

New Jersey Department of Environmental Protection

Bureau of Release Prevention

Guidance on Discharge Notification, Discharge Response

and

Discharge Confirmation Reports

Effective May 12, 2005

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DISCHARGE NOTIFICATION

Discharges of Hazardous Substances - Notification

The release of a hazardous substance into the waters or onto the lands of the State is defined as a discharge. Releases into waters outside the jurisdiction of the State are also considered discharges when the potential for damage to State resources exists. Exceptions are releases in compliance with Federal or State Permits.

When a discharge occurs, the Department must be notified immediately by telephone at 1-877-WARNDEP (1-877-927-6337). If this number is inoperable, notification must be made to the State Police at 609-882-2000. Immediate notification is essential to insure an appropriate response to a discharge.¹ This is especially important if a discharge requires the attention of emergency services. Immediate notification has been defined as within 15 minutes of when a person knew or reasonably should have known that the discharge occurred. The Department may, in the absence of acceptable justification, issue a penalty for a late notification.

A notification of a discharge will include the following information:

1. Name, title, affiliation, address and phone no. of the person reporting;
2. Discharge location - a. For land - a site name, address, municipality, county; b. For waters - water body name, location relative to reference points, identification of areas the discharge may reach;
3. A common name of the substance(s) discharged;
4. Estimate of the quantity of each substance discharged;

¹The Bureau of Communications and Support Services at 1-877-WARNDEP (1-877-927-6337) is a 24 hour service capable of notifying emergency services. The State Police have a similar capability.

5. Date, time the discharge began, was discovered, ended;
6. Action taken or to be taken to contain, clean up, remove;
7. Name, address of the responsible person.

The above list must be conspicuously posted at any transfer area and operation center of any facility that performs marine transfers, and on the bridge or pilot house of any vessel which is ordinarily docked.

Malfunctions of Discharge Detector Systems - Notification

Discharge monitoring devices are any equipment or instrumentation used to detect discharges at a facility. In the event of a failure of such a device or system, the Department must be notified immediately. Notification is made to the Department at 1-877-WARNDEP (1-877-927-6337). If this number is inoperable, notification must be made to the State Police at 609-882-2000.

Within two hours of the initial notification, the facility must notify the Department that one of the following situations exists:

1. The malfunction has been repaired;
2. An alternate or replacement system has been activated;
3. The equipment monitored by the faulty system has been taken out of service.

Guidance for Notifications

When possible, train individuals for different roles in responding to a discharge. Select one individual with the primary responsibility of controlling the discharge. Select another individual who can determine if notification is required and who is responsible for obtaining and transmitting the required information. Devise a system for quickly gathering and relaying the needed information. A form prepared ahead of time can contain much of the needed information (addresses, names, and such), and save valuable time needed for immediate reporting.

Exceptions from Discharge Notification Requirements

A discharge does not have to be reported to the Department if it does not have to be reported under any other state or federal law and meets all of the following requirements:

1. The facility where the discharge occurs has an approved plan ² and;
2. The discharge has not entered any waters of the State or migrated off-site;
3. The discharge has been stopped, contained, cleaned up, and removed within 24 hours;
4. The response to the discharge is documented in accordance with N.J.A.C. 7:26E ³ ;
5. Records are available for review for three years from the date of the discharge.

A discharge of **transformer fluid** does not have to be reported if the

²The facility has an approved DPCC and DCR plan pursuant to N.J.A.C. 7:1E-4.6, or a Risk Management Plan pursuant to N.J.A.C. 7:31, or an Emergency Response Plan pursuant to N.J.A.C. 7:26-12, or a Response Plan pursuant to 40 CFR 112.

³Technical Standards for Site Remediation.

fluid contains less than 500 parts per million of polychlorinated biphenyls, and it meets the following requirements:

1. The discharge occurs during a state of emergency declared by the federal, State or local government; and
2. The discharge is reported to the Department within 24 hours of termination of the state of emergency; or else
3. The discharge is less than 25 gallons;
4. The discharge has not entered any waters of the State or migrated off-site;
5. The discharge has been stopped, contained, cleaned up, and removed;
6. The response to the discharge is documented in accordance with N.J.A.C. 7:26E ⁴ ; and
7. Records are available for review for three years from the date of the discharge.

DISCHARGE RESPONSE

Guidance for Discharge Response

With consideration for personal safety foremost, the immediate response to a discharge is to stop the source of the discharge. To expedite this action, key valves, pumps, and shut-off devices should be prominently labeled, and their location and operation should be reviewed with employees during periodic emergency response exercises and drills. When possible, these devices should be located in areas that would not be in the direct path of a potential discharge. Once a discharge has been stopped, appropriate actions should be initiated to contain the spilled material and then to remove, containerize and dispose of it.

⁴Technical Standards for Site Remediation.

In addition to training personnel in the conduct of actions required to respond to a discharge, every facility must make arrangements to coordinate such actions with the appropriate authorities, including the Department. An individual or individuals should be trained to handle notification and coordination with local emergency services and the Department.

Except for situations where there is an imminent threat to life, chemicals or dispersants should not be applied to a discharge without prior approval of the Department or a federal on-scene coordinator. In the event a serious threat to life exists, a reasonable effort to obtain approval should be made before applying chemicals. Chemicals or dispersants may be applied to a discharge when their application has received prior approval in a DCR plan.

In instances where the Department determines that cleanup activities are not being conducted in a proper and expeditious manner, the Department may act to remedy the discharge.

DISCHARGE CONFIRMATION REPORTS

Guidance for Preparation of a Discharge Confirmation Report

A telephone notification of a discharge at a major facility must be followed up with a written report documenting the event. This report must be submitted to the Department within 30 days of the initial notification.

The written report must include the following information:

1. Name, address and phone no. of the person who reported the discharge;
2. Name, address and phone no. of the person submitting the report (only if different from (1));
3. Name, address and phone no. of each owner and operator of the facility, vessel or vehicle involved in the discharge;
4. The source of the discharge;

5. Discharge location - a. For land - a site name, address, tax lot and block, municipality, county, State plane coordinates; b. For waters - water body name, State plane coordinates; c. For off-site areas - a map of the affected area;
6. Common names and CAS number of each substance(s) discharged;
7. Estimate of the quantity of each substance discharged;
8. Dates, times the discharge began, was discovered, ended, and the Department was notified;
9. Measures taken to contain, clean up, remove, and a summary of costs;
10. Corrective or preventative measures taken or proposed to minimize possible recurrences;
11. Name, address and phone no. of all entities involved in containment, clean up or removal;
12. A description of any samples taken;
13. Certification stating that financial responsibility is in full effect;
14. Certification by highest ranking individual as to accuracy of report;
15. For late notification, refer to N.J.A.C. 7:1E-5.6 "Justification of delay".

Confirmation reports for discharges at a major facility or transmission pipeline should be submitted to:

Bureau of Release Prevention
NJDEP
22 S. Clinton Avenue - 3rd floor
P. O. Box 424
Trenton, New Jersey 08625-0424
Attention: Discharge Confirmation Report