



New
Jersey
Department of
Environmental
Protection

Compliance and Enforcement

SELF-DISCLOSURE REPORT

Instructions

Pursuant to Departmental policy as well as proposed new rules at N.J.A.C. 7:33-1 et seq. which appeared in the New Jersey Register on August 18, 2003, a regulated entity may be eligible for a 75 to 100 percent penalty reduction for violations that it discovers, discloses and corrects.

In order to self-disclose a violation, complete this form and send to:

**New Jersey Department of Environmental Protection
Compliance and Enforcement
PO Box 422
401 East State Street, 4th floor
Trenton, NJ 08625-0422
Attn: Self-Disclosures**

You should also e-mail a copy of this form to Peg.Hanna@dep.state.nj.us and keep a copy for your own files. Attach additional pages as necessary. If you have questions, please call (609) 633-2306.



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1. Name, Address and Location of Facility

Enter the name, mailing address, e-mail address (if any), phone number and location of the facility for which the regulated entity is submitting this Self-Disclosure Report.

Facility Name: _____

Mailing Address: _____

e-mail Address (optional): _____

Phone No.: _____

Facility Location: _____

2. SIC or NAICS Code

Provide the SIC or NAICS code that is assigned to the facility or that best reflects the principal products or services provided by the facility.

SIC or NAICS code: _____

3. Parent Corporation Information

Regulated entity's parent corporation, if any.

Facility Name: _____

Mailing Address: _____

4. Permits, Licenses and other certificates

A list of all active permits, licenses or other certificates issued by the Department to the facility for which the regulated entity is submitting this Self-Disclosure Report.

Permits: _____

Licenses: _____

Other: _____



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5. Number of employees

The number of employees at the facility at which the self-disclosed violation(s) occurred and the number of employees at any other facilities in New Jersey that are owned and/or operated by the regulated entity that is submitting this Self-Disclosure Report.

No. of employees at this facility: _____

No. of employees at other facilities in New Jersey: _____

6. Description of events

A description of the events that led to the regulated entity's discovery of the self-disclosed violations, including information to demonstrate that the violation was voluntarily discovered ¹, and was discovered and disclosed independent of a regulatory agency or a third party complainant. ²

7. Review of Operations

The scope of the regulated entity's review of its operations that resulted in the violation(s) being discovered.



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8. Description of violation(s)

A full description of the violation(s), including the date the violation was discovered ³, the date the violation commenced (if known), the requirement(s) that was violated, and a description of any actual or potential harm caused by the violation.

9. Date of violation(s)

The date the violation(s) was, or will be, corrected. ⁴

Date: ___/___/___

10. Agree or Disagree?

The violation(s) is not a repeat violation(s). ⁵ Agree Disagree

11. Explain measures to prevent recurrence of violation(s)

An explanation of the measures the regulated entity will implement to prevent recurrence of the violation(s).



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12. Agree or Disagree?

The violation(s) is not the result of the regulated entity's failure to take reasonable and appropriate preventive measures to avoid a repeat or recurring violation(s) following the discovery by the Department or the regulated entity of the same or a related violation(s).

Agree Disagree

13. Agree or Disagree?

The violation(s) is not one that resulted in serious actual harm, or may have presented an imminent and substantial danger, to human health or the environment or that was the result of purposeful, knowing, reckless or criminally negligent conduct on the part of the regulated entity.

Agree Disagree

14. Agree or Disagree?

The regulated entity will cooperate with the Department if the Department seeks to obtain additional information regarding the violations contained in this Self-Disclosure Report.

Agree Disagree

15. Certification

The following certification must be signed by the highest-ranking official who has day-to-day managerial responsibility for the regulated entity's facility:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments, and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and/or imprisonment."

Sign name: _____

Print name: _____

Date: ____/____/____



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Footnotes

¹The Department shall not consider a discovery to be voluntary if the violation or the underlying information was discovered through a legally mandated monitoring or sampling requirement prescribed by statute, regulation, permit, administrative or judicial consent order or agreement. For example, the Department shall not consider the following to be voluntarily discovered: an air emission violation detected through a continuous emission or process monitor required by permit or regulation, or a violation of a NJPDES permit detected through required sampling or monitoring. The Department shall consider a discovery to be voluntary even if the findings were required to be reported to the Department. For example, a discharge that is discovered voluntarily but required to be reported immediately pursuant to the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11(d)10 or N.J.S.A. 58:10-23.11(e), may be considered for a penalty reduction. On the other hand, an air emission violation recorded by a continuous emission or process monitor and required to be reported to the Department on periodic Excess Emission Reports shall not be considered for a penalty reduction.

²The Department shall consider the disclosure to be independent only if it occurs prior to:

- (1) The discovery of the violation by a state or federal agency, a certified local health agency, or a local government agency;
- (2) The commencement of an inspection, or notification of a scheduled inspection, by the Department, the United States Environmental Protection Agency, a certified local health agency, or a local government agency;
- (3) The commencement of a judicial or administrative enforcement action by the Department, the United States Environmental Protection Agency, or a certified local health agency;
- (4) The issuance of a notice under the Environmental Rights Act, N.J.S.A. 2A:35A-1 et seq., filed pursuant to the citizens' lawsuit provision of any State or Federal statute or the filing of a complaint by a third party; or
- (5) The reporting of the violation to the Department, the United States Environmental Protection Agency, a certified local health agency, or a local government agency by a "whistleblower" employee, rather than by one authorized to speak on behalf of the regulated entity, or by a citizen.

³The date of discovery of the violation is the date that an officer, director, employee or agent of the regulated entity has an objectively reasonable basis for believing that a violation has, or may have, occurred. Violations must be disclosed within 21 days of discovery in order to be eligible for penalty relief.

⁴In order to be eligible for a penalty reduction, the regulated entity must correct the violation in 60 days, or in 180 days if the regulated entity is a small business.

⁵A Tier 1 violation is a repeat violation if the regulated entity responsible for the violation has been identified in a previous enforcement action by the Department or certified local health agency as responsible for a violation of the same requirement of the same permit within the preceding 12 month period. If the violation does not involve a permit, a Tier 1 violation is a repeat violation if the regulated entity responsible for the violation has been identified in a previous enforcement action by the Department or certified local health agency as responsible for the same or a substantially similar violation at the same facility within the preceding 12 month period. A Tier 2 violation is a repeat violation if it meets the preceding criteria but has occurred within the preceding 36-month period.