the requirement that the owner or operator report to the Department any change which will materially affect the facility's potential for discharges; and added “The amendment shall consist of only those pages of the DPCC and DCR plan requiring changes.”
- 4.8(c): deleted “administratively complete proposed” and added “of an administratively complete submission”
- 4.8(d): requires submission of a second copy of the approved amendment within thirty days of receipt of approval
- 4.9(a): first sentence of 4.9(b) became the second sentence 4.9(a)
- 4.9(b): added “including all exemptions pursuant to N.J.A.C. 7:1E-4.10(g) and alternative measures pursuant to N.J.A.C. 7:1E-1.11(e)”
- 4.9(c): recodified last sentence of 4.9(b)
- 4.9(d) and (e): deleted
- 4.9(f): clarifies that the existing plan does not automatically expire when it is under review, but only if it has not been submitted at all
- 4.10(a)1: requires owners or operators to delineate and identify, by labeling or other means, structures and areas on their general site plan
- 4.10(a)2: permits a change in scale or the use of insets to satisfy legibility requirement
- 4.10(b): now includes the requirement that the drainage and land use map cover the area within 1,000 feet of the facility’s boundary; deleted the requirement to use commercially available mylar orthophoto basemaps (quarterquads) or other comparable current basemaps in favor of a simplified requirement to use current basemaps; the scale designation was revised
- 4.10(b)2: requirement that the facility boundary must be shown on each drainage and land use map

The bureau has attempted to ensure that the summary contained in this document is complete. However, only a comparison of the official adopted version of these rules with the previous version can ensure that all amendments have been identified.

Summary of Adopted Amendments for N.J.A.C. 7:1E - Effective February 27, 2007

4.10(b)3: deleted “This boundary includes all lands owned or used by the owner or operator at a given location and “shall be included”, and added “Delineate and label”

4.10(b)3: revised list of land use categories

4.10(b)4: deleted

4.10(c): rewritten for clarity and added transmission pipelines

4.10(c)2i: replaced “are delineated in N.J.A.C. 7:1D, Appendix A” with “include AutoCAD, Arc View and Arc GIS”

4.10(c)2ii: replaced requirement for least four widely spaced reference points (tics) with requirement that they be projected in New Jersey State Plane feet (North American Datum 1983)

4.10(c)2iii: added the name and location of the facility and date of preparation of the map

4.10(d): revised requirement for the use of commercially available mylar orthophoto basemaps (quarterquads) or other comparable current basemaps to simply require the use of current basemaps, and revised the scale designation

4.10(d)2: replaced requirement for the use of mylar with the requirement that topographic maps clearly show the location of the facility for which the maps were prepared

4.10(d)4: deleted

4.10(d)5: requires that the name of the facility for which the maps are prepared and the date of preparation appear in the legend block

4.10(d)8: cross-references 1.8

4.10(f): deleted “or mylar” in the two places and the final sentence concerning the optional submission of the topographic maps in digital form

4.10(g): added “valid until the plan must be renewed” after “exemption”

4.11(a): added the requirement that the certification contain a signature block consisting of a signature, the signatory’s typed name, title, company name, and the date of the signature

4.11(b): revised from specific title to “at a level of authority to commit the necessary resources to fully implement the plan, plan amendment, plan renewal or transmission pipeline registration”

The bureau has attempted to ensure that the summary contained in this document is complete. However, only a comparison of the official adopted version of these rules with the previous version can ensure that all amendments have been identified.

Summary of Adopted Amendments for N.J.A.C. 7:1E - Effective February 27, 2007

4.11(e): replaced “a plan amendment for a change requiring the application of sound engineering practice” with “a plan amendment”; and revised “that the plan complies” to “that attests that he or she has reviewed the plan and that it complies”

Subchapter 5: Discharge Notification, Response and Reporting

5.3(c)5: revised “the date and time at which the discharge was discovered, and, if the discharge has ended, the date and time at which it ended” to “and whether the discharge is continuing, intermittent or terminated”

5.3(d): now applies only to vessels

5.3(e): deleted leading phrase “For the purposes of this section”

5.3(e)1: added “Facility” before “Response Plan”

5.3(e)1iii: deleted requirements applicable to the retention, availability and timeframes of retention of records, and replaced them with a cross-reference to 2.15

5.7(a)2ii: deleted “the action plan in”

5.7(b): updated the name of the National Oil and Hazardous Substances Pollution Contingency Plan

5.8(c)4: requires the inclusion of the case number assigned by the Communications Center

5.8(c)6: deleted “comma-delimited State Plane coordinates of the point of discharge” from i and ii, and replaced with “a site map identifying the point at which the discharge occurred and the surrounding area” in i, and “a map identifying the source of the discharge” in ii

5.8(c)9: separates the information required to be submitted into a list

5.8(c)12: deleted

5.8(c)13: deleted

5.11(b): deleted

Subchapter 6: Civil Administrative Penalties and Requests for Adjudicatory Hearings

6.1: deleted the word “any” and replaced the final “the Act” by “this chapter”

6.3(b)3: inserted the phrase “notice of” before “such denial”

The bureau has attempted to ensure that the summary contained in this document is complete. However, only a comparison of the official adopted version of these rules with the previous version can ensure that all amendments have been identified.

Summary of Adopted Amendments for N.J.A.C. 7:1E - Effective February 27, 2007

6.4: revised to current procedures used by the Department

6.4(b): requires that all hearing requests must be submitted on forms provided by the Department, that a copy of the final agency action to be appealed be attached to the appeal, that defenses be enumerated and that a statement as to whether the appellant is willing to negotiate settlement be included with the appeal, with a copy to the bureau

6.6(c): each day that the violator knew or had reason to know that he or she had submitted inaccurate or false information until the day of receipt of a written correction by the violator, is an additional, separate and distinct offense

6.6(e): violations under this section are non-minor and therefore are not subject to a grace period

6.7(b): added “vessel”

6.7(d): violations under this section are non-minor and therefore are not subject to a grace period

6.8(a): deleted the cross-reference to 6.8(c)4

6.8(c)1: deleted Cause of Discharge factor and Initiate Response to Discharge factor; “and” replaced “but” in the last listed category of Area of Impact factor

6.8(c)2 through 5: citations and penalties updated to reflect changes to Subchapter 2

Subchapter 7: Confidentiality Claims

7.3(b): revised bureau name

Subchapter 8: Confidentiality Determinations

no change

Subchapter 9: Disclosure and use of confidential information

no change

Subchapter 10: Treatment of Confidential Information

no changes

The bureau has attempted to ensure that the summary contained in this document is complete. However, only a comparison of the official adopted version of these rules with the previous version can ensure that all amendments have been identified.

Summary of Adopted Amendments for N.J.A.C. 7:1E - Effective February 27, 2007

APPENDIX A: List of Hazardous Substances

24 substances or chemical categories were added to Appendix A

3 substances were deleted from Appendix A

Appendix B: Financial Forms

Added the word “insert” at all places where the person preparing the document is required to incorporate information specific to him or her. In some locations “insert if applicable” was added.

B.1: revised “To support a financial test of self-insurance or a guarantee” to “To demonstrate that it meets the financial test under N.J.A.C. 7:1E-4.4(g)1 or 2”; in Alternative I item 11 and Alternative II item 19 “Rural Utilities Services” replaced “Rural Electrification Administration” and the Board of Public Utilities was added; in the letter used by a local government using a financial test, in the last line of the second paragraph, “or” was changed to “and”

B.2: added “insert” and “insert: name of” as appropriate; added “of the owner or operator” in the opening paragraph; between the first opening paragraph and paragraph (1), the heading “Recitals” was added; paragraph (2), has a new first sentence and changes to accommodate multiple facilities; added “of N.J.A.C. 7:1E-4.4” after “requirements”; in paragraph (3), deleted “substantial business relationship with” and replaced “the” with “an” in the last sentence; in paragraph (7), added “or 120 days from the date of receipt of the notice by the Department, whichever is later” just before the final phrase “as evidenced by the return receipt”

B.3: added “the” after the comma in paragraph (c) and replaced “covered occurrence” with “cleanup and removal activities”

B.4: added “(s)” of some type to the end of certain words and “[insert: “per facility”, if appropriate]” to the lines showing the penal sums of the bond

B.5: added “insert: name of” or “insert:”, added “(s)” of some type to the end of certain words, and added “insert the appropriate phrase” to the final sentence