

# Guidelines for TCPA Annual Reports

<<<(Revised 8/4/2010)>>>

In accordance with N.J.A.C. 7:31-4.9 an Annual Report for Program 3 covered processes must be submitted to the Department every year within 90 days of the anniversary date. The Annual Report, which reflects risk management activities for the 12-month period ending on the anniversary date, shall include the following:

1. Updated TCPA supplemental information if any of the following items listed at N.J.A.C. 7:31-7.2(a)2 have changed during the previous year and **WERE NOT** previously reported in a revised RMP Submit diskette:
  - position titles, expertise and affiliation of persons involved in your risk management program development;
  - the description and profile of the area in which your covered process is located, including proximity to population and water supplies;
  - insurance carrier information (name, address, policy type, insurance amounts, limitations and exclusions) for environmental liability and worker's compensation policies;
  - the status of the EHSs in your covered processes as end products, intermediate products, by products or waste products.

If any of the above listed changes occurred and **WERE NOT** previously reported by submittal of a revised RMP diskette include:

- a summary statement in the Annual Report of each supplemental information change that occurred; and
- an updated RMP diskette containing **both the revised RMP.txt and revised RMP-NJ.txt** files<sup>1</sup> with appropriate certifications.

**If there were no changes in the supplemental TCPA information since submitting your last RMP diskette, the owner or operator shall state this in the annual report.**

2. A description of significant changes to the management system, (see definition at N.J.A.C. 7:31-1.5) of the risk management program at the stationary source. If the changes involve any information reported in the most recent risk management plan, you must submit an updated RMP diskette containing **both the revised RMP.txt and revised RMP-NJ.txt** files.<sup>1</sup> Appropriate certifications must also be included.

**If there were no significant changes to the management system since the last annual report, the owner or operator shall state this in the annual report.**

3. A process hazard analysis with risk assessment (PHA/RA)<sup>2</sup> report prepared pursuant to N.J.A.C. 7:31-4.2(e) for each PHA/RA completed during the previous year, if applicable. For PHA/RA reports prepared pursuant to N.J.A.C. 7:31-4.6(c), Management of Change, a list of the reports may be submitted rather than the actual reports. The PHA/RA report shall include the following:
  - identification of the covered process that is the subject of the PHA/RA, identification (name, position, affiliation) of the persons who performed the PHA/RA, date of completion of the PHA/RA, and methodology used;
  - a description of each scenario included in the PHA/RA (see N.J.A.C. 7:31-4.2(b)3iii); and
  - a risk reduction plan developed pursuant to N.J.A.C. 7:31-4.2(c)2 and (d)1.

**If no PHA/RA reports were completed since the last annual report, the owner or operator shall state this in the annual report.**

4. A summary of EHS accidents and potential catastrophic events that occurred during the previous year. The summary shall include:
  - the EHS involved and amount released if these facts can be reasonably determined based on the information obtained through the investigation;
  - the date and time of the EHS accident and potential catastrophic event and identification of the EHS equipment involved; and
  - the basic and contributory causes.

**If no EHS accidents or potential catastrophic events occurred during the previous year, the owner or operator shall state this in the annual report.**

5. The compliance audit report<sup>2</sup> and documentation for the year ending on the anniversary date prepared pursuant to 40 CFR 68.79(c) and (d) incorporated with changes at N.J.A.C. 7:31-4.1(c)14 and 23. The report, which may contain a completed TCPA Audit Checklist, shall include:
- identification of the covered process that is the subject of the compliance audit report and the date of the compliance audit;
  - identification of person(s) participating in the compliance audit;
  - scope of compliance audit;
  - techniques and methods used in conducting the compliance audit, findings and a response to each finding; and
  - documentation that deficiencies have been corrected or a schedule for implementation of corrective actions and a statement of progress on completing the corrective actions.

**PLEASE NOTE:** The TCPA Compliance Audit Checklists have been updated to the readopted and revised TCPA rules effective March 16, 2009. The use of these checklists is *not* mandated by the regulations, rather they are provided to assist in performing the compliance audits. Please note that the TCPA regulations require a final compliance audit report that contains additional information about the audit. (See 40 CFR 68.79 (c) and (d) incorporated with changes at N.J.A.C. 7:31-4.1(c)14 and 23.) The checklists alone do not meet that requirement. You may download the file from the TCPA Program website: The checklist is in the format of a Microsoft EXCEL Workbook, **TCPAchecklists5.xls**  
<http://www.nj.gov/dep/rpp/brp/tcpa/index.htm>

6. Each inherently safer technology (IST) review report<sup>2</sup> completed pursuant to N.J.A.C. 7:31-4.12(b) and (f) during the previous year. The report must include the items listed in N.J.A.C. 7:31-4.12(f)1-7.

**If no IST review reports were completed since the last annual report, the owner or operator shall state this in the annual report.**

**IMPORTANT NOTE ABOUT CERTIFICATIONS:**

- Pursuant to 40 CFR 68.79(a), the owner or operator shall certify that they have evaluated compliance with the provisions of this subpart at least every year to verify that the procedures & practices developed under this subpart are adequate & are being followed.
- Also, the owner or operator shall verify that the process technology & equipment, as built & operated, are in accordance with the process safety information prepared pursuant to 40 CFR 68.65(c) and (d) as incorporated at N.J.A.C.7:31-4.1(c)1 through 4.
- Additionally, pursuant to N.J.A.C. 7:31-8.2(c) the owner or operator shall include the specified certification (see rule cite for language) with any risk management program document required to be submitted, including, but not limited to, annual reports.

If you have questions concerning the TCPA Annual Report, please call the Chemical Safety Engineer assigned to your stationary source or the Bureau of Release Prevention at 609-292-1690 OR 609-633-0610

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<sup>1</sup> If any of the changes from items 1 or 2 (or both) alter data for the Risk Management Plan previously submitted for your facility to the USEPA, submit the changes to EPA's "RMP\*eSubmit", web-based on-line system. Visit EPA's website for details at:  
<http://www.epa.gov/emergencies/content/rmp/index.htm>

or call the RMP Reporting Center at (301)429-5018 if you have any questions about RMP\*eSubmit.

**PLEASE NOTE:** The facility is recommended to submit the New Jersey Risk Management Plan to the Department on CD-ROM using RMP\*Submit2004 and NJ-RMP Submission software, available on our website at:  
<http://www.nj.gov/dep/rpp/brp/tcpa/tcpadown.htm>. Additionally, the Bureau of Release Prevention requests that you include a cover letter describing the changes that you are making to the Risk Management Plan.

<sup>2</sup> For further guidance on performing a process hazard analysis with risk assessment, a compliance audit, or an IST review please contact the Department's TCPA Program at (609) 292-1690.