



# Enforcement Alert

*Making You Aware of Anticipated Enforcement Activities*

Compliance and Enforcement

Issued: July 5, 2016

#2016-08

## **NJDEP Issues Reminder of Due Date for the Community Right to Know Survey**

### **Who is affected by this initiative?**

Facilities in certain industrial classifications, defined by North American Industry Classification System (NAICS) Codes, are required to submit an annual Community Right to Know Survey (CRTK Survey) under the Worker and Community Right to Know regulations at N.J.A.C. 7:1G.

### **Why is DEP issuing this advisory?**

The CRTK Survey for 2015 was due on March 1, 2016. The Department believes that a significant number of regulated entities did not submit the annual CRTK Survey because they either believed they were exempt from reporting requirements or they had difficulty setting up their online account to submit a CRTK Survey. Therefore, the Department is clarifying that a **regulated entity can ONLY be Exempt from CRTK Reporting Requirements AFTER Submitting Initial Notification to the Department of Such Status. Entities that believe they are Exempt may submit a CRTK Reporting Exemption Form in lieu of having to set up an online account and submit a CRTK Survey.**

### **What is DEP doing?**

DEP will be initiating enforcement action against all entities that have not submitted their CRTK Survey for reporting year 2015 or have not provided the initial notification described above. This enforcement action could result in the issuance of a \$1,000 penalty. DEP is encouraging facilities to comply with the reporting requirements by submitting either a CRTK Survey or an Exemption Form. If you submit an exemption form and the Department determines you are not exempt, you will be notified and you will be required to submit a CRTK Survey.

### **What should I do?**

- 1) Determine if your facility has a regulated NAICS Code by going to <http://www.nj.gov/dep/enforcement/opppc/rtnaics.pdf>.
- 2) Use the following links to determine if environmental hazardous substances were present, and in what quantities, in 2015. Unless otherwise stated in below links the Reporting Quantity is 500 pounds.
  - a. <http://www.nj.gov/dep/enforcement/opppc/crtk/ehsalph.pdf> (alphabetical order)

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- b. <http://www.nj.gov/dep/enforcement/opppc/crtk/ehscasno.pdf> (CAS number order)
- 3) You must submit a CRTK Reporting Exemption Form, located at <http://www.nj.gov/dep/opppc/crtk/crtkrptexemptfm.html>, if one of the following applies:
- a. If you determine that your facility is in a regulated NAICS Code and **NO** environmental hazardous substances were present in 2015, or **WERE PRESENT, BUT BELOW THE APPLICABLE REPORTING THRESHOLDS;**
  - b. If you determine that your facility is in a regulated NAICS Code **AND YOU MEET THE DEFINITION OF AN UNSTAFFED SITE**, as defined at N.J.A.C. 7:1G1.2 (h)); or
  - c. If you determine that your facilities are in a regulated NAICS Code and **ALL FACILITIES YOU OWN IN NJ** conduct administrative office functions only.
- 4) You must submit a CRTK survey if you determine that your facility is in a regulated NAICS Code and environmental hazardous substances were present during 2015 that were **ABOVE** the reporting thresholds

## How to submit the 2015 CRTK Survey

It is important to note that the preparation and the submission of an electronic CRTK Survey is mandatory.

- 1) First go to <http://www.nj.gov/dep/online>.
- 2) If you are not a registered user click on “Request Access to NJDEP Online” and follow the instructions. If you are already a registered user, log in to your account.
- 3) Define the regulatory programs in your user profile that you will transact business with.
- 4) Access and complete the CRTK Survey for your company’s facility sites.

## Who should I contact with questions?

Please contact the Bureau of Local Environmental Management & Right to Know at (609) 292-6714 or (609) 292-1305 with any questions.

## Where can I get more information?

For the list of regulated NAICS codes and environmental hazardous substances, the definition of an Unstaffed Site, and to access the CRTK Reporting Exemption Form, please go to the DEP Community Right to Know program web site <http://www.nj.gov/dep/enforcement/crtk.html>.

Please note this advisory is intended to be a summary explanation of a department initiative. It does not include all potentially applicable requirements. If you have any questions related to compliance with this initiative, please contact the Enforcement number listed above.