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ENVIRONMENTAL PROTECTION

ENVIRONMENTAL REGULATION

Toxic Catastrophe Prevention Act Program

Grace Period; Penalties

Proposed Amendments: N.J.A.C. 7:31-1.5 and 11.4

Proposed New Rule: N.J.A.C. 7:31-11.5

Authorized by: Bradley M. Campbell, Commissioner,
Department of Environmental Protection

Authority: N.J.S.A. 13:1B-1 et seq., 13:1D-1 et seq.; 13:1K-19 et seq.; 13:1D-125 et seq.; 26:2C-1 et seq.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

DEP Docket No: 13-05-04/440

Proposal Number: PRN 2005-188

A public hearing concerning this proposal will be held on:

Date: Wednesday, June 15, 2005

Time: 10:00 A.M. to noon or close of comments, whichever occurs first

Location: New Jersey Department of Environmental Protection
22 South Clinton Avenue, 3rd Floor
Trenton, New Jersey 08625

Submit written comments by (July 15, 2005) to:

Leslie W. Ledogar, Esquire

Attention: DEP Docket Number 13-05-04/440

Office of Legal Affairs

New Jersey Department of Environmental Protection

P.O. Box 402

Trenton, New Jersey 08625-0402

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The Department of Environmental Protection (Department) requests that commenters submit comments on disk or CD as well as on paper. Submittal of a disk or CD is not a requirement. The Department prefers Microsoft Word 6.0 or above. Macintosh™ formats should not be used. Each comment should be identified by the applicable N.J.A.C. citation with the commenter's name and affiliation following the comment.

This rule proposal document can be viewed or downloaded from the Department's web page at www.state.nj.us/dep.

The agency proposal follows:

Summary

As the Department has provided a 60-day comment period on this notice of proposal, this notice is excepted from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a)5.

The Department has regulated the handling of extraordinarily hazardous substances (EHSs) since 1988 pursuant to the Toxic Catastrophe Prevention Act, N.J.S.A. 13:1K-19 through 31 (TCPA). The Department is proposing to amend the TCPA Program rules, N.J.A.C. 7:31, to identify violations of the TCPA Program rules as either minor or non-minor for the purpose of providing grace periods in accordance with P.L. 1995, c. 296, N.J.S.A. 13:1D-125 et seq., commonly known as the Grace Period Law. The proposed amended rules set forth how the Department will respond to any violation identified as a minor.

The Department is also proposing various non-Grace Period Law amendments to the TCPA penalty provisions at N.J.A.C. 7:31-11.4(c), Table III. Table III contains the list of violations of the TCPA Program rules and the penalties associated with each violation. Since

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1998, the TCPA Program rules have incorporated the requirements of the Federal Accidental Release Prevention program, 40 C.F.R. Part 68, by reference. The proposed amendments, discussed more fully below, update Table III to reflect recent amendments to 40 C.F.R. Part 68.

Grace Period Amendments

On December 22, 1995, the Legislature enacted the Grace Period Law, N.J.S.A. 13:1D-125 et seq., which requires the establishment of procedures to ensure the consistent application of grace (compliance) periods for minor violations of certain environmental statutes. Pursuant to that law, the Department is required to designate, through rulemaking, certain types of violations of rules that implement 16 environmental statutes as minor or non-minor violations. Under the Grace Period Law, any person responsible for a minor violation is afforded a period of time to correct the violation. This period of time is known as a grace period. If the minor violation is corrected as required, then the Department will not assess a penalty. In those cases where a violation is not corrected within the grace period, the Department may pursue enforcement action in accordance with its statutory authority including, but not limited to, the assessment of penalties as may be appropriate within the exercise of the Department's traditional, judicially recognized enforcement discretion.

The Grace Period Law does not affect the Department's enforcement authority, including the exercise of enforcement discretion, to treat a violation as minor. In those situations where a violation is labeled as minor in these proposed amendments and new rule, but in fact the specific violation as it occurred does not fulfill all the statutory requirements for a minor violation (N.J.S.A. 13:1D-129(b)), the Department reserves its discretion to treat the violation as non-minor.

In designating, through rulemaking, types or categories of violations as minor, the

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Department must apply the criteria set forth in the Grace Period Law at N.J.S.A. 13:1D-129(b).

These criteria are as follows:

(1) The violation is not the result of the purposeful, knowing, reckless or criminally negligent conduct of the person responsible for the violation;

(2) The violation poses minimal risk to the public health, safety and natural resources;

(3) The violation does not materially and substantially undermine or impair the goals of the regulatory program;

(4) The activity or condition constituting the violation has existed for less than 12 months prior to the date of discovery by the Department;

(5) In the case of a permit violation, the person responsible for the violation has not been identified in a previous enforcement action by the Department or a local government agency as responsible for a violation of the same requirement of the same permit within the preceding 12- month period;

(6) In the case of a violation that does not involve a permit, the person responsible for the violation has not been identified in a previous enforcement action by the Department or a local government agency as responsible for the same or a substantially similar violation at the same facility within the preceding 12- month period;

(7) In the case of any violation, the person responsible for the violation has not been identified by the Department or a local government agency as responsible for the same or substantially similar violation at any time that reasonably indicates a pattern of illegal conduct and not isolated incidents on the part of the person responsible; and

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(8) The activity or condition constituting the violation is capable of being corrected and compliance achieved within the time prescribed by the Department.

The Grace Period Law also requires the Department to establish the length of the grace period, which may be no fewer than 30 days or more than 90 days (unless extended), based upon the nature and extent of the minor violation, and a reasonable estimate of the time necessary to achieve compliance. The Department may establish a special class of minor violations that, for public health and safety reasons, must be corrected within a period of fewer than 30 days.

Of the criteria provided by the Grace Period Law, only criteria (2), (3) and (8), as listed above, may pertain to all violations of a particular regulatory requirement. Therefore, the Department determined that violations that are purely administrative, such as submittal of the annual or triennial report, are minor. Violations that may result in a potential for a catastrophic release such as failure to perform maintenance on equipment or failure to train operators are non-minor. A grace period is not appropriate for any violation that is non-minor.

The additional statutory criteria (1), (4), (5), (6) and (7), regarding, respectively, the intent of the violator, the duration of the violation, and whether it is a repeat offense, are fact-specific for each violation and must be considered on a case-by-case basis. Thus, each violation listed at N.J.A.C. 7:31-11.4, Table III that is identified as minor will be eligible for a grace period only if it meets the additional criteria as discussed below.

In order to obtain assistance in the development of these regulations, the Department initiated an informal process to discuss and receive input from interested parties. As part of this process, it developed a discussion document setting forth a proposed list of minor and non-minor violations for the TCPA program and conducted two public workshops to provide an opportunity for interested parties to discuss the proposed list, provide comments and raise issues. The

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Department conducted workshops on November 7, 1996 and April 2, 1997 to discuss the application of the Grace Period Law to the TCPA program. The Department thereafter prepared a draft discussion document that included a draft of the proposed changes to N.J.A.C. 7:31-11, Civil Administrative Penalties and Requests for Adjudicatory Hearings. Thereafter, the Department held two stakeholder meetings, with industrial and environmental group representatives, respectively, on May 26, 2004. These proposed amendments, which identify minor and non-minor violations of the TCPA rules and provide the terms and conditions by which a grace period shall be afforded, reflect the Department's consideration of the input obtained at the various meetings.

N.J.A.C. 7:31-1.5 sets forth the definitions for terms used in the TCPA rules. The Department proposes adding a definition of "grace period." A grace period is the period of time afforded under the Grace Period Law for a person to correct a minor violation in order to avoid imposition of a penalty that would otherwise be applicable for such violation.

N.J.A.C. 7:31-11 establishes civil administrative penalty assessment procedures and civil administrative penalties for violations of the TCPA, including violations of any rule, consent agreement or administrative order issued pursuant to the TCPA. This subchapter also establishes procedures for requesting adjudicatory hearings, subsequent to the assessment of civil administrative penalties or the issuance of administrative orders.

Penalties for violations of the TCPA rule are set forth at N.J.A.C. 7:31-11.4(c), Table III (Table III). Table III sets forth the categories of offenses, the applicable New Jersey Administrative Code or Code of Federal Regulation citation, and the corresponding penalty for the first, second, and subsequent offenses. The proposed amendments add two additional columns to Table III, entitled "Type of Violation" and "Grace Period." The "Type of Violation" column includes one of two different designations, depending on whether the violation is minor (M) or non-minor (NM). A violation of the specific provision identified in the penalty table as

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minor would be subject to the specified grace period, provided that the violation meets the criteria of N.J.S.A. 13:1D-129b(1), (4) or (5), which are set forth in proposed new N.J.A.C. 7:31-11.5, discussed below. The length of the grace period in days, if any, is indicated in the second proposed column, identified as "Grace Period."

Proposed new N.J.A.C. 7:31-11.5(a) and (b) identify whether a violation identified in Table III is considered a minor or non-minor violation. Proposed new N.J.A.C. 7:31-11.5(c) identifies the general criteria for a violation to be considered a minor violation. The statutory criteria of N.J.S.A. 13:1D-129, the Grace Period Law, were discussed earlier in the Summary. Proposed new N.J.A.C. 7:31-11.5(d)1 requires the Department or local government agency to issue a notice of violation to the person responsible for the violation. The notice must identify the violation, the statutory or other provision violated, and the length of the grace period. The notice is necessary in order that the person responsible may take advantage of the grace period.

If the person responsible demonstrates that he or she has corrected the violation within the applicable grace period, then proposed N.J.A.C. 7:31-11.5(d)2 provides that no penalty will be assessed for the violation. Moreover, the violation will not be considered an offense for purposes of determining whether the penalty is a second or a subsequent offense that is thereby subject to additional penalties set forth at N.J.A.C. 7:31-11.4(c), Table III.

The Department proposes new N.J.A.C. 7:31-11.5(d)3 in order that it can verify that the person responsible for a minor violation has taken appropriate measures to achieve compliance within the grace period. The responsible person must submit, in writing, information detailing the corrective action taken or compliance achieved. The information submitted must be certified by the qualified person or position (see definition at N.J.A.C. 7:31-1.5) in accordance with 40 C.F.R. 68.185, incorporated by reference at N.J.A.C. 7:31-7.1. The Department may perform an investigation to determine that the information submitted is accurate and that compliance has been achieved. Under proposed new N.J.A.C. 7:31-11.5(d)4, if a person responsible for a minor

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violation seeks additional time beyond the specified grace period to achieve compliance, the person responsible for the violation must submit a written request for an extension to the Department or local government agency at least one week prior to the expiration of the initial grace period, and explain why additional time is needed. The request must be certified in accordance with 40 C.F.R. 68.185, incorporated by reference at N.J.A.C. 7:31-7.1. The Department may, at its discretion, issue a written extension to the grace period specified in the notice of violation. No more than 90 additional days may be granted, in accordance with the statute. See N.J.S.A. 13:1D-127(b).

As set forth at proposed N.J.A.C. 7:31-11.5(d)4i through iv, in exercising its discretion to approve a request for an extension, the Department will consider whether the violator has taken reasonable measures to achieve compliance in a timely manner, whether the delay has been caused by circumstances beyond the control of the violator, whether the delay will pose a risk to the public health, safety and natural resources, and whether the delay will materially or substantially undermine or impair the goals of the regulatory program. A person responsible for a violation may submit no more than one extension request for a violation specified in a notice of violation. (See proposed N.J.A.C. 7:31-11.5(d)6).

If the person responsible for the violation fails to demonstrate to the Department or a local government agency that compliance has been achieved within the period of time specified in the notice of violation or any approved extension of the grace period, then under proposed new N.J.A.C. 7:31-11.5(d)5, the Department or a local government agency can impose a penalty retroactive to the date the notice of violation was first issued.

N.J.A.C. 7:31-11.4(d) through (g) establish the procedure for the assessment of civil administrative penalties for violations not listed in Table III. N.J.A.C. 7:31-11.4(e) provides that the Department may adjust the penalty amount determined pursuant to N.J.A.C. 7:31-11.4(d), by, among other things, comparing the violation to a similar violation listed in Table III and then

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assessing a comparable penalty. The Department proposes N.J.A.C. 7:31-11.4(d)2 to provide that, where a violation is comparable to a violation listed in Table III, the Department will ascertain whether the violation is eligible for grace period treatment based upon whether the comparable violation is a minor or non-minor violation (see proposed N.J.A.C. 7:31-11.4(d)2i). If the comparable violation is minor, then the violation at hand will also be minor and will be subject to the grace period rules at N.J.A.C. 7:31-11.5, discussed above.

If the violation is not comparable to a violation in Table III, proposed N.J.A.C. 7:31-11.4(d)2ii provides that the Department shall determine whether the violation is minor or non-minor, pursuant to the factors in proposed N.J.A.C. 7:31-11.4(d)2ii and the criteria set forth at N.J.A.C. 7:31-11.4(c)1 through 4. Minor violations would then be given a 30-day grace period, and may be subject to penalties pursuant to the procedures set forth in proposed N.J.A.C. 7:31-11.5.

Proposed N.J.A.C. 7:31-11.4(d)2iii provides that if the violation is comparable to a violation listed in Table III, and the comparable violation is non-minor, then the violation under this section is also non-minor and the penalty shall be assessed in the amount of the penalty for the comparable non-minor violation. Proposed N.J.A.C. 7:31-11.4(d)2iv provides that if the violation is not comparable to a violation in Table III, the penalty would be set in an amount not to exceed the amounts listed in proposed N.J.A.C. 7:31-11.4(d)1, as adjusted by the factors listed in existing N.J.A.C. 7:31-11.4(g). The Department also proposes to amend N.J.A.C. 7:31-11.4(g) to clarify that the factors listed therein may only be used to adjust the penalty for non-minor violations.

Proposed Amendments to Violations listed in Table III

Additional proposed amendments include updates of Table III to incorporate penalties for rule revisions to 40 C.F.R. Part 68 that were adopted by the U.S. Environmental Protection

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Agency and published in the April 9, 2004 Federal Register (see 69 Fed. Reg. 18819). The rule revisions are automatically incorporated by reference into N.J.A.C. 7:31 as provided by N.J.A.C. 7:31-1.4(a) through (g).

The violations numbered 446 through 450 and 469 through 596 in Table III have been renumbered to follow the sequential rule order due to insertion and deletion of various penalties that correspond to the revised provisions of 40 C.F.R. Part 68.

Additionally, the Department proposes to amend Table III violation 94 to reflect the amendment to 40 CFR 68.42 that now requires each owner or operator to report in the five-year accident history of the Risk Management Plan (RMP) the operational or process changes that resulted from investigation of an accidental release and that have been made by the time this information is submitted in accordance with 40 CFR 68.168.

The Department proposes amending violations 442, 446 and 447 of Table III to incorporate amendments to 40 CFR 68.150. As amended, 40 CFR 68.150 re-designates paragraphs (c) through (e) of this subsection as paragraphs (d) through (f), adds a new paragraph (c), and revises paragraph (a) and newly designated paragraph (d). The revised paragraph (a) requires that the RMP be submitted in a specified method and format as of the date of submission rather than prior to June 21, 1999 as previously specified. This revision is reflected in the proposed amendment at violation 442 of Table III. The new paragraph (c) requires owners or operators to submit a revised RMP to reflect the RMP rule changes by June 21, 2004. This revision is reflected in the proposed amendment at violation 446 of Table III. The newly designated paragraph (d) requires that RMPs be updated and corrected in accordance with 40 CFR 68.190 and 68.195. This revision is reflected in the proposed amendment at violation 447 of Table III.

Amendments to 40 CFR 68.155 remove paragraph (c) and re-designate paragraphs (d)

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through (g) as paragraphs (c) through (f). These revisions are reflected in the proposed amendment to violations 450 through 454 of Table III.

Amendments to 40 CFR 68.160 revise paragraphs (b)(5) and (b)(6), re-designate paragraphs (b)(14) through (b)(18) as paragraphs (b)(15) through (b)(19), and add new paragraphs (b)(14) and (b)(20). Paragraph (b)(5) now requires that the RMP registration include the name and title of the person or position with overall responsibility for RMP elements and implementation, and (optionally) the e-mail address for that person or position. This revision is reflected in the proposed amendment at violation 460 of Table III. Paragraph (b)(6) now requires that the RMP registration include the name, title, telephone number, 24-hour telephone number, and, as of June 21, 2004, the e-mail address (if an e-mail address exists) of the emergency contact. This revision is reflected in the proposed amendment at violation 461 of Table III. The new paragraph (b)(14) requires that the RMP registration include, as of June 21, 2004, the name, the mailing address, and the telephone number of the contractor who prepared the RMP (if any). This revision is reflected in the proposed amendment at violation 469 of Table III. The new paragraph (b)(20) requires that the RMP registration include, as of June 21, 2004, the type of and reason for any changes being made to a previously submitted RMP, which must be categorized as follows:

- (i) Updates and re-submissions required under 40 CFR 68.190(b);
- (ii) Corrections under 40 CFR 68.195, or for purposes of correcting minor clerical errors, updating administrative information, providing missing data elements or reflecting facility ownership changes, and which do not require an update and re-submission as specified in 40 CFR 68.190(b);
- (iii) De-registrations required under 40 CFR 68.190(c); and
- (iv) Withdrawals of an RMP for any facility that was erroneously considered subject to 40 CFR Part 68.

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These revisions are reflected in the proposed amendments at violation 470 of Table III.

Amendments to 40 CFR 68.190 revise paragraphs (a), (b)(1) and (c). Paragraph (a) now requires that updated RMPs be submitted in a method and format specified by EPA as of the date of submission, rather than prior to June 21, 1999, as was previously required in the rule. This revision is reflected in the proposed amendment to penalty item 539 of Table III. The revised paragraph (b)(1) clarifies the required timeline for making the complete five-year update of the RMP. This revision is reflected in the proposed amendment at violation 541 of Table III. Paragraph (c) has been amended to clarify that owners or operators of stationary sources no longer subject to 40 CFR 68 must submit a de-registration rather than a revised registration to EPA within six months indicating that the stationary source is no longer covered. This revision is reflected in the proposed amendment at violation 548 of Table III.

A new section 195 with paragraphs (a) and (b) was added to 40 CFR 68 subpart G. This section specifies instances in which required corrections to the RMP must be made. Paragraph (a) gives details for new accident history information that must be corrected. This revision is reflected in the proposed amendment at violation 549 of Table III. Paragraph (b) specifies that changes to emergency contact information must be corrected. This revision is reflected in the proposed amendment at violation 550 of Table III.

Finally, the Department proposes to correct several errors in the penalty amounts listed in Table III. The penalty amounts in Table III are calculated with a base penalty for a first offense. The penalty for the second offence is calculated as two and a half times the base penalty and the penalty for subsequent offences is calculated at five times the base penalty. Amendments to reflect the accurate penalty calculation are proposed at violation 14, subsequent offenses; item 19, subsequent offenses; violation 233, second offense; violation 349, first offense; violation 375, subsequent offenses; and violations 584 through 594, subsequent offenses.

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Social Impact

The proposed amendments and new rule will provide a positive social impact by helping encourage greater cooperation between the Department and the regulated community. By removing the threat of penalties for certain types of violations where compliance is achieved within the time specified, the proposed amendments and new rule will encourage the regulated community to take positive action toward achieving compliance.

Economic Impact

To the extent that the proposed amendments and new rule formally classify violations as minor for which the Department has not previously provided a grace period, the regulated community will realize an economic benefit. The person responsible for the violation will no longer be subject to immediate penalty, but instead will have between 30 and 120 days (if the initial grace period is extended) to achieve compliance, without being assessed a penalty.

The incorporation by reference of the amendments to Federal 40 C.F.R. Part 68 may result in additional instances of penalty assessment. The extent of the economic impact will depend primarily upon the nature of the violation, the violator's conduct and compliance history and the extent of any remedial or preventative measures that the violator has taken.

Environmental Impact

The TCPA rules have a positive environmental impact by protecting the public from catastrophic accidents from chemical releases of extraordinarily hazardous substances to the environment by anticipating the circumstances that could result in such releases and requiring precautionary and preemptive actions to prevent such releases. The penalty provisions provide a deterrent to those who would violate the regulatory requirements.

The proposed grace period amendments and new rule would allow a violator an opportunity to correct certain violations within the time provided and thereby avoid a penalty.

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The Department therefore anticipates that the proposed amendments and new rule will encourage the regulated community to correct certain types of violations in a timely manner. Prompt correction will reduce the potential risk these minor violations may have created and will, therefore, result in an additional positive environmental impact. This should also enable the Department to focus its enforcement efforts on more serious environmentally threatening violations.

Federal Standards Statement

N.J.S.A. 52:14b-1 et seq. (P.L. 1995, c. 65) and Executive Order No. 27 (1994) require State agencies that adopt, readopt, or amend any rule or regulation that exceeds any Federal standards or requirements to include in the rulemaking document a Federal Standards Analysis.

The proposed amendments and new rule contain no provision or standard that exceeds any standards or requirements imposed by Federal law. The proposed amendments include updates of Table III to incorporate penalties for rule revisions to 40 C.F.R. Part 68 that were adopted by the U.S. Environmental Protection Agency and published in the April 9, 2004 Federal Register (see 69 Fed. Reg. 18819). These rule revisions were automatically incorporated by reference into N.J.A.C. 7:31 as provided by N.J.A.C. 7:31-1.4(a) through (g).

Jobs Impact

The proposed amendments and new rule are not anticipated to have either a positive or a negative impact on jobs within the State. No facility will incur any costs unless it commits a violation that results in a penalty assessment.

Agriculture Industry Impact

In accordance with N.J.S.A. 4:1C-10.3, the Right to Farm Act, the Department has reviewed this proposal and has determined that the proposed amendments and new rule will have little or no impact upon the Agriculture Industry. If there is any effect at all upon members of

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the Agricultural Industry, it is anticipated that such effect will be to afford those members the same opportunity as others to correct certain types of violations in a manner as provided by the rule and thereby avoid a possible penalty assessment.

Regulatory Flexibility Analysis

In accordance with the New Jersey Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq., small businesses are defined as those that are independently owned and operated, not dominant in their field and which employ fewer than 100 full-time employees. The proposed amendments and new rule impose no reporting or recordkeeping requirements. Small businesses will incur the penalties established under these rules only if they are determined to be in violation of N.J.A.C. 7:31. The information submission requirements and deadline for requesting an adjudicatory hearing to contest a penalty apply to everyone to whom the Department issues a notice of penalty assessment. Requesters will incur the administrative costs of preparing and submitting the request, and may employ legal representation. Lesser requirements or exceptions, or grace periods, are not provided based upon business size in order to ensure that the enforcement of the TCPA rule is fair, efficient and effective.

Smart Growth Impact

Executive Order No. 4 (2002) requires State agencies that adopt, amend or repeal any rule adopted pursuant to Section 4(a) of the Administrative Procedure Act, to describe the impact of the proposed rule on the achievement of smart growth and implementation of the New Jersey State Development and Redevelopment Plan (State Plan). The Department has evaluated this rulemaking to determine the nature and extent of the proposed amendments' and rule's impact on smart growth and the implementation of the State Plan. The proposed amendments and new rules relate to the addition of a grace period for minor violations of the TCPA Program rules and include some violations that had not previously been included in the rules. They do not involve land use policies or infrastructure development and therefore do not impact the achievement of smart growth or implementation of the State Plan.

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Since the proposed amendments and new rule will encourage protection of the environment, the amendments and the rule support the conservation and environmental protection goals and policies underlying the State Plan.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

7:31-1.5 State definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

...

“Grace period” means the period of time afforded under N.J.S.A. 13:1D-125 et seq., commonly known as the Grace Period Law, for a person to correct a minor violation in order to avoid imposition of a penalty that would be otherwise applicable for such violation.

...

7:31-11.4 Civil administrative penalty determination

(a)-(b) (No change)

(c) The Department shall determine the amount of the civil administrative penalty for the offenses described in Table III below on the basis of the category of offense, [and] the frequency of the violation, **the type of violation as minor (M) or non-minor (NM), and the applicable grace period if the violation is minor,** as follows:

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TABLE III

Penalty in U.S. Dollars
By Offense Category

<u>Categories of Offense</u>	<u>Cite</u>	<u>First Offense</u>	<u>Second Offense</u>	<u>Subsequent Offenses</u>	<u>Type of Violation</u>	<u>Grace Period (days)</u>
1. Failure to comply with the requirements of 40 CFR 68 as incorporated at N.J.A.C. 7:31 by September [18]30, 2004 for covered processes with EHSs listed in Table I, Part D or by June 18, 2003 for covered processes with EHSs listed in N.J.A.C. 7:31-6.3 Table 1 Part A, B, or C.	40 CFR 68.10(a)(1), N.J.A.C. 7:31-1.1(c)3i and ii	2,000	4,000	10,000	<u>NM</u>	
2. Failure to comply with the requirements of 40 CFR 68 as incorporated at N.J.A.C. 7:31 within three years after the date on which a regulated substance is first listed at 40 CFR 68.130.	40 CFR 68.10(a)(2), N.J.A.C. 7:31-1.1(c)3i	2,000	4,000	10,000	<u>NM</u>	
3. Failure to comply with the requirements of 40 CFR 68 as incorporated at N.J.A.C. 7:31 no later than the date on which a regulated substance is first present at a threshold quantity in a process.	40 CFR 68.10(a)(3), N.J.A.C. 7:31-1.1(c)3i	2,000	4,000	10,000	<u>NM</u>	
4. Failure to comply with the requirements of 40 CFR 68 as incorporated at N.J.A.C. 7:31 for new covered processes in accordance with the requirements at N.J.A.C. 7:31-3.4 (for Program 2 covered processes) or N.J.A.C. 7:31-4.11 (for Program 3 covered processes).	40 CFR 68.10(a), N.J.A.C. 7:31-1.1(c)3iii	1,000	2,000	5,000	<u>NM</u>	
5. Failure to determine that a covered process is subject to Program 2 requirements when the process does not meet the eligibility requirements of Program 3.	40 CFR 68.10(c), N.J.A.C. 7:31-1.1(c)3iv	1,000	2,000	5,000	<u>M</u>	<u>30</u>
6. Failure to determine that a covered process in NAICS code 32211, 32411, 32511, 325181, 325188, 325192, 325199, 325211, 325311, or 32532 is subject to Program 3 requirements.	40 CFR 68.10(d)(1), N.J.A.C. 7:31-1.1(c)3v	2,000	4,000	10,000	<u>NM</u>	

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7. Failure to determine that a covered process subject to the OSHA process safety management standard, 29 CFR 1910.119, is subject to Program 3 requirements.	40 CFR 68.10(d)(2), N.J.A.C. 7:31-1.1(c)3v	2,000	4,000	10,000	<u>NM</u>	
8. Failure to comply with the requirements of a new Program level that applies to the process and update the RMP as provided in 40 CFR 68.190 as incorporated at N.J.A.C. 7:31-7.1(c) at the time the covered process no longer meets the eligibility criteria of its Program level.	40 CFR 68.10(e), N.J.A.C. 7:31-1.1(a)	2,000	4,000	10,000	<u>NM</u>	
9. Failure to submit a single RMP, as provided in 40 CFR 68.150 to 40 CFR 68.185(b) with changes specified at N.J.A.C. 7:31-7.1(c). or Failure to include in the RMP a registration that reflects all covered processes.	40 CFR 68.12(a), N.J.A.C. 7:31-1.1(c)4i	5,000	10,000	25,000	<u>NM</u>	
10. Failure to develop and implement a management system for a Program 2 covered process as provided in 40 CFR 68.15 with changes specified at N.J.A.C. 7:31-1.1(c)5 in addition to meeting the requirements of 40 CFR 68.12(a) as incorporated at N.J.A.C. 7:31-1.1(c)4.	40 CFR 68.12(c)(1), N.J.A.C. 7:31-1.1(c)4ii(1) and (2)	4,000	8,000	20,000	<u>NM</u>	
11. Failure to conduct a hazard assessment as provided in 40 CFR 68.20 through 68.42, incorporated with changes specified at N.J.A.C. 7:31-2.1(c)1 and 2 and N.J.A.C. 7:31-2.2 in addition to meeting the requirements of 40 CFR 68.12(a) as incorporated at N.J.A.C. <u>7:31-1.1(c)4</u> .	40 CFR 68.12(c)(2), N.J.A.C. 7:31-1.1(c)4ii(1) and (3)	6,000	12,000	30,000	<u>NM</u>	

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12. Failure to implement the Program 2 prevention steps provided in 40 CFR 68.48 through 40 CFR 68.60 incorporated with changes specified at N.J.A.C. 7:31-3.1(c)1 through 10 and N.J.A.C. 7:31-3.2 through 3.5 or implement the Program 3 prevention steps provided in 40 CFR 68.65 through 68.87, incorporated with changes specified at N.J.A.C. 7:31-4.1(c)1 through 23 and N.J.A.C. 7:31-4.2 through 4.11, in addition to meeting the requirements of 40 CFR 68.12(a) incorporated at N.J.A.C. 7:31-1.1(c)4.	40 CFR 68.12(c)(3), N.J.A.C. 7:31-1.1(c)4ii(1) and (4)	1,000	2,000	5,000	<u>NM</u>	
13. Failure to develop and implement an emergency response program as provided in 40 CFR 68.90 to 68.95 incorporated with changes specified at N.J.A.C. 7:31-5.1(c)1 through 4 and N.J.A.C. 7:31-5.2 in addition to meeting the requirements of 40 CFR 68.12(a) incorporated at N.J.A.C. 7:31-1.1(c)4.	40 CFR 68.12(c)(4), N.J.A.C. 7:31-1.1(c)4ii(1) and (5)	4,000	8,000	20,000	<u>NM</u>	
14. Failure to submit as part of the RMP the data on prevention program elements for Program 2 processes as provided in 40 CFR 68.170 as incorporated at N.J.A.C. 7:31-7.1(a) in addition to meeting the requirements of 40 CFR 68.12(a) as incorporated at N.J.A.C. 7:31-1.1(c)4.	40 CFR 68.12(c)(5), N.J.A.C. 7:31-1.1(c)4ii(1) and (5)	500	1,000	[2,000] <u>2,500</u>	<u>NM</u>	
15. Failure to develop and implement a management system for a Program 3 covered process as provided in 40 CFR 68.15 with changes specified at N.J.A.C. 7:31-1.1(c)5 in addition to meeting the requirements of 40 CFR 68.12(a) as incorporated at N.J.A.C. 7:31-1.1(c)4.	40 CFR 68.12(d)(1), N.J.A.C. 7:31-1.1(c)4iii(1) and (2)	4,000	8,000	20,000	<u>NM</u>	
16. Failure to conduct a hazard assessment as provided in 40 CFR 68.20 through 68.42 with changes specified at N.J.A.C. 7:31-2.1(c)1 and 2 and N.J.A.C. 7:31-2.2 in addition to meeting the requirements of 40 CFR 68.12(a) as incorporated at N.J.A.C. 7:31-1.1(c)4.	40 CFR 68.12(d)(2), N.J.A.C. 7:31-1.1(c)4iii(1) and (3)	6,000	12,000	30,000	<u>NM</u>	

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17. Failure to implement the prevention requirements of 40 CFR 68.65 through 68.87 with changes specified at N.J.A.C. 7:31-4.1(c)1 through 24 and N.J.A.C. 7:31-4.2 through 4.11 in addition to meeting the requirements of 40 CFR 68.12(a) as incorporated at N.J.A.C. 7:31-1.1(c)4.	40 CFR 68.12(d)(3), N.J.A.C. 7:31-1.1(c)4iii(1) and (4)	1,000	2,000	5,000	<u>NM</u>	
18. Failure to develop and implement an emergency response program as provided in 40 CFR 68.90 to 68.95 incorporated with changes specified at N.J.A.C. 7:31-5.1(c)1 through 4 and N.J.A.C. 7:31-5.2 in addition to meeting the requirements of 40 CFR 68.12(a) as incorporated at N.J.A.C. 7:31-1.1(c)4.	40 CFR 68.12(d)(4), N.J.A.C. 7:31-1.1(c)4iii(1) and (5)	4,000	8,000	20,000	<u>NM</u>	
19. Failure to submit as part of the RMP the data on prevention program elements for Program 3 processes as provided in 40 CFR 68.175 as incorporated at N.J.A.C. 7:31-7.1(a) in addition to meeting the requirements of 40 CFR 68.12(a) as incorporated at N.J.A.C. 7:31-1.1(c)4.	40 CFR 68.12(d)(5), N.J.A.C. 7:31-1.1(c)4iii(1)	500	1,000	[2,000] <u>2,500</u>	<u>NM</u>	
20. Failure to develop a management system to oversee the implementation of the risk management program elements for Program 2 and Program 3 covered processes.	40 CFR 68.15(a), N.J.A.C. 7:31-1.1(a)	4,000	8,000	20,000	<u>NM</u>	
21. Failure to assign a qualified person or position that has the overall responsibility for the development, implementation, and integration of the risk management program elements.	40 CFR 68.15(b), N.J.A.C. 7:31-1.1(a)	1,000	2,000	5,000	<u>NM</u>	
22. Failure to document the names or positions of the people who have been assigned responsibility for implementing individual requirements of 40 CFR 68 incorporated at N.J.A.C 7:31 and define the lines of authority through an organization chart or similar document.	40 CFR 68.15(c), N.J.A.C. 7:31-1.1(a)	1,000	2,000	5,000	<u>M</u>	<u>30</u>

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23. Failure to include in the management system a documentation plan which: (1) provides a means of identifying all documentation required by this chapter; and (2) describes how the owner or operator of a covered process will store, maintain and update all documentation required by this chapter.	40 CFR 68.15, N.J.A.C. 7:31-1.1(c)5i	2,000	4,000	10,000	<u>NM</u>	
24. Failure to provide in the management system a means for recording the daily quantity of each extraordinarily hazardous substance (EHS) contained in storage vessels and shipping containers.	40 CFR 68.15, N.J.A.C. 7:31-1.1(c)5ii	2,000	4,000	10,000	<u>NM</u>	
25. Failure to handle, use, manufacture generate or store an EHS in a manner which complies with the TCPA, N.J.A.C. 7:31 and/or the approved risk management program.	N.J.A.C. 7:31-1.9(a)	2,000	4,000	10,000	<u>NM</u>	
26. Failure to pay an annual fee to the Department computed in accordance with N.J.A.C. 7:31-1.11A(b), (c) and (i) through (m), and billed and remitted in accordance with N.J.A.C. 7:31-1.11(f) through (h).	N.J.A.C. 7:31-1.11A(a)	one-third of fee	one-third of fee + 1,000	one-third of fee + 2,000	<u>M</u>	<u>30</u>
27. Failure to authorize the insurance carrier to release information within 30 days from the written request of the Department. or Failure to require the insurance company to forward to the Department the requested information within 30 days of the receipt of the authorization to do so from the owner or operator.	N.J.A.C. 7:31-1.12(d)	2,000	4,000	10,000	<u>NM</u>	
28. Failure to prepare a worst-case release scenario analysis as provided in 40 CFR 68.25 incorporated at N.J.A.C. 7:31-2.1(a) and to complete the five-year accident history as provided in 40 CFR 68.42 incorporated at N.J.A.C. 7:31-2.1(a).	40 CFR 68.20, N.J.A.C. 7:31-2.1(c)1	2,000	4,000	10,000	<u>NM</u>	

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29. Failure to use the toxic endpoints provided in Appendix A of 40 CFR 68 for analyses of offsite consequences for toxic substances. or Failure to use the toxic endpoints determined by the Department in accordance with the criteria used by USEPA in developing 40 CFR 68 Appendix A for Table 1 Part A toxic substances not listed in Appendix A.	40 CFR 68.22(a)(1), N.J.A.C. 7:31-2.1(c)2	500	1,000	2,500	<u>NM</u>	
30. Failure to use the endpoint of 1 psi for explosion for analyses of offsite consequences for flammable substances.	40 CFR 68.22(a)(2)(i), N.J.A.C. 7:31-2.1(a)	500	1,000	2,500	<u>NM</u>	
31. Failure to use the endpoint of a radiant heat of 5 kw/m for 40 seconds for radiant heat/exposure time for analyses of offsite consequences for flammable substances.	40 CFR 68.22(a)(2)(ii), N.J.A.C. 7:31-2.1(a)	500	1,000	2,500	<u>NM</u>	
32. Failure to use the endpoint of a lower flammability limit as provided in NFPA documents or other generally recognized sources for lower flammability limit for analyses of offsite consequences for flammable substances.	40 CFR 68.22(a)(2)(iii), N.J.A.C. 7:31-2.1(a)	500	1,000	5,000	<u>NM</u>	
33. Failure to use a wind speed of 1.5 meters per second and F atmospheric stability class for the worst-case release analysis. Failure to demonstrate that local meteorological data applicable to the stationary source show a higher minimum wind speed or less stable atmosphere at all times during the previous three years when using these minimums.	40 CFR 68.22(b), N.J.A.C. 7:31-2.1(a)	500	1,000	2,500	<u>NM</u>	
34. Failure to use the highest daily maximum temperature in the previous three years and average humidity for the site, based on temperature/humidity data gathered at the stationary source or at a local meteorological station for worst-case release analysis of a regulated toxic substance.	40 CFR 68.22(c), N.J.A.C. 7:31-2.1(a)	500	1,000	2,500	<u>NM</u>	

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35. Failure to analyze the worst-case release of a regulated toxic substance assuming a ground level (0 feet) release. or Failure to use the correct release height as determined by the release scenario for an alternative scenario analysis of a regulated toxic substance.	40 CFR 68.22(d), N.J.A.C. 7:31-2.1(a)	500	1,000	2,500	<u>NM</u>	
36. Failure to use either urban or rural topography, as appropriate.	40 CFR 68.22(e), N.J.A.C. 7:31-2.1(a)	500	1,000	2,500	<u>NM</u>	
37. Failure to ensure that tables or models used for dispersion analysis of regulated toxic substances appropriately account for gas density.	40 CFR 68.22(f), N.J.A.C. 7:31-2.1(a)	500	1,000	2,500	<u>NM</u>	
38. Failure to consider liquids other than gases, liquefied only by refrigeration, to be released at the highest daily maximum temperature, based on data for the previous three years appropriate for the stationary source, or at process temperature, whichever is higher, for worst case. or Failure to consider substances to be released at a process or ambient temperature that is appropriate for the scenario for alternative scenarios.	40 CFR 68.22(g), N.J.A.C. 7:31-2.1(a)	500	1,000	2,500	<u>NM</u>	
39. Failure to analyze and report in the RMP for Program 2 and/or 3 processes one worst-case release scenario that is estimated to create the greatest distance in any direction to an endpoint provided in Appendix A of 40 CFR 68 resulting from an accidental release of regulated toxic substances from covered processes under worst-case conditions defined in 40 CFR 68.22 incorporated at N.J.A.C. 7:31-2.1(c).	40 CFR 68.25(a)(2)(i), N.J.A.C. 7:31-2.1(a)	4,000	8,000	20,000	<u>NM</u>	

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40. Failure to analyze and report in the RMP for Program 2 and/or 3 processes one worst-case release scenario that is estimated to create the greatest distance in any direction to an endpoint defined in 40 CFR 68.22(a) incorporated at N.J.A.C. 7:31-2.1(c) resulting from an accidental release of regulated flammable substances from covered processes under worst-case conditions defined in 40 CFR 68.22 incorporated at N.J.A.C. 7:31-2.1(c).	40 CFR 68.25(a)(2)(ii), N.J.A.C. 7:31-2.1(a)	4,000	8,000	20,000	<u>NM</u>	
41. Failure to analyze and report in the RMP for Program 2 and/or 3 processes additional worst-case release scenarios for a hazard class if a worst-case release from another covered process at the stationary source potentially affects public receptors different from those potentially affected by the worst-case release scenario developed under paragraphs 40 CFR 68.25(a)(2)(i) or (a)(2)(ii) incorporated at N.J.A.C.7:31-2.1(a).	40 CFR 68.25(a)(2)(iii), N.J.A.C. 7:31-2.1(a)	4,000	8,000	20,000	<u>NM</u>	
42. Failure to use the worst-case release quantity which was the greater of the following: (1) For substances in a vessel, the greatest amount held in a single vessel, taking into account administrative controls that limit the maximum quantity; or (2) For substances in pipes, the greatest amount in a pipe, taking into account administrative controls that limit the maximum quantity.	40 CFR 68.25(b)(1) or (2), N.J.A.C. 7:31-2.1(a)	4,000	8,000	20,000	<u>NM</u>	

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43. Failure to assume that the quantity in the vessel or pipe, as determined under 40 CFR 68.25(b), incorporated at N.J.A.C. 7:31-2.1(a) is released as a gas over 10 minutes in the worst case release scenario for regulated toxic substances that are normally gases at ambient temperature and handled as a gas or as a liquid under pressure. or Failure to assume the release rate to be the total quantity divided by 10 unless passive mitigation systems are in place.	40 CFR 68.25(c)(1), N.J.A.C. 7:31-2.1(a)	4,000	8,000	20,000	<u>NM</u>	
44. Failure to assume that the substance is released as a gas in 10 minutes for a released substance that is not contained by passive mitigation systems or that is in a contained pool that has a depth of 1 cm or less in the worst case release scenario for gases handled as refrigerated liquids at ambient pressure.	40 CFR 68.25(c)(2)(i), N.J.A.C. 7:31-2.1(a)	4,000	8,000	20,000	<u>NM</u>	
45. Failure to calculate the volatilization rate (release rate) at the boiling point of the substance and at the conditions specified in 40 CFR 68.25(d) incorporated at N.J.A.C. 7:31-2.1(a).	40 CFR 68.25(c)(2)(ii), N.J.A.C. 7:31-2.1(a)	2,000	4,000	10,000	<u>NM</u>	
46. Failure to assume that the quantity in the vessel or pipe, as determined under 40 CFR 68.25(b), incorporated at N.J.A.C. 7:31-2.1(a), is spilled instantaneously to form a liquid pool in the worst case release scenario for regulated toxic substances that are normally liquids at ambient temperature.	40 CFR 68.25(d)(1), N.J.A.C. 7:31-2.1(a)	2,000	4,000	10,000	<u>NM</u>	

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47. Failure to determine the surface area of the pool by assuming that the liquid spreads to one centimeter deep unless passive mitigation systems are in place that serve to contain the spill and limit the surface area in the worst case release scenario for regulated toxic substances that are normally liquids at ambient temperature. Failure to use the surface area of the contained liquid to calculate the volatilization rate where passive mitigation is in place.	40 CFR 68.25(d)(1)(i), N.J.A.C. 7:31-2.1(a)	2,000	4,000	10,000	<u>NM</u>	
48. Failure to take into account the actual surface characteristics where a release would occur onto a surface that is not paved or smooth in the worst case release scenario for regulated toxic substances that are normally liquids at ambient temperature.	40 CFR 68.25(d)(1)(ii), N.J.A.C. 7:31-2.1(a)	2,000	4,000	10,000	<u>NM</u>	
49. Failure to account for: (1) the highest daily maximum temperature occurring in the past three years, (2) the temperature of the substance in the vessel, or (3) the concentration of the substance for a liquid spilled as a mixture or solution, to calculate the volatilization rate in the worst case release scenario for regulated toxic substances that are normally liquids at ambient temperature.	40 CFR 68.25(d)(2), N.J.A.C. 7:31-2.1(a)	2,000	4,000	10,000	<u>NM</u>	

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50. Failure to determine the rate of release to air from the volatilization rate of the liquid pool in the worst case release scenario for regulated toxic substances that are normally liquids at ambient temperature. or Failure to use the methodology in the RMP Offsite Consequence Analysis Guidance or any other publicly available techniques that account for the modeling conditions and are recognized by industry as applicable as part of current practices. or Failure to allow the implementing agency access to the model and to describe model features and differences from publicly available models to local emergency planners upon request when using a proprietary model that accounts for the modeling conditions,	40 CFR 68.25(d)(3), N.J.A.C. 7:31-2.1(a)	2,000	4,000	10,000	<u>NM</u>	
51. Failure to assume that the quantity of the substance, as determined under 40 CFR 68.25(b) through (i), incorporated at N.J.A.C. 7:31-2.1(a) vaporizes resulting in a vapor cloud explosion in the worst-case release scenario for flammable gases. or Failure to use a yield factor of 10 percent of the available energy released in the explosion to determine the distance to the explosion endpoint when the model used is based on TNT equivalent methods.	40 CFR 68.25(e), N.J.A.C. 7:31-2.1(a)	2,000	4,000	10,000	<u>NM</u>	
52. Failure to assume that the total quantity in the vessel or pipe, as determined under 40 CFR 68.25(b), incorporated at N.J.A.C. 7:31-2.1(a), is released as a gas over 10 minutes in the worst-case release scenario for flammable gases, for regulated flammable substances that are normally gases at ambient temperature and handled as a gas, or as a liquid under pressure, and is involved in the vapor cloud explosion.	40 CFR 68.25(e)(1), N.J.A.C. 7:31-2.1(a)	2,000	4,000	10,000	<u>NM</u>	

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53. Failure to assume that the total quantity of the substance is released as a gas in 10 minutes, and the total quantity will be involved in the vapor cloud explosion for a released substance that is not contained by passive mitigation systems or for a contained pool that has a depth of one centimeter or less in the worst-case release scenario for flammable gases handled as refrigerated liquids at ambient pressure.	40 CFR 68.25(e)(2)(i), N.J.A.C. 7:31-2.1(a)	2,000	4,000	10,000	<u>NM</u>	
54. Failure to assume that the quantity in the vessel or pipe, as determined under 40 CFR 68.25(b), incorporated at N.J.A.C. 7:31-2.1(a), is spilled instantaneously to form a liquid pool in the worst-case release scenario, for a flammable gas handled as a refrigerated liquid at ambient pressure that is contained by passive mitigation systems in a pool with a depth greater than 1 centimeter. or Failure to calculate the volatilization rate (release rate) at the boiling point of the substance and at the conditions specified in 40 CFR 68.25(d) incorporated at N.J.A.C. 7:31-2.1(a). or Failure to assume that the quantity which becomes vapor in the first 10 minutes is involved in the vapor cloud explosion.	40 CFR 68.25(e)(2)(ii), N.J.A.C. 7:31-2.1(a)	2,000	4,000	10,000	<u>NM</u>	
55. Failure to assume that the quantity of the substance, as determined under 40 CFR 68.25(b) and (g) through (i), incorporated at N.J.A.C. 7:31-2.1(a), vaporizes resulting in a vapor cloud explosion, for the worst-case release scenario for flammable liquids. or Failure to use a yield factor of 10 percent of the available energy released in the explosion to determine the worst case release scenario distance to the explosion endpoint for a model used that is based on TNT equivalent methods.	40 CFR 68.25(f), N.J.A.C. 7:31-2.1(a)	2,000	4,000	10,000	<u>NM</u>	

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56. Failure to assume that the entire quantity in the vessel or pipe, as determined under 40 CFR 68.25(b), incorporated at N.J.A.C. 7:31-2.1(a), is spilled instantaneously to form a liquid pool in the worst-case release scenario for regulated flammable substances that are normally liquids at ambient temperature. or Failure to calculate the volatilization rate at the conditions specified in 40 CFR 68.25(d) incorporated at N.J.A.C. 7:31-2.1(a) for liquids at temperatures below their atmospheric boiling point.	40 CFR 68.25(f)(1), N.J.A.C. 7:31-2.1(a)	2,000	4,000	[120,000] <u>10,000</u>	<u>NM</u>	
57. Failure to assume that the quantity which becomes vapor in the first 10 minutes is involved in the vapor cloud explosion in the worst-case release scenario for flammable liquids.	40 CFR 68.25(f)(2), N.J.A.C. 7:31-2.1(a)	2,000	4,000	10,000	<u>NM</u>	
58. Failure to use the parameters defined in 40 CFR 68.22 incorporated at N.J.A.C. at 7:31-2.1(c), to determine distance to the endpoints. or Failure to use the methodology provided in the RMP Offsite Consequence Analysis Guidance or any commercially or publicly available air dispersion modeling techniques that account for the modeling conditions and are recognized by industry as applicable as part of current practices. or Failure to allow the implementing agency access to the model and to describe model features and differences from publicly available models to local emergency planners upon request, when using a proprietary model that accounts for the modeling conditions.	40 CFR 68.25(g), N.J.A.C. 7:31-2.1(a)	2,000	4,000	10,000	<u>NM</u>	

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59. Failure to perform an accurate worst case scenario analysis by considering a passive mitigation system that is not capable of withstanding the release event triggering the scenario and which would function as intended.	40 CFR 68.25(h), N.J.A.C. 7:31-2.1(a)	2,000	4,000	10,000	<u>NM</u>	
60. Failure to select a worst case scenario for flammable regulated substances or regulated toxic substances based on smaller quantities handled at a higher process temperature or pressure that would result in a greater distance to an endpoint defined in 40 CFR 68.22(a) incorporated at N.J.A.C. 7:31-2.1(c), beyond the stationary source boundary than the scenario provided under 40 CFR 68.25(b) incorporated at N.J.A.C. 7:31-2.1(a).	40 CFR 68.25(i)(1), N.J.A.C. 7:31-2.1(a)	2,000	4,000	10,000	<u>NM</u>	
61. Failure to select a worst case scenario for flammable regulated substances or regulated toxic substances based on proximity to the boundary of the stationary source that would result in a greater distance to an endpoint defined in 40 CFR 68.22(a) incorporated at N.J.A.C. 7:31-2.1(c), beyond the stationary source boundary than the scenario provided under 40 CFR 68.25(b) incorporated at N.J.A.C. 7:31-2.1(a).	40 CFR 68.25(i)(2), N.J.A.C. 7:31-2.1(a)	2,000	4,000	10,000	<u>NM</u>	
62. Failure to identify and analyze at least one alternative release scenario for each regulated toxic substance held in a covered process(es) and at least one alternative release scenario to represent all flammable substances held in a covered process(es).	40 CFR 68.28(a), N.J.A.C. 7:31-2.1(a)	4,000	8,000	20,000	<u>NM</u>	
63. Failure to select a scenario that is more likely to occur than the worst-case release scenario under 40 CFR 68.25 incorporated at N.J.A.C. 7:31.2.1(a), for each alternative release scenario required under 40 CFR 68.28(a) incorporated at N.J.A.C. 7:31-2.1(a).	40 CFR 68.28(b)(1)(i), N.J.A.C. 7:31-2.1(a)	4,000	8,000	20,000	<u>NM</u>	

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64. Failure to select a scenario that will reach an endpoint offsite for an alternative release scenario required under 40 CFR 68.28(a) incorporated at N.J.A.C. 7:31-2.1(a).	40 CFR 68.28(b)(1)(ii), N.J.A.C. 7:31-2.1(a)	4,000	8,000	20,000	<u>NM</u>	
65. Failure to consider alternative release scenarios such as those listed at 40 CFR 68.28(b)(2)(i-v) incorporated at N.J.A.C. 7:31-2.1.	40 CFR 68.28(b)(2)(i) through (v), N.J.A.C. 7:31-2.1(a)	4,000	8,000	20,000	<u>NM</u>	
66. Failure to use the appropriate parameters defined in 40 CFR 68.22 incorporated at N.J.A.C. 7:31-2.1(c) to determine distance to the endpoints in the analysis of alternative release scenarios. or Failure to use the methodology provided in the RMP Offsite Consequence Analysis Guidance or a commercially or publicly available air dispersion modeling technique that accounts for the specified modeling conditions and is recognized by industry as applicable as part of current practices. or Failure to allow the implementing agency access to a proprietary model that accounts for the modeling conditions and to describe model features and differences from publicly available models to local emergency planners upon request.	40 CFR 68.28(c), N.J.A.C. 7:31-2.1(a)	2,000	4,000	10,000	<u>NM</u>	
67. Failure to perform an accurate alternative release scenario analysis by considering active and passive mitigation systems that are not capable of withstanding the event that triggered the release or that are not functional.	40 CFR 68.28(d), N.J.A.C. 7:31-2.1(a)	2,000	4,000	10,000	<u>NM</u>	
68. Failure to consider the five-year accident history provided in 40 CFR 68.42 incorporated at N.J.A.C. 7:31-2.1(a) in selecting alternative release scenarios.	40 CFR 68.28(e)(1), N.J.A.C. 7:31-2.1(a)	4,000	8,000	20,000	<u>NM</u>	

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69. Failure to consider the failure scenarios identified under 40 CFR 68.50 incorporated at N.J.A.C. 7:31-3.1(c) or 40 CFR 68.67 incorporated at N.J.A.C. 7:31-4.1(c) in selecting alternative release scenarios.	40 CFR 68.28(e)(2), N.J.A.C. 7:31-2.1(a)	4,000	8,000	20,000	<u>NM</u>	
70. Failure to estimate in the RMP the population within a circle with its center at the point of the release and a radius determined by the distance to the endpoint defined in 40 CFR 68.22(a) incorporated at N.J.A.C. 7:31-2.1(c).	40 CFR 68.30(a), N.J.A.C. 7:31-2.1(a)	500	1,000	2,500	<u>NM</u>	
71. Failure to include residential population in the population estimate. or Failure to note the presence of institutions (schools, hospitals, prisons), parks and recreational areas, and major commercial, office, and industrial buildings in the RMP.	40 CFR 68.30(b), N.J.A.C. 7:31-2.1(a)	500	1,000	2,500	<u>NM</u>	
72. Failure to use the most recent Census data or other updated information to estimate the population potentially affected.	40 CFR 68.30(c), N.J.A.C. 7:31-2.1(a)	500	1,000	2,500	<u>NM</u>	
73. Failure to estimate population to two significant digits.	40 CFR 68.30(d), N.J.A.C. 7:31-2.1(a)	500	1,000	2,500	<u>NM</u>	
74. Failure to list in the RMP environmental receptors within a circle with its center at the point of the release and a radius determined by the distance to the endpoint defined in 40 CFR 68.22(a) incorporated at N.J.A.C. 7:31-2.1(c).	40 CFR 68.33(a), N.J.A.C. 7:31-2.1(a)	500	1,000	2,500	<u>NM</u>	
75. Failure to rely on information provided on local U.S. Geological Survey maps or on any data source containing U.S.G.S. data to identify environmental receptors.	40 CFR 68.33(b), N.J.A.C. 7:31-2.1(a)	500	1,000	2,500	<u>M</u>	<u>30</u>
76. Failure to review and update the offsite consequence analyses at least once every five years.	40 CFR 68.36(a), N.J.A.C. 7:31-2.1(a)	2,000	4,000	10,000	<u>NM</u>	

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77. Failure to complete a revised analysis within six months of a change in processes, quantities stored or handled, or any other aspect of the stationary source that might reasonably be expected to increase or decrease the distance to the endpoint by a factor of two or more and to submit a revised risk management plan as provided in 40 CFR 68.190 as incorporated at N.J.A.C. 7:31-7.1(c).	40 CFR 68.36(b), N.J.A.C. 7:31-2.1(a)	2,000	4,000	10,000	<u>NM</u>	
78. Failure to maintain records for the worst-case scenarios of the offsite consequence analyses that include a description of the vessel or pipeline and substance selected as worst case, assumptions and parameters used, and the rationale for selection. or Failure to describe for the worst case scenarios the use of administrative controls and passive mitigation that were assumed to limit the quantity that could be released. or Failure to include in the documentation of the worst case scenarios the anticipated effect of the controls and mitigation on the release quantity and rate.	40 CFR 68.39(a), N.J.A.C. 7:31-2.1(a)	2,000	4,000	10,000	<u>NM</u>	
79. Failure to maintain the records for alternative release scenarios of the offsite consequence analyses that include a description of the scenarios identified, assumptions and parameters used, and the rationale for the selection of specific scenarios. or Failure to include for the alternate release scenarios correct assumptions on the use of administrative controls and mitigations that were assumed to limit the quantity that could be released. or Failure to include in the documentation of scenario the effect of the controls and mitigation on the release quantity and rate.	40 CFR 68.39(b), N.J.A.C. 7:31-2.1(a)	2,000	4,000	10,000	<u>NM</u>	

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80. Failure to maintain records on the offsite consequence analyses that include the documentation of estimated quantity released, release rate, and duration of release for offsite consequence analyses.	40 CFR 68.39(c), N.J.A.C. 7:31-2.1(a)	2,000	4,000	10,000	<u>NM</u>	
81. Failure to maintain records on the offsite consequence analyses that include the methodology used to determine distance to endpoints for offsite consequence analyses.	40 CFR 68.39(d), N.J.A.C. 7:31-2.1(a)	2,000	4,000	10,000	<u>NM</u>	
82. Failure to maintain records on the offsite consequence analyses that include data used to estimate population and environmental receptors potentially affected for offsite consequence analyses.	40 CFR 68.39(e), N.J.A.C. 7:31-2.1(a)	2,000	4,000	10,000	<u>NM</u>	
83. Failure to include in the five-year accident history all accidental releases from covered processes that resulted in deaths, injuries, or significant property damage on site, or known offsite deaths, injuries, evacuations, sheltering in place, property damage, or environmental damage.	40 CFR 68.42(a), N.J.A.C. 7:31-2.1(a)	1,000	2,000	5,000	<u>NM</u>	
84. Failure to report the date, time, and approximate duration of the release for each accidental release included in the five-year accident history.	40 CFR 68.42(b)(1), N.J.A.C. 7:31-2.1(a)	500	1,000	2,500	<u>M</u>	<u>30</u>
85. Failure to report the chemical(s) released for each accidental release included in the five-year accident history.	40 CFR 68.42(b)(2), N.J.A.C. 7:31-2.1(a)	500	1,000	2,500	<u>M</u>	<u>30</u>
86. Failure to report the estimated quantity released in pounds for each accidental release included in the five-year accident history.	40 CFR 68.42(b)(3), N.J.A.C. 7:31-2.1(a)	1,000	2,000	5,000	<u>M</u>	<u>30</u>
87. Failure to report the five- or six-digit NAICS code that most closely corresponds to the process for each accidental release included in the five-year accident history.	40 CFR 68.42(b)(4), N.J.A.C. 7:31-2.1(a)	500	1,000	2,500	<u>M</u>	<u>30</u>

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88. Failure to report the type of release event and its source for each accidental release included in the five-year accident history.	40 CFR 68.42(b)(5), N.J.A.C. 7:31-2.1(a)	1,000	2,000	5,000	<u>M</u>	<u>30</u>
89. Failure to report known weather conditions for each accidental release included in the five-year accident history.	40 CFR 68.42(b)(6), N.J.A.C. 7:31-2.1(a)	500	1,000	2,500	<u>M</u>	<u>30</u>
90. Failure to report the on-site impacts for each accidental release included in the five-year accident history.	40 CFR 68.42(b)(7), N.J.A.C. 7:31-2.1(a)	1,000	2,000	5,000	<u>M</u>	<u>30</u>
91. Failure to report the known offsite impacts for each accidental release included in the five-year accident history.	40 CFR 68.42(b)(8), N.J.A.C. 7:31-2.1(a)	1,000	2,000	5,000	<u>M</u>	<u>30</u>
92. Failure to report the known initiating event and contributing factors for each accidental release included in the five-year accident history.	40 CFR 68.42(b)(9), N.J.A.C. 7:31-2.1(a)	1,000	2,000	5,000	<u>M</u>	<u>30</u>
93. Failure to report whether offsite responders were notified when known for each accidental release included in the five-year accident history.	40 CFR 68.42(b)(10), N.J.A.C. 7:31-2.1(a)	500	1,000	2,500	<u>M</u>	<u>30</u>
94. Failure to report the operational or process changes that resulted from investigation of the release for each accidental release included in the five-year accident history <u>and that have been made by the time this information is submitted in accordance with 40 CFR 68.168.</u>	40 CFR 68.42(b)(11), N.J.A.C. 7:31-2.1(a)	500	1,000	2,500	<u>M</u>	<u>30</u>
95. Failure to provide numerical estimates of at least two significant digits of the quantity of regulated substance released in the five-year accident history.	40 CFR 68.42(c), N.J.A.C. 7:31-2.1(a)	1,000	2,000	5,000	<u>M</u>	<u>30</u>
96. Failure to document a hazard assessment for a covered process in which an RHS or RHS Mixture is used, handled, or stored in accordance with 40 CFR 68 Subpart B as incorporated with changes at N.J.A.C. 7:31-2.1(c)1 and 2 and N.J.A.C. 7:31-2.2.	N.J.A.C. 7:31-2.2(a)	1,000	2,000	5,000	<u>NM</u>	

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97. Failure to consider the explosive flammability hazard of an RHS in the hazard assessment.	N.J.A.C. 7:31-2.2(a)1	500	1,000	2,500	<u>NM</u>	
98. Failure to report in the RMP the one worst-case scenario that is estimated to create the greatest distance in any direction to the endpoint for stationary sources that have multiple RHSs or RHS Mixtures in covered process(es). or Failure to report in the RMP additional worst-case release scenarios for stationary sources that have multiple RHSs or RHS Mixtures in covered process(es) if a worst-case release from another covered process at the stationary source potentially affects public receptors different from those potentially affected by the worst-case scenario with the greatest endpoint distance.	N.J.A.C. 7:31-2.2(a)2	4,000	8,000	20,000	<u>NM</u>	
99. Failure to identify, analyze, and report in the hazard assessment at least one alternative release scenario to represent all RHSs or RHS Mixtures held in covered processes.	N.J.A.C. 7:31-2.2(a)3	4,000	8,000	20,000	<u>NM</u>	
100. Failure to report in the RMP the RHS hazard assessment results in the RMP Offsite Consequence Analysis sections for flammable substances.	N.J.A.C. 7:31-2.2(a)4	2,000	4,000	10,000	<u>NM</u>	
101. Failure to use the endpoints for flammables listed at 40 CFR 68.22(a)(2) as the endpoint parameter for the RHS hazard assessment.	N.J.A.C. 7:31-2.2(b)1	500	1,000	2,500	<u>NM</u>	
102. Failure to use the maximum capacity of the largest process vessel containing an RHS or RHS mixture, not taking into account administrative controls that limit the maximum quantity, as the worst case release quantity for the RHS hazard assessment.	N.J.A.C. 7:31-2.2(b)2	4,000	8,000	20,000	<u>NM</u>	

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103. Failure to use a TNT-equivalent explosion method or any commercially or publicly available explosion modeling techniques, provided the techniques account for the modeling conditions and are recognized by industry as applicable as part of current practices, for the RHS hazard assessment.	N.J.A.C. 7:31-2.2(b)3	4,000	8,000	20,000	<u>NM</u>	
104. Failure to use the heat of reaction of the RHS or RHS Mixture when using a TNT-equivalent explosion method for the RHS hazard assessment.	N.J.A.C. 7:31-2.2(b)3i	4,000	8,000	20,000	<u>NM</u>	
105. Failure to use 100 percent of the potential heat release (heat of reaction) assumed to contribute to the explosion for an RHS Mixture in a process vessel when using a TNT-equivalent explosion method for the RHS hazard assessment.	N.J.A.C. 7:31-2.2(b)3ii	4,000	8,000	20,000	<u>NM</u>	
106. Failure to use 28 percent of the potential heat release (heat of reaction) assumed to contribute to the explosion for an RHS Mixture in a process vessel when using a TNT-equivalent explosion method for the RHS hazard assessment.	N.J.A.C. 7:31-2.2(b)3iii	4,000	8,000	20,000	<u>NM</u>	
107. Failure to use all other parameters and calculation methods specified at 40 CFR 68 Subpart B as incorporated with changes at N.J.A.C. 7:31-2.1(c)1 and 2 as the parameters for the RHS hazard assessment.	N.J.A.C. 7:31-2.2(b)4	2,000	4,000	10,000	<u>NM</u>	
108. Failure to include Material Safety Data Sheets that meet the requirements of 29 CFR 1910.1200(g) in the up-to-date safety information required to be compiled and maintained for the regulated substances, processes, and equipment.	40 CFR 68.48(a)(1), N.J.A.C. 7:31-3.1(a)	2,000	4,000	10,000	<u>NM</u>	

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109. Failure to include the maximum intended inventory of equipment in which the regulated substances are stored or processed in the up-to-date safety information required to be compiled and maintained for the regulated substances, processes, and equipment.	40 CFR 68.48(a)(2), N.J.A.C. 7:31-3.1(a)	2,000	4,000	10,000	<u>NM</u>	
110. Failure to include safe upper and lower temperatures, pressures, flows, and compositions in the up-to-date safety information required to be compiled and maintained for the regulated substances, processes, and equipment.	40 CFR 68.48(a)(3), N.J.A.C. 7:31-3.1(a)	2,000	4,000	10,000	<u>NM</u>	
111. Failure to include equipment specifications in the up-to-date safety information required to be compiled and maintained for the regulated substances, processes, and equipment.	40 CFR 68.48(a)(4), N.J.A.C. 7:31-3.1(a)	2,000	4,000	10,000	<u>NM</u>	
112. Failure to include codes and standards used to design, build, and operate the process in the up-to-date safety information required to be compiled and maintained for the regulated substances, processes, and equipment.	40 CFR 68.48(a)(5), N.J.A.C. 7:31-3.1(a)	2,000	4,000	10,000	<u>NM</u>	
113. Failure to include process flow diagrams and piping and instrumentation diagrams in the up-to-date safety information required to be compiled and maintained for the regulated substances, processes, and equipment.	40 CFR 68.48(a), N.J.A.C. 7:31-3.1(c)1i	2,000	4,000	10,000	<u>NM</u>	

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114. Failure to include flash point up to 200 degrees Fahrenheit (and method used), flammable limits (lower explosive limit and upper explosive limit), extinguishing media, special fire fighting procedures, and unusual fire and explosion hazards in the reactivity data applicable to the process in which an EHS is used, handled, stored or generated required to be compiled and maintained in the up-to-date-safety information for the regulated substances, processes, and equipment.	40 CFR 68.48(a), N.J.A.C. 7:31-3.1(c)1ii(1)	2,000	4,000	10,000	<u>NM</u>	
115. Failure to include thermal and chemical stability information: stability (unstable or stable), conditions to avoid (for instability), incompatibility (materials to avoid), hazardous decomposition (products or byproducts), hazardous polymerization (may occur or will not occur), and conditions to avoid (for polymerization) in the reactivity data applicable to the process in which an EHS is used, handled, stored or generated required to be compiled and maintained in the up-to-date-safety information for the regulated substances, processes, and equipment.	40 CFR 68.48(a), N.J.A.C. 7:31-3.1(c)1ii(2)	2,000	4,000	10,000	<u>NM</u>	
116. Failure to include thermodynamic and reaction kinetic data including: heat of reaction, temperature at which instability (uncontrolled reaction, decomposition, and/or polymerization) initiates, and energy release rate data in the reactivity data applicable to the process in which an EHS is used, handled, stored or generated required to be compiled and maintained in the up-to-date-safety information for the regulated substances, processes, and equipment.	40 CFR 68.48(a), N.J.A.C. 7:31-3.1(c)1ii(3)	2,000	4,000	10,000	<u>NM</u>	

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117. Failure to include incidental formation of byproducts that are reactive and unstable in the reactivity data applicable to the process in which an EHS is used, handled, stored or generated required to be compiled and maintained in the up-to-date-safety information for the regulated substances, processes, and equipment.	40 CFR 68.48(a), N.J.A.C. 7:31-3.1(c)1ii(4)	2,000	4,000	10,000	<u>NM</u>	
118. Failure to include information showing the identity of toxic or flammable EHSs capable of being generated for individual RHSs listed at N.J.A.C. 7:31-6.3(a) Table I, Part D, Group I due to inadvertent mixing with incompatible substances, decomposition, and self-reaction in the reactivity data applicable to the process in which an EHS is used, handled, stored or generated required to be compiled and maintained in the up-to-date-safety information for the regulated substances, processes, and equipment.	40 CFR 68.48(a), N.J.A.C. 7:31-3.1(c)1ii(5)	2,000	4,000	10,000	<u>NM</u>	
119. Failure to ensure that a process is designed in compliance with recognized and generally accepted good engineering practices. or Failure to comply with Federal or state regulations that address industry-specific safe design or industry-specific design codes and standards.	40 CFR 68.48(b), N.J.A.C. 7:31-3.1(a)	5,000	10,000	25,000	<u>NM</u>	
120. Failure to update the safety information for a change to a covered process that made the safety information inaccurate.	40 CFR 68.48(c), N.J.A.C. 7:31-3.1(c)2	500	1,000	2,500	<u>NM</u>	
121. Failure to conduct a hazard review that identifies the hazards associated with a regulated substance, process, or procedures.	40 CFR 68.50(a)(1), N.J.A.C. 7:31-3.1(a)	4,000	8,000	20,000	<u>NM</u>	
122. Failure to conduct a hazard review that identifies the opportunities for equipment malfunctions or human errors that could cause an accidental release.	40 CFR 68.50(a)(2), N.J.A.C. 7:31-3.1(a)	4,000	8,000	20,000	<u>NM</u>	

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123. Failure to conduct a hazard review that identifies the safeguards used or needed to control a hazard or prevent equipment malfunction or human error.	40 CFR 68.50(a)(3), N.J.A.C. 7:31-3.1(a)	4,000	8,000	20,000	<u>NM</u>	
124. Failure to conduct a hazard review that identifies any steps used or needed to detect or monitor releases.	40 CFR 68.50(a)(4), N.J.A.C. 7:31-3.1(a)	4,000	8,000	20,000	<u>NM</u>	
125. Failure to determine in a hazard review, by inspecting all equipment, whether the process is designed, fabricated, or operated in accordance with the applicable industry standards or Federal or state design rules, for processes designed to meet those standards or rules.	40 CFR 68.50(b), N.J.A.C. 7:31-3.1(a)	2,000	4,000	10,000	<u>NM</u>	
126. Failure to document the results of a hazard review in a hazard review report prepared in accordance with N.J.A.C. 7:31-3.6 or ensure that problems identified are resolved in a timely manner.	40 CFR 68.50(c), N.J.A.C. 7:31-3.1(c)9	2,000	4,000	10,000	<u>NM</u>	
127. Failure to update a hazard review at least once every five years.	40 CFR 68.50(d), N.J.A.C. 7:31-3.1(a)	2,000	4,000	10,000	<u>NM</u>	
128. Failure to conduct a hazard review for a major change in a process.	40 CFR 68.50(d), N.J.A.C. 7:31-3.1(a)	2,000	4,000	10,000	<u>NM</u>	
129. Failure to resolve all issues identified in the hazard review before startup of a changed process.	40 CFR 68.50(d), N.J.A.C. 7:31-3.1(a)	2,000	4,000	10,000	<u>NM</u>	
130. Failure to prepare written operating procedures that provide clear instructions or steps for safely conducting activities associated with each covered process consistent with the safety information for that process. or Failure to write operating procedures in a manner and language that the EHS operators of a process are capable of understanding.	40 CFR 68.52(a); N.J.A.C. 7:31-3.1(c)3	4,000	8,000	20,000	<u>NM</u>	

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131. Failure to address initial startup in the operating procedures.	40 CFR 68.52(b)(1), N.J.A.C. 7:31-3.1(a)	1,000	2,000	5,000	<u>NM</u>	
132. Failure to address normal operations in the operating procedures.	40 CFR 68.52(b)(2), N.J.A.C. 7:31-3.1(a)	1,000	2,000	5,000	<u>NM</u>	
133. Failure to address temporary operations in the operating procedures.	40 CFR 68.52(b)(3), N.J.A.C. 7:31-3.1(a)	1,000	2,000	5,000	<u>NM</u>	
134. Failure to address emergency shutdown and operations in the operating procedures.	40 CFR 68.52(b)(4), N.J.A.C. 7:31-3.1(a)	1,000	2,000	5,000	<u>NM</u>	
135. Failure to address normal shutdown in the operating procedures.	40 CFR 68.52(b)(5), N.J.A.C. 7:31-3.1(a)	1,000	2,000	5,000	<u>NM</u>	
136. Failure to address startup following a normal or emergency shutdown or a major change that requires a hazard review in the operating procedures.	40 CFR 68.52(b)(6), N.J.A.C. 7:31-3.1(a)	1,000	2,000	5,000	<u>NM</u>	
137. Failure to address the consequences of deviations and steps required to correct or avoid deviations in the operating procedures.	40 CFR 68.52(b)(7), N.J.A.C. 7:31-3.1(a)	1,000	2,000	5,000	<u>NM</u>	
138. Failure to address equipment inspections in the operating procedures.	40 CFR 68.52(b)(8), N.J.A.C. 7:31-3.1(a)	1,000	2,000	5,000	<u>NM</u>	
139. Failure to ensure that the operating procedures were updated, if necessary, when a major change occurred and prior to startup of the changed process.	40 CFR 68.52(c), N.J.A.C. 7:31-3.1(a)	1,000	2,000	5,000	<u>NM</u>	

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140. Failure to ensure that each employee operating a process or each employee newly assigned to a covered process have been trained or tested competent in the operating procedures provided in 40 CFR 68.52 incorporated at N.J.A.C.7:31-3.1(a) that pertain to their duties. or Failure to certify in writing that the employee already operating a process on June 21, 1999 has the required knowledge, skills, and abilities to safely carry out the duties and responsibilities as provided in the operating procedures.	40 CFR 68.54(a), N.J.A.C. 7:31-3.1(a)	2,000	4,000	10,000	<u>NM</u>	
141. Failure to provide refresher training at least every three years, and more often as necessary, to each employee operating a process to ensure that the employee understands and adheres to the current operating procedures of the process. or Failure to determine the appropriate frequency of refresher training in consultation with the employees operating the process.	40 CFR 68.54(b), N.J.A.C. 7:31-3.1(a)	2,000	4,000	10,000	<u>NM</u>	
142. Failure to ensure that operators are trained in updated or new procedures prior to startup of a process after a major change.	40 CFR 68.54(d), N.J.A.C. 7:31-3.1(a)	2,000	4,000	10,000	<u>NM</u>	
143. Failure to prepare and implement procedures to maintain the on-going mechanical integrity of the process equipment.	40 CFR 68.56(a), N.J.A.C. 7:31-3.1(a)	2,000	4,000	10,000	<u>NM</u>	
144. Failure to train or cause to be trained each employee involved in maintaining the on-going mechanical integrity of a process. or Failure to train each such employee in the hazards of the process, in how to avoid or correct unsafe conditions, and in the procedures applicable to the employee's job tasks to ensure that the employee can perform the job tasks in a safe manner.	40 CFR 68.56(b), N.J.A.C. 7:31-3.1(a)	2,000	4,000	10,000	<u>NM</u>	

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145. Failure to require a maintenance contractor to ensure that each contract maintenance employee is trained to perform the maintenance procedures developed under 40 CFR 68.56(a) incorporated at N.J.A.C. 7:31-3.1(a).	40 CFR 68.56(c), N.J.A.C. 7:31-3.1(a)	2,000	4,000	10,000	<u>NM</u>	
146. Failure to perform or cause to be performed inspections and tests on process equipment.	40 CFR 68.56(d), N.J.A.C. 7:31-3.1(a)	2,000	4,000	10,000	<u>NM</u>	
or Failure to follow recognized and generally accepted good engineering practices when performing inspection and testing procedures.						
or Failure to make the frequency of inspections and tests of process equipment consistent with applicable manufacturers' recommendations, industry standards or codes, good engineering practices, or prior operating experience.						
147. Failure to conduct a compliance audit and certify at least every three years that compliance with the provisions of 40 CFR 40 Subpart C as incorporated at N.J.A.C. 7:31-3 has been evaluated in order to verify that the procedures and practices developed under the rule are adequate and are being followed.	40 CFR 68.58(a), N.J.A.C. 7:31-3.1(c)5	5,000	10,000	25,000	<u>NM</u>	
or Failure to verify that the process technology and equipment, as built and operated, are in accordance with the safety information prepared pursuant to 40 CFR 68.48(a) and (b) as incorporated with changes at N.J.A.C. 7:31-3.1(c)1.						
148. Failure to conduct a compliance audit with at least one person knowledgeable in the process.	40 CFR 68.58(b), N.J.A.C. 7:31-3.1(a)	1,000	2,000	5,000	<u>NM</u>	

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149. Failure to develop a report of the audit findings that includes the scope, audit techniques, methods used or the names of the audit participants.	40 CFR 68.58(c), N.J.A.C. 7:31-3.1(c)6	1,000	2,000	5,000	<u>NM</u>	
150. Failure to promptly determine and document an appropriate response to each of the findings of a compliance audit or document that deficiencies found during the audit have been corrected. or Failure to prepare and include in the compliance audit report a written schedule for the implementation of corrective actions or state that such actions have been completed.	40 CFR 68.58(d), N.J.A.C. 7:31-3.1(c)10	1,000	2,000	5,000	<u>NM</u>	
151. Failure to retain the two most recent compliance audit reports.	40 CFR 68.58(e), N.J.A.C. 7:31-3.1(a)	1,000	2,000	5,000	<u>NM</u>	
152. Failure to investigate each EHS accident or potential catastrophic event.	40 CFR 68.60(a), N.J.A.C. 7:31-3.1(c)7	5,000	10,000	25,000	<u>NM</u>	
153. Failure to initiate an EHS accident or potential catastrophic event investigation as promptly as possible, but not later than 48 hours following the incident.	40 CFR 68.60(b), N.J.A.C. 7:31-3.1(c)8	1,000	2,000	5,000	<u>NM</u>	
154. Failure to prepare a summary at the conclusion of an investigation which includes the date of an EHS accident or potential catastrophic event.	40 CFR 68.60(c)(1), N.J.A.C. 7:31-3.1(c)8	1,000	2,000	5,000	<u>NM</u>	
155. Failure to prepare a summary at the conclusion of an investigation of an EHS accident or potential catastrophic event which includes the date the investigation began.	40 CFR 68.60(c)(2), N.J.A.C. 7:31-3.1(c)7	1,000	2,000	5,000	<u>NM</u>	
156. Failure to prepare a summary at the conclusion of an investigation which includes a description of the EHS accident or potential catastrophic event.	40 CFR 68.60(c)(3), N.J.A.C. 7:31-3.1(c)8	1,000	2,000	5,000	<u>NM</u>	

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157. Failure to prepare a summary at the conclusion of an investigation of an EHS accident or potential catastrophic event which includes the factors that contributed to the EHS accident or potential catastrophic event.	40 CFR 68.60(c)(4), N.J.A.C. 7:31-3.1(c)8	1,000	2,000	5,000	<u>NM</u>	
158. Failure to prepare a summary at the conclusion of an EHS accident or potential catastrophic event investigation which includes any recommendations resulting from the investigation.	40 CFR 68.60(c)(5), N.J.A.C. 7:31-3.1(a)	1,000	2,000	5,000	<u>NM</u>	
159. Failure to promptly address and resolve the EHS accident or potential catastrophic event investigation findings and recommendations. or Failure to document the resolutions and corrective actions of an EHS accident or potential catastrophic event investigation.	40 CFR 68.60(d), N.J.A.C. 7:31-3.1(a)	2,000	4,000	10,000	<u>NM</u>	
160. Failure to review the findings of an EHS accident or potential catastrophic event investigation with all affected personnel whose job tasks are affected by the findings.	40 CFR 68.60(e), N.J.A.C. 7:31-3.1(a)	1,000	2,000	5,000	<u>NM</u>	
161. Failure to retain EHS accident or potential catastrophic event investigation summaries for five years.	40 CFR 68.60(f), N.J.A.C. 7:31-3.1(a)	2,000	4,000	10,000	<u>NM</u>	
162. Failure to comply with the emergency response requirements of N.J.A.C. 7:31-5.	N.J.A.C. 7:31-3.2(a)	2,000	4,000	10,000	<u>NM</u>	
163. Failure to submit within 90 days of the third anniversary date, and each subsequent third anniversary date, a triennial report to the Department reflecting the risk management program activities for the 36 month period ending on the anniversary date.	N.J.A.C. 7:31-3.3(a)	2,000	4,000	10,000	<u>M</u>	<u>30</u>

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164. Failure to include in the triennial report an update of the supplemental TCPA program information as specified in N.J.A.C. 7:31-7.2(a)2 if this supplemental information was not previously reported in a revised Risk Management Plan submittal. or Failure to state that there were no changes to the supplemental TCPA program information in the triennial report if there were no changes in this information since the last Risk Management Plan submittal.	N.J.A.C. 7:31-3.3(b)1	500	1,000	2,500	<u>M</u>	<u>30</u>
165. Failure to include in the triennial report a description of significant changes to the management system. or Failure to state that there were no changes to the management system in the triennial report if there were no changes in this information since the last triennial report.	N.J.A.C. 7:31-3.3(b)2	500	1,000	2,500	<u>M</u>	<u>30</u>
166. Failure to include in the triennial report the hazard review report required at N.J.A.C. 7:31-3.5 for each hazard review completed during the previous three years. or Failure to state that there were no hazard review reports completed in the triennial report if there were no hazard review reports completed since the last triennial report.	N.J.A.C. 7:31-3.3(b)3	500	1,000	2,500	<u>M</u>	<u>30</u>
167. Failure to include in the triennial report a summary of any EHS accidents that occurred during the previous three years including the EHS involved and amount released if these facts could have been reasonably determined based on the information obtained through an investigation.	N.J.A.C. 7:31-3.3(b)4i	500	1,000	2,500	<u>M</u>	<u>30</u>

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168. Failure to include in the triennial report a summary of any EHS accidents that occurred during the previous three years that including the date and time of the EHS accident and identification of EHS equipment involved.	N.J.A.C. 7:31-3.3(b)4ii	500	1,000	2,500	<u>M</u>	<u>30</u>
169. Failure to include in the triennial report a summary of any EHS accidents that occurred during the previous three years that including the basic and contributory causes.	N.J.A.C. 7:31-3.3(b)4iii	500	1,000	2,500	<u>M</u>	<u>30</u>
170. Failure to include in the triennial report a summary of any EHS accidents that occurred during the previous three years that including a statement that there were no EHS accidents if no EHS accidents occurred since the last triennial report.	N.J.A.C. 7:31-3.3(b)4iv	500	1,000	2,500	<u>M</u>	<u>30</u>
171. Failure to include in the triennial report the compliance audit report and documentation for the previous three years ending on the anniversary date prepared pursuant to 40 CFR 68.58(c) and (d) as incorporated with changes at N.J.A.C. 7:31-3.1(c)6 and 10.	N.J.A.C. 7:31-3.3(b)5	500	1,000	2,500	<u>M</u>	<u>30</u>
172. Failure to submit the documentation required at N.J.A.C. 7:31-7.2 and 40 CFR 68.150 with changes specified at N.J.A.C. 7:31-7.1(c) at least 90 days prior to construction of a new Program 2 covered process at a stationary source for which there is no previously approved risk management program.	N.J.A.C. 7:31-3.4(a)(1)	2,000	4,000	10,000	<u>M</u>	<u>30</u>
173. Failure to receive written approval from the Department before proceeding with construction of a new Program 2 covered process at a stationary source for which there is no previously approved risk management program.	N.J.A.C. 7:31-3.4(a)(2)	6,000	12,000	30,000	<u>NM</u>	

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174. Failure to submit to the Department, at least 90 days prior to the date the equipment was scheduled to be placed into EHS service, updates of the documentation as required by N.J.A.C. 7:31-3.4(a) 1 on a new Program 2 covered process at a stationary source for which there is no previously approved risk management program.	N.J.A.C. 7:31-3.4(a)(3)	2,000	4,000	10,000	<u>M</u>	<u>30</u>
175. Failure to submit to the Department the fees required by N.J.A.C. 7:31-1.11A for a new Program 2 covered process at a stationary source for which there is no previously approved risk management program.	N.J.A.C. 7:31-3.4(a)(4)	one-third of fee	one-third of fee + 1000	one-third of fee + 2000	<u>M</u>	<u>30</u>
176. Failure to submit the documentation required by N.J.A.C. 7:31-7.2 and 40 CFR 68.150 with changes specified at N.J.A.C. 7:31-7.1(c) at least 90 days prior to placing existing equipment for a new Program 2 covered process into EHS service at a stationary source for which there is no previously approved risk management program.	N.J.A.C. 7:31-3.4(b)(1)	2,000	4,000	10,000	<u>M</u>	<u>30</u>
177. Failure to submit to the Department the fees required by N.J.A.C. 7:31-1.11A for a new Program 2 covered process at a stationary source for which there is no previously approved risk management program.	N.J.A.C. 7:31-3.4(b)(2)	one-third of fee	one-third of fee + 1000	one-third of fee + 2000	<u>M</u>	<u>30</u>
178. Failure to update documentation in accordance with N.J.A.C. 7:31-7.2 and 40 CFR 68.150 with changes specified at N.J.A.C. 7:31-7.1(c) at least 90 days prior to the scheduled placing of existing equipment for a new Program 2 covered process into EHS service at a stationary source that has a previously approved risk management program.	N.J.A.C. 7:31-3.4(c)(1)	2,000	4,000	10,000	<u>M</u>	<u>30</u>
179. Failure to submit to the Department the fees required by N.J.A.C. 7:31-1.11A for a new Program 2 covered process at a stationary source that has a previously approved risk management program.	N.J.A.C. 7:31-3.4(c)(2)	one-third of fee	one-third of fee + 1000	One-third of fee + 2000	<u>M</u>	<u>30</u>

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180. Failure to enter into a consent agreement or consent agreement addendum with the Department prior to placing equipment into EHS service for a new covered process and subsequent to a stationary source inspection by the Department. or Failure to complete items of the consent agreement, or consent agreement addendum, for equipment in a new covered process in accordance with the schedule in the consent agreement or consent agreement addendum.	N.J.A.C. 7:31-3.4(d)	5,000	10,000	25,000	<u>NM</u>	
181. Failure to prepare a hazard review report which includes identification of the covered process.	N.J.A.C. 7:31-3.5(a)1	500	1,000	2,500	<u>NM</u>	
182. Failure to prepare a hazard review report which includes the date the hazard review was performed.	N.J.A.C. 7:31-3.5(a)2	500	1,000	2,500	<u>NM</u>	
183. Failure to prepare a hazard review report which includes the date of the completed hazard review report.	N.J.A.C. 7:31-3.5(a)3	500	1,000	2,500	<u>NM</u>	
184. Failure to prepare a hazard review report which includes the names, positions, and affiliation of the hazard review participants.	N.J.A.C. 7:31-3.5(a)4	500	1,000	2,500	<u>NM</u>	
185. Failure to prepare a hazard review report which includes documentation of the hazards associated with the process and regulated substances.	N.J.A.C. 7:31-3.5(a)5	500	1,000	2,500	<u>NM</u>	
186. Failure to prepare a hazard review report which includes documentation of the opportunities for equipment malfunctions or human errors that could cause an accidental release.	N.J.A.C. 7:31-3.5(a)6	500	1,000	2,500	<u>NM</u>	
187. Failure to prepare a hazard review report which includes documentation of the safeguards used or needed to control the hazards or prevent equipment malfunction or human error.	N.J.A.C. 7:31-3.5(a)7	500	1,000	2,500	<u>NM</u>	

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188. Failure to prepare a hazard review report which includes documentation of any steps used or needed to detect or monitor releases.	N.J.A.C. 7:31-3.5(a)8	500	1,000	2,500	<u>NM</u>	
189. Failure to prepare a hazard review report which includes documentation on the implementation of recommended corrective actions including a schedule for such implementations and the resolution and status for completing the corrective actions.	N.J.A.C. 7:31-3.5(a)9	500	1,000	2,500	<u>NM</u>	
190. Failure to retain all hazard review reports and documentation for the life of the covered process.	N.J.A.C. 7:31-3.5(b)	2,000	4,000	10,000	<u>NM</u>	
191. Failure to complete a compilation of written process safety information before conducting any required process hazard analysis in accordance with the schedule set forth in 40 CFR 68.67 as incorporated at N.J.A.C. 7:31-4.1(c)6.	40 CFR 68.65(a), N.J.A.C. 7:31-4.1(a)	2,000	4,000	10,000	<u>NM</u>	
192. Failure to include toxicity information in the process safety information pertaining to the hazards of the regulated substances in a process.	40 CFR 68.65(b)(1), N.J.A.C. 7:31-4.1(a)	500	1,000	2,500	<u>NM</u>	
193. Failure to include permissible exposure limits in the process safety information pertaining to the hazards of the regulated substances in a process.	40 CFR 68.65(b)(2), N.J.A.C. 7:31-4.1(a)	500	1,000	2,500	<u>NM</u>	
194. Failure to include physical data in the process safety information pertaining to the hazards of the regulated substances in a process.	40 CFR 68.65(b)(3), N.J.A.C. 7:31-4.1(a)	500	1,000	2,500	<u>NM</u>	
195. Failure to provide in the process safety information reactivity data including the flash point up to 200 degrees Fahrenheit (and method used), flammable limits (lower explosive limit and upper explosive limit), extinguishing media, special fire fighting procedures, or unusual fire and explosion hazards.	40 CFR 68.65(b)(4), N.J.A.C. 7:31-4.1(c)24i	500	1,000	2,500	<u>NM</u>	

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196. Failure to provide in the process safety information reactivity data including the following thermodynamic and reaction kinetic data: heat of reaction, temperature at which instability (uncontrolled reaction, decomposition, and/or polymerization) initiates, and energy release rate data.	40 CFR 68.65(b)(4), N.J.A.C. 7:31-4.1(c)24ii	500	1,000	2,500	<u>NM</u>	
197. Failure to provide in the process safety information reactivity data including the incidental formation of byproducts that are reactive and unstable.	40 CFR 68.65(b)(4), N.J.A.C. 7:31-4.1(c)24iii	500	1,000	2,500	<u>NM</u>	
198. Failure to include corrosivity data in the process safety information pertaining to the hazards of the regulated substances in the process.	40 CFR 68.65(b)(5), N.J.A.C. 7:31-4.1(a)	500	1,000	2,500	<u>NM</u>	
199. Failure to provide in the process safety information thermal and chemical stability data including stability (unstable or stable), conditions to avoid (for instability), incompatibility (materials to avoid), hazardous decomposition (products or byproducts), hazardous polymerization (may occur or will not occur), and conditions to avoid (for polymerization).	40 CFR 68.65(b)(6), N.J.A.C. 7:31-4.1(c)25	500	1,000	2,500	<u>NM</u>	
200. Failure to provide in the process safety information hazardous effects of inadvertent mixing of different materials that could foreseeably occur including the explosive/flammable effects and information showing the identity of potential toxic or flammable EHSs capable of being generated for individual RHSs listed at N.J.A.C. 7:31-6.3(a) Table I, Part D, Group I due to inadvertent mixing with incompatible substances, decomposition, and self-reaction.	40 CFR 68.65(b)(7), N.J.A.C. 7:31-4.1(c)26	500	1,000	2,500	<u>NM</u>	
201. Failure to include a block flow diagram or process flow diagram in the process safety information pertaining to the technology of the process.	40 CFR 68.65(c)(1)(i), N.J.A.C. 7:31-4.1(c)(1)	500	1,000	2,500	<u>NM</u>	

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202. Failure to include process chemistry in the process safety information pertaining to the technology of the process.	40 CFR 68.65(c)(1)(ii), N.J.A.C. 7:31-4.1(a)	500	1,000	2,500	<u>NM</u>	
203. Failure to include maximum intended inventory in the process safety information pertaining to the technology of the process.	40 CFR 68.65(c)(1)(iii), N.J.A.C. 7:31-4.1(a)	500	1,000	2,500	<u>NM</u>	
204. Failure to include safe upper and lower limits for such items as temperatures, pressures, flows or compositions in the process safety information pertaining to the technology of the process.	40 CFR 68.65(c)(1)(iv), N.J.A.C. 7:31-4.1(a)	500	1,000	2,500	<u>NM</u>	
205. Failure to include an evaluation of the consequences of deviations in the process safety information pertaining to the technology of the process.	40 CFR 68.65(c)(1)(v), N.J.A.C. 7:31-4.1(a)	500	1,000	2,500	<u>NM</u>	
206. Failure to develop technical information in conjunction with the process hazard analysis in sufficient detail to support the analysis when the original technical information no longer exists.	40 CFR 68.65(c)(2), N.J.A.C. 7:31-4.1(a)	500	1,000	2,500	<u>NM</u>	
207. Failure to include equipment specifications including materials of construction in the process safety information pertaining to the equipment in the process.	40 CFR 68.65(d)(1)(i), N.J.A.C. 7:31-4.1(c)[(2)] <u>2</u>	500	1,000	2,500	<u>NM</u>	
208. Failure to include piping and instrument diagrams (P&ID's) in the process safety information pertaining to the equipment in the process.	40 CFR 68.65(d)(1)(ii), N.J.A.C. 7:31-4.1(a)	500	1,000	2,500	<u>NM</u>	
209. Failure to include electrical classification in the process safety information pertaining to the equipment in the process.	40 CFR 68.65(d)(1)(iii), N.J.A.C. 7:31-4.1(a)	500	1,000	2,500	<u>NM</u>	
210. Failure to include relief system design and design basis in the process safety information pertaining to the equipment in the process.	40 CFR 68.65(d)(1)(iv), N.J.A.C. 7:31-4.1(a)	500	1,000	2,500	<u>NM</u>	

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211. Failure to include ventilation system design in the process safety information pertaining to the equipment in the process.	40 CFR 68.65(d)(1)(v), N.J.A.C. 7:31-4.1(a)	500	1,000	2,500	<u>NM</u>	
212. Failure to include design codes and standards employed in the process safety information pertaining to the equipment in the process.	40 CFR 68.65(d)(1)(vi), N.J.A.C. 7:31-4.1(a)	500	1,000	2,500	<u>NM</u>	
213. Failure to include material and energy balances for processes built after June 21, 1999 in the process safety information pertaining to the equipment in the process.	40 CFR 68.65(d)(1)(vii), N.J.A.C. 7:31-4.1(a)	500	1,000	2,500	<u>NM</u>	
214. Failure to include safety systems (by example, interlocks, detection or suppression systems) in the process safety information pertaining to the equipment in the process.	40 CFR 68.65(d)(1)(viii), N.J.A.C. 7:31-4.1(a)	500	1,000	2,500	<u>NM</u>	
215. Failure to include electrical one-line diagrams relevant to the covered process and its potential releases in the process safety information pertaining to the equipment in the process.	40 CFR 68.65(d)(1), N.J.A.C. 7:31-4.1(c)3i	500	1,000	2,500	<u>NM</u>	
216. Failure to include a site plan in the process safety information pertaining to the equipment in the process.	40 CFR 68.65(d)(1), N.J.A.C. 7:31-4.1(c)3ii	500	1,000	2,500	<u>NM</u>	
217. Failure to include firewater system piping diagrams relevant to the covered process and its potential releases in the process safety information pertaining to the equipment in the process.	40 CFR 68.65(d)(1), N.J.A.C. 7:31-4.1(c)3iii	500	1,000	2,500	<u>NM</u>	
218. Failure to include sewer system piping diagrams relevant to the covered process and its potential releases in the process safety information pertaining to the equipment in the process.	40 CFR 68.65(d)(1), N.J.A.C. 7:31-4.1(c)3iv	500	1,000	2,500	<u>NM</u>	
219. Failure to include external forces and events data in the process safety information pertaining to the equipment in the process.	40 CFR 68.65(d)(1), N.J.A.C. 7:31-4.1(c)3v	500	1,000	2,500	<u>NM</u>	

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220. Failure to document that the equipment complies with recognized and generally accepted good engineering and operating practices.	40 CFR 68.65(d)(2), N.J.A.C. 7:31-4.1(c)4	500	1,000	2,500	<u>NM</u>	
221. Failure to determine and document that existing equipment designed and constructed in accordance with codes, standards, or practices that are no longer in general use, is designed, maintained, inspected, tested, and operating in a safe manner.	40 CFR 68.65(d)(3), N.J.A.C. 7:31-4.1(a)	500	1,000	2,500	<u>NM</u>	
222. Failure to perform an initial process hazard analysis (PHA) with risk assessment (hazard evaluation) on processes covered by 40 CFR 68 Subpart D as incorporated at N.J.A.C. 7:31-4.1. or Failure to perform a PHA with risk assessment appropriate to the complexity of the process and to identify, evaluate, and control the hazards involved in the process. or Failure to determine and document the priority order for conducting PHA's with risk assessments based on a rationale which includes such considerations as extent of the process hazards, number of potentially affected employees and offsite public, age of the process, and operating history of the process.	40 CFR 68.67(a), N.J.A.C. 7:31-4.1(c)6	5,000	10,000	25,000	<u>NM</u>	
223. Failure to use one or more of the methodologies listed at 40 CFR 68.67b(1)-(7) incorporated at N.J.A.C. 7:31-4.1(a) to determine and evaluate the hazards of the process being analyzed.	40 CFR 68.67(b)(1) through (7), N.J.A.C. 7:31-4.1(a)	2,000	4,000	10,000	<u>NM</u>	
224. Failure to address the hazards of the process in the process hazard analysis.	40 CFR 68.67(c)(1), N.J.A.C. 7:31-4.1(a)	2,000	4,000	10,000	<u>NM</u>	

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225. Failure to address the identification of any previous incident which had a likely potential for catastrophic consequences in the process hazard analysis.	40 CFR 68.67(c)(2), N.J.A.C. 7:31-4.1(a)	1,000	2,000	5,000	<u>NM</u>	
226. Failure to address in the process hazard analysis the engineering and administrative controls applicable to the hazards and their interrelationships such as appropriate application of detection methodologies to provide early warning of releases.	40 CFR 68.67(c)(3), N.J.A.C. 7:31-4.1(a)	1,000	2,000	5,000	<u>NM</u>	
227. Failure to address consequences of failure of engineering and administrative controls in the process hazard analysis.	40 CFR 68.67(c)(4), N.J.A.C. 7:31-4.1(a)	1,000	2,000	5,000	<u>NM</u>	
228. Failure to address stationary source siting in the process hazard analysis.	40 CFR 68.67(c)(5), N.J.A.C. 7:31-4.1(a)	1,000	2,000	5,000	<u>NM</u>	
229. Failure to address human factors in the process hazard analysis.	40 CFR 68.67(c)(6), N.J.A.C. 7:31-4.1(a)	1,000	2,000	5,000	<u>NM</u>	
230. Failure to address in the process hazard analysis a qualitative evaluation of a range of the possible safety and health effects of failure of controls.	40 CFR 68.67(c)(7), N.J.A.C. 7:31-4.1(a)	1,000	2,000	5,000	<u>NM</u>	
231. Failure to perform the process hazard analysis using a team with expertise in engineering and process operations which includes at least one employee who has experience and knowledge specific to the process being evaluated. or Failure to perform the process hazard analysis using a team with at least one member who is knowledgeable in the specific process hazard analysis methodology being used.	40 CFR 68.67(d), N.J.A.C. 7:31-4.1(a)	1,000	2,000	5,000	<u>NM</u>	

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232. Failure to establish a system to promptly address the process hazard analysis team's findings and recommendations. or Failure to assure that the process hazard analysis team's recommendations are resolved in a timely manner or that the resolution is documented. or Failure to document what actions are to be taken to resolve the process hazard analysis recommendations. or Failure to complete actions required by the process hazard analysis recommendations as soon as possible. or Failure to develop a written schedule of when actions recommended in the process hazard analysis are to be completed. or Failure to communicate the actions recommended in the process hazard analysis to operating, maintenance and other employees whose work assignments are in the process and who may be affected by the recommendations or actions.	40 CFR 68.67(e), N.J.A.C. 7:31-4.1(a)	2,000	4,000	10,000	<u>NM</u>	
233. Failure to update and revalidate the process hazard analysis (with risk assessment) at least every five years after the completion of the initial process hazard analysis (with risk assessment) using a team meeting the requirements in 40 CFR 68.67(d) as incorporated at N.J.A.C. 7:31-4.1(c)7 to assure that the process hazard analysis with risk assessment is consistent with the current process.	40 CFR 68.67(f), N.J.A.C. 7:31-4.1(c)7	4,000	[5,000] <u>8,000</u>	20,000	<u>NM</u>	
234. Failure to retain process hazards analyses and updates or revalidations for each covered process, as well as the documented resolution of recommendations described in 40 CFR 68.67(e) as incorporated at N.J.A.C. 7:31-4.1(a) for the life of the process.	40 CFR 68.67(g), N.J.A.C. 7:31-4.1(a)	2,000	4,000	10,000	<u>NM</u>	

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235. Failure to perform a process hazard analysis with risk assessment.	N.J.A.C. 7:31-4.2(b)	5,000	10,000	25,000	<u>NM</u>	
236. Failure to perform a process hazard analysis with risk assessment which includes the following: (1) identification of EHS equipment subject to the assessment, (2) the points of possible EHS release, (3) the corresponding approximate quantity of an instantaneous EHS release or the rate(s) and duration of a continuing EHS release, either steady or non-steady state, or (4) the corresponding cause of the EHS release. or Failure to base estimates of the quantity or rate and duration of a release on actual release mechanisms that reflect the operating procedures, safeguards, and mitigation equipment and procedures planned for new or modified covered processes or in place for existing covered processes.	N.J.A.C. 7:31-4.2(b)1	5,000	10,000	25,000	<u>NM</u>	
237. Failure to include in the process hazard analysis with risk assessment consideration of toxicity, flammability and reactivity for EHSs which appear in N.J.A.C. 7:31-6.3(a), Table I, Parts A and/or B as a toxic substance, Part C as a flammable substance and Part D as a Reactive Hazard Substance. or Failure to consider in the process hazard analysis with risk assessment both the explosive/flammability hazard and the capability to generate a toxic EHS, as applicable to the RHS or RHS Mixture and process in which it is handled, for RHSs or RHS Mixtures identified and listed at N.J.A.C. 7:31-6.3(a) Table I, Part D, Groups I and II.	N.J.A.C. 7:31-4.2(b)2	5,000	10,000	25,000	<u>NM</u>	

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238. Failure to identify all scenarios of toxic, flammable, and reactive hazards that have a potential offsite impact for the endpoint criteria defined at N.J.A.C. 7:31-4.2(b)3iii and iv using a consequence analysis consisting of dispersion analysis, thermal analysis or overpressure analysis.	N.J.A.C. 7:31-4.2(b)3	2,000	4,000	10,000	<u>NM</u>	
239. Failure to use the parameters of 1.5 meters per second wind speed and F atmospheric stability class for the consequence analysis of a process in the process hazard analysis with risk assessment.	N.J.A.C. 7:31-4.2(b)3i	2,000	4,000	10,000	<u>NM</u>	
240. Failure to use all parameters listed for alternative scenarios at 40 CFR 68.22(c) through (g) for the consequence analysis of a process in the process hazard analysis with risk assessment.	N.J.A.C. 7:31-4.2(b)3ii	2,000	4,000	10,000	<u>NM</u>	
241. Failure to use the appropriate parameters for the consequence analysis in the process hazard analysis with risk assessment for the scenario being analyzed: the endpoint criteria of 10 times the toxicity endpoint as designated at N.J.A.C. 7:31-2.1(c)2 or the value of five times the Acute Toxicity Concentration (ATC); 1750 thermal dose units (equivalent to 17 kW/m ² for 40 seconds); five psi overpressure; or the lower flammability limit.	N.J.A.C. 7:31-4.2(b)3iii	2,000	4,000	10,000	<u>NM</u>	
242. Failure to use the appropriate parameters for the consequence analysis of the process hazard analysis with risk assessment for the scenario being analyzed: the endpoint criteria of five times the toxicity endpoint as designated at N.J.A.C. 7:31-2.1(c)2 or the value of the ATC; 1200 thermal dose units (equivalent to 15 kW/m ² for 40 seconds); or 2.3 psi overpressure.	N.J.A.C. 7:31-4.2(b)3iv	2,000	4,000	10,000	<u>NM</u>	

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243. Failure to perform an evaluation of state-of-the-art, including alternative processes, procedures or equipment, which would reduce the likelihood or consequences of an EHS release, for each release scenario that has an offsite impact of the endpoint criteria specified at N.J.A.C. 7:31-4.2(b)3iii.	N.J.A.C. 7:31-4.2(c)1	2,000	4,000	10,000	<u>NM</u>	
244. Failure to perform an evaluation of state-of-the-art, including alternative processes, procedures or equipment which would reduce the likelihood or consequences of an EHS release for each release scenario that has an offsite impact of the endpoint criteria specified at N.J.A.C. 7:31-4.2(b)3iv or Failure to determine whether the likelihood of release occurrence is greater than or equal to 10^{-4} per year.	N.J.A.C. 7:31-4.2(c)2	2,000	4,000	10,000	<u>NM</u>	
245. Failure to develop a risk reduction plan for release scenarios requiring a state-of-the-art evaluation.	N.J.A.C. 7:31-4.2(c)3	2,000	4,000	10,000	<u>NM</u>	
246. Failure to maintain documentation from the process hazard analysis with risk assessment including a table(s) setting forth the process hazard analysis results giving the release point and corresponding release scenario of the potential basic (initiating) and intermediate event sequences, the corresponding estimated quantity or rate and duration of releases, and the recommended resolution action based upon 40 CFR 68.67(e).	N.J.A.C. 7:31-4.2(d)1	2,000	4,000	10,000	<u>NM</u>	
247. Failure to maintain documentation from the process hazard analysis with risk assessment including table(s) summarizing each potential offsite release scenario identified including the scenario identification number and brief description.	N.J.A.C. 7:31-4.2(d)2i	2,000	4,000	10,000	<u>NM</u>	

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248. Failure to maintain documentation from the process hazard analysis with risk assessment including table(s) summarizing each potential offsite release scenario identified including the rate and duration, or quantity, of potential release.	N.J.A.C. 7:31-4.2(d)2ii	2,000	4,000	10,000	<u>NM</u>	
249. Failure to maintain documentation from the process hazard analysis with risk assessment including table(s) summarizing each potential offsite release scenario identified including the distance to the endpoint determined in N.J.A.C. 7:31-4.2(b)3iii and (b)3iv and the respective distance to the nearest property line.	N.J.A.C. 7:31-4.2(d)2iii	2,000	4,000	10,000	<u>NM</u>	
250. Failure to maintain documentation from the process hazard analysis with risk assessment including table(s) summarizing each potential offsite release scenario identified including the release likelihood determined pursuant to N.J.A.C. 7:31-4.2(c).	N.J.A.C. 7:31-4.2(d)2iv	2,000	4,000	10,000	<u>NM</u>	
251. Failure to maintain documentation from the process hazard analysis with risk assessment containing dispersion modeling information that identifies the dispersion model used.	N.J.A.C. 7:31-4.2(d)3i	2,000	4,000	10,000	<u>NM</u>	
252. Failure to maintain documentation from the process hazard analysis with risk assessment containing dispersion modeling information that includes printouts of the dispersion model inputs and outputs for a dispersion model other than the lookup tables provided in the EPA's RMP Offsite Consequence Analysis Guidance current as of the time the modeling was performed.	N.J.A.C. 7:31-4.2(d)3ii	2,000	4,000	10,000	<u>NM</u>	
253. Failure to maintain documentation from the process hazard analysis with risk assessment including an explanation as to why any risk reduction measures identified in N.J.A.C. 7:31-4.2(c) and (d)1 have not been included in the risk reduction plan.	N.J.A.C. 7:31-4.2(d)4	2,000	4,000	10,000	<u>NM</u>	

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254. Failure to maintain documentation from the process hazard analysis with risk assessment including the resolution of the risk reduction measures in the risk reduction plan.	N.J.A.C. 7:31-4.2(d)5	2,000	4,000	10,000	<u>NM</u>	
255. Failure to prepare a report of the process hazard analysis with risk assessment that includes an identification of the covered process that is the subject of the process hazard analysis with risk assessment; the name, position and affiliation of persons who performed the process hazard analysis with risk assessment; the date of completion; or the methodology used.	N.J.A.C. 7:31-4.2(e)1	2,000	4,000	10,000	<u>NM</u>	
256. Failure to prepare a report of the process hazard analysis with risk assessment that includes a description of each scenario identified in N.J.A.C. 7:31-4.2(b)3iii and iv.	N.J.A.C. 7:31-4.2(e)2	2,000	4,000	10,000	<u>NM</u>	
257. Failure to prepare a report of the process hazard analysis with risk assessment that includes the risk reduction plan developed pursuant to N.J.A.C. 7:31-4.2(c)3 and (d)1.	N.J.A.C. 7:31-4.2(e)3	2,000	4,000	10,000	<u>NM</u>	
258. Failure to use either the property boundary of the industrial complex or the property boundary for the individual stationary source for the purpose of identifying release scenarios with offsite impact at a stationary source that is part of an industrial complex as defined at N.J.A.C. 7:31-1.5.	N.J.A.C. 7:31-4.2(f)	500	1,000	2,500	<u>NM</u>	
259. Failure to evaluate inherently safer technology for newly designed and constructed covered processes in addition to performing the state-of-the-art evaluation pursuant to N.J.A.C. 7:31-4.2(c)1, 2i, and 2ii. or Failure to document recommendations from the inherently safer technology evaluation in accordance with N.J.A.C. 7:31-4.2(c), (d), and (e) for a new covered process.	N.J.A.C. 7:31-4.2(g)	2,000	4,000	10,000	<u>NM</u>	

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260. Failure to develop and implement written operating procedures consistent with the process safety information that provide clear instructions for safely conducting activities involved in the covered process. or Failure to write the operating procedures in a manner and language that the EHS operators of a process are capable of understanding.	40 CFR 68.69(a), N.J.A.C. 7:31-4.1(c)8	4,000	8,000	20,000	<u>NM</u>	
261. Failure to address in the written operating procedures steps for each operating phase including initial startup.	40 CFR 68.69(a)(1)i N.J.A.C. 7:31-4.1(a)	1,000	2,000	5,000	<u>NM</u>	
262. Failure to address in the written operating procedures steps for each operating phase including normal operations.	40 CFR 68.69(a)(1)(ii), N.J.A.C. 7:31-4.1(a)	1,000	2,000	5,000	<u>NM</u>	
263. Failure to address in the operating written procedures steps for each operating phase including temporary operations.	40 CFR 68.69(a)(1)(iii), N.J.A.C. 7:31-4.1(a)	1,000	2,000	5,000	<u>NM</u>	
264. Failure to address in the written operating procedures steps for emergency shutdown including the conditions under which emergency shutdown is required, and the assignment of shutdown responsibility to qualified operators to ensure that emergency shutdown is executed in a safe and timely manner.	40 CFR 68.69(a)(1)(iv), N.J.A.C. 7:31-4.1(a)	1,000	2,000	5,000	<u>NM</u>	
265. Failure to address in the written operating procedures steps for each operating phase including emergency operations.	40 CFR 68.69(a)(1)(v); N.J.A.C. 7:31-4.1(a)	1,000	2,000	5,000	<u>NM</u>	
266. Failure to address in the written operating procedures steps for each operating phase including normal shutdown.	40 CFR 68.69(a)(1)(vi), N.J.A.C. 7:31-4.1(a)	1,000	2,000	5,000	<u>NM</u>	
267. Failure to address in the written operating procedures steps for each operating phase including startup following a turnaround, or after an emergency shutdown.	40 CFR 68.69(a)(1)(vii), N.J.A.C. 7:31-4.1(a)	1,000	2,000	5,000	<u>NM</u>	

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268.	Failure to address in the written operating procedures operating limits including consequences of deviation.	40 CFR 68.69(a)(2)(i), N.J.A.C. 7:31-4.1(a)	1,000	2,000	5,000	<u>NM</u>	
269.	Failure to address in the written operating procedures operating limits including steps required to correct or avoid deviation.	40 CFR 68.69(a)(2)(ii), N.J.A.C. 7:31-4.1(a)	1,000	2,000	5,000	<u>NM</u>	
270.	Failure to address in the written operating procedures safety and health considerations including properties of, and hazards presented by, the chemicals used in the process.	40 CFR 68.69(a)(3)(i), N.J.A.C. 7:31-4.1(a)	1,000	2,000	5,000	<u>NM</u>	
271.	Failure to address in the written operating procedures safety and health considerations containing precautions necessary to prevent exposure, including engineering controls, administrative controls, and personal protective equipment.	40 CFR 68.69(a)(3)(ii), N.J.A.C. 7:31-4.1(a)	1,000	2,000	5,000	<u>NM</u>	
272.	Failure to address in the written operating procedures safety and health considerations including control measures to be taken if physical contact or airborne exposure occurs.	40 CFR 68.69(a)(3)(iii), N.J.A.C. 7:31-4.1(a)	1,000	2,000	5,000	<u>NM</u>	
273.	Failure to address in the operating written procedures safety and health considerations including quality control for raw materials and control of hazardous chemical inventory levels.	40 CFR 68.69(a)(3)(iv), N.J.A.C. 7:31-4.1(a)	1,000	2,000	5,000	<u>NM</u>	
274.	Failure to address in the written operating procedures safety and health considerations including any special or unique hazards.	40 CFR 68.69(a)(3)(v), N.J.A.C. 7:31-4.1(a)	1,000	2,000	5,000	<u>NM</u>	
275.	Failure to address in the written operating procedures safety systems and their functions.	40 CFR 68.69(a)(4), N.J.A.C. 7:31-4.1(a)	1,000	2,000	5,000	<u>NM</u>	
276.	Failure to make operating procedures readily accessible to employees who work in or maintain the process.	40 CFR 68.69(b), N.J.A.C. 7:31-4.1(a)	1,000	2,000	5,000	<u>NM</u>	

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277. Failure to review the operating procedures as often as necessary to assure that they reflect current operating practice, including changes that result from changes in process chemicals, technology, and equipment, and changes to the stationary source.	40 CFR 68.69(c), N.J.A.C. 7:31-4.1(a)	1,000	2,000	5,000	<u>NM</u>	
278. Failure to certify annually that the operating procedures are current and accurate.	40 CFR 68.69(c), N.J.A.C. 7:31-4.1(a)	2,000	4,000	10,000	<u>NM</u>	
279. Failure to develop and implement safe work practices that apply to employees and contractor employees that provide for the control of hazards during operations such as lockout/tagout; confined space entry; opening process equipment or piping; or control over entrance into the stationary source by maintenance, contractor, laboratory, or other support personnel.	40 CFR 68.69(d), N.J.A.C. 7:31-4.1(a)	2,000	4,000	10,000	<u>NM</u>	
280. Failure to include in the standard operating procedures a process description defining the operation and showing flows, temperatures and pressures, or a reference to a document with this information.	N.J.A.C. 7:31-4.3(b)1	500	1,000	2,500	<u>NM</u>	
281. Failure to include in the standard operating procedures sampling procedures addressing apparatus and specific steps involved in the taking of samples.	N.J.A.C. 7:31-4.3(b)2	500	1,000	2,500	<u>NM</u>	
282. Failure to include in the standard operating procedures logsheets and checklists where appropriate to the operation.	N.J.A.C. 7:31-4.3(b)3	500	1,000	2,500	<u>NM</u>	
283. Failure to include in the standard operating procedures a statement as to the number of EHS operators required to meet safety needs for each operation that has shift coverage requirements.	N.J.A.C. 7:31-4.3(b)4	500	1,000	2,500	<u>NM</u>	

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284. Failure to include in the standard operating procedures a requirement that an EHS operator be in attendance at the stationary source to acknowledge alarms and take corrective action to prevent an accident at all times during EHS handling, use, manufacturing, storage or generation unless the conditions of N.J.A.C. 7:31-4.3(b)5i, are met. or Failure to provide EHS monitoring equipment with alarms reporting to a continuously attended station whose personnel are trained to take action to prevent an EHS accident.	N.J.A.C. 7:31-4.3(b)5i	500	1,000	2,500	<u>NM</u>	
285. Failure to include in the standard operating procedures a requirement that an EHS operator be in attendance at the stationary source to acknowledge alarms and take corrective action to prevent an accident at all times during EHS handling, use, manufacturing, storage or generation unless the conditions of N.J.A.C. 7:31-4.3(b)5ii are met. or Failure to provide EHS monitoring equipment with alarms reporting to a continuously attended station whose personnel are trained to take action to prevent an EHS accident.	N.J.A.C. 7:31-4.3(b)5ii	500	1,000	2,500	<u>NM</u>	

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286. Failure to include in the standard operating procedures a requirement that an EHS operator be in attendance at the stationary source to acknowledge alarms and take corrective action to prevent an accident at all times during EHS handling, use, manufacturing, storage or generation unless the conditions of N.J.A.C. 7:31-4.3(b)5iii are met. or Failure to provide EHS monitoring equipment with alarms reporting to a continuously attended station, and failure to demonstrate that an EHS operator is not necessary during the specified activity by performing a risk assessment pursuant to N.J.A.C. 7:31-4.2.	N.J.A.C. 7:31-4.3(b)5iii	500	1,000	2,500	<u>NM</u>	
287. Failure to include in the standard operating procedures a requirement that an EHS operator be in attendance at the stationary source to acknowledge alarms and take corrective action to prevent an accident at all times during EHS handling, use, manufacturing, storage or generation unless the conditions of N.J.A.C. 7:31-4.3(b)5iv are met. or Failure to implement anhydrous ammonia detection monitoring equipment capable of automatically isolating, shutting down, and emptying EHS equipment and provided with alarms reporting to a continuously attended station whose personnel are trained to take action to prevent an EHS accident.	N.J.A.C. 7:31-4.3(b)5iv	500	1,000	2,500	<u>NM</u>	
288. Failure to include in the standard operating procedures a table of contents or a system to index the standard operating procedures covering the items of 40 CFR 68.69(a) and N.J.A.C. 7:31-4.3(b)1 through 5 for each covered process.	N.J.A.C. 7:31-4.3(b)6	500	1,000	2,500	<u>M</u>	<u>30</u>

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289. Failure to train each employee presently involved in operating a process in an overview of the process and in the operating procedures as specified in 40 CFR 68.69 as incorporated at N.J.A.C. 7:31-4.1(c)8. or Failure to include in the training for employees presently involved in operating a process emphasis on the specific safety and health hazards, emergency operations including shutdown, and safe work practices applicable to the employee's job tasks. or Failure to train each employee before being involved in operating a newly assigned process in an overview of the process and in the operating procedures as specified in 40 CFR 68.69 as incorporated at N.J.A.C. 7:31-4.1(c)8. or Failure to include in the training of a newly assigned employee emphasis on the specific safety and health hazards, emergency operations including shutdown, and safe work practices applicable to the employee's job tasks.	40 CFR 68.71(a)(1), N.J.A.C. 7:31-4.1(c)	2,000	4,000	10,000	<u>NM</u>	
290. Failure to certify in writing that an employee has the required knowledge, skills, and abilities to safely carry out the duties and responsibilities as specified in the operating procedures in lieu of initial training for those employees already involved in operating a process on June 21, 1999.	40 CFR 68.71(a)(2), N.J.A.C. 7:31-4.1(a)	2,000	4,000	10,000	<u>NM</u>	

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291. Failure to provide refresher training at least every three years and more often as necessary to each employee involved in operating a process to assure that the employee understands and adheres to the current operating procedures of the process. or Failure to determine, in consultation with the employees involved in operating the process, the appropriate frequency of refresher training.	40 CFR 68.71(b), N.J.A.C. 7:31-4.1(a)	2,000	4,000	10,000	<u>NM</u>	
292. Failure to ascertain that each employee involved in operating a process has received and understood the required training.	40 CFR 68.71(c), N.J.A.C. 7:31-4.1(a)	500	1,000	2,500	<u>NM</u>	
293. Failure to prepare a record which contains the identity of the employee, the date of training, and the means used to verify that the employee understood the training.	40 CFR 68.71(c), N.J.A.C. 7:31-4.1(a)	1,000	2,000	5,000	<u>NM</u>	
294. Failure to provide a written job description which includes the duties and responsibilities for each EHS operator position.	N.J.A.C. 7:31-4.4(b)	500	1,000	2,500	<u>NM</u>	
295. Failure to specify the qualifications required for the personnel responsible for training EHS operators.	N.J.A.C. 7:31-4.4(c)	500	1,000	2,500	<u>NM</u>	
296. Failure to apply paragraphs 40 CFR 68.73(b) through (f) as incorporated at N.J.A.C. 7:31-4.1(a) to pressure vessels and storage tanks.	40 CFR 68.73(a)(1), N.J.A.C. 7:31-4.1(a)	1,000	2,000	5,000	<u>NM</u>	
297. Failure to apply paragraphs 40 CFR 68.73(b) through (f) as incorporated at N.J.A.C. 7:31-4.1(a) to piping systems (including piping components such as valves).	40 CFR 68.73(a)(2), N.J.A.C. 7:31-4.1(a)	1,000	2,000	5,000	<u>NM</u>	
298. Failure to apply paragraphs 40 CFR 68.73(b) through (f) as incorporated at N.J.A.C. 7:31-4.1(a) to relief and vent systems and devices.	40 CFR 68.73(a)(3), N.J.A.C. 7:31-4.1(a)	1,000	2,000	5,000	<u>NM</u>	

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299. Failure to apply paragraphs 40 CFR 68.73(b) through (f) as incorporated at N.J.A.C. 7:31-4.1(a) to emergency shutdown systems.	40 CFR 68.73(a)(4), N.J.A.C. 7:31-4.1(a)	1,000	2,000	5,000	<u>NM</u>	
300. Failure to apply paragraphs 40 CFR 68.73(b) through (f) as incorporated at N.J.A.C. 7:31-4.1(a) to controls (including monitoring devices and sensors, alarms, and interlocks).	40 CFR 68.73(a)(5), N.J.A.C. 7:31-4.1(a)	1,000	2,000	5,000	<u>NM</u>	
301. Failure to apply paragraphs 40 CFR 68.73(b) through (f) as incorporated at N.J.A.C. 7:31-4.1(a) to pumps.	40 CFR 68.73(a)(6), N.J.A.C. 7:31-4.1(a)	1,000	2,000	5,000	<u>NM</u>	
302. Failure to apply paragraphs 40 CFR 68.73(b) through (f) as incorporated at N.J.A.C. 7:31-4.1(c)11 to all EHS equipment.	40 CFR 68.73(a)(6), N.J.A.C. 7:31-4.1(c)11i	1,000	2,000	5,000	<u>NM</u>	
303. Failure to apply paragraphs 40 CFR 68.73(b) through (f) as incorporated at N.J.A.C. 7:31-4.1(c)11 to standby emergency equipment such as power generators, fire pumps, and lighting.	40 CFR 68.73(a)(6), N.J.A.C. 7:31-4.1(c)11ii	1,000	2,000	5,000	<u>NM</u>	
304. Failure to apply paragraphs 40 CFR 68.73(b) through (f) as incorporated at N.J.A.C. 7:31-4.1(c)11 to electrical grounding systems.	40 CFR 68.73(a)(6), N.J.A.C. 7:31-4.1(c)11iii	1,000	2,000	5,000	<u>NM</u>	
305. Failure to establish and implement written procedures to maintain the on-going integrity of process equipment.	40 CFR 68.73(b), N.J.A.C. 7:31-4.1(a)	2,000	4,000	10,000	<u>NM</u>	
306. Failure to train each employee involved in maintaining the on-going integrity of process equipment in an overview of that process and its hazards and in the procedures applicable to the employee's job tasks to assure that the employee can perform the job tasks in a safe manner.	40 CFR 68.73(c), N.J.A.C. 7:31-4.1(a)	2,000	4,000	10,000	<u>NM</u>	
307. Failure to perform inspections and tests on process equipment.	40 CFR 68.73(d)(1), N.J.A.C. 7:31-4.1(a)	2,000	4,000	10,000	<u>NM</u>	

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308. Failure to follow recognized and generally accepted good engineering practices for inspection and testing procedures.	40 CFR 68.73(d)(2), N.J.A.C. 7:31-4.1(a)	1,000	2,000	5,000	<u>NM</u>	
309. Failure to make the frequency of inspections and tests of process equipment consistent with applicable manufacturers' recommendations and good engineering practices, and to increase frequency when determined to be necessary by prior operating experience.	40 CFR 68.73(d)(3), N.J.A.C. 7:31-4.1(a)	1,000	2,000	5,000	<u>NM</u>	
310. Failure to document each inspection and test that has been performed on process equipment. or Failure to identify in the maintenance documentation the date of an inspection or test, the name of the person who performed the inspection or test, the serial number or other identifier of the equipment on which the inspection or test was performed, a description of the inspection or test performed, or the results of the inspection or test.	40 CFR 68.73(d)(4), N.J.A.C. 7:31-4.1(a)	500	1,000	2,500	<u>NM</u>	
311. Failure to correct deficiencies in equipment that are outside acceptable limits (defined by the process safety information in 40 CFR 68.65 as incorporated at N.J.A.C. 7:31-4.1(a)) before further use or in a safe and timely manner when necessary means are taken to assure safe operation.	40 CFR 68.73(e), N.J.A.C. 7:31-4.1(a)	2,000	4,000	10,000	<u>NM</u>	
312. Failure, in the construction of new plants and equipment, to assure that equipment as it is fabricated is suitable for the process application for which it will be used.	40 CFR 68.73(f)(1), N.J.A.C. 7:31-4.1(a)	1,000	2,000	5,000	<u>NM</u>	
313. Failure to perform appropriate checks and inspections to assure that equipment is installed properly and consistent with design specifications and the manufacturer's instructions.	40 CFR 68.73(f)(2), N.J.A.C. 7:31-4.1(a)	1,000	2,000	5,000	<u>NM</u>	

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314. Failure to assure that maintenance materials, spare parts and equipment are suitable for the process application for which they will be used.	40 CFR 68.73(f)(3), N.J.A.C. 7:31-4.1(a)	1,000	2,000	5,000	<u>NM</u>	
315. Failure to implement a system for maintaining accurate records of all inspections, breakdowns, repairs and replacements of EHS equipment with the means of data retrieval and analysis to determine the frequency of inspections and tests and to evaluate equipment reliability.	N.J.A.C. 7:31-4.5(b)	2,000	4,000	10,000	<u>NM</u>	
316. Failure to establish and implement written procedures to manage changes (except for "replacements in kind") to process chemicals, technology, equipment, procedure, or other changes to stationary sources that affect a covered process.	40 CFR 68.75(a), N.J.A.C. 7:31-4.1(a)	2,000	4,000	10,000	<u>NM</u>	
317. Failure to assure in the management of change procedures that the technical basis for the proposed change is addressed prior to implementing the change.	40 CFR 68.75(b)(1), N.J.A.C. 7:31-4.1(a)	1,000	2,000	5,000	<u>NM</u>	
318. Failure to assure in the management of change procedures that the impact of the proposed change on safety and health and preventive maintenance procedures is addressed prior to implementing the change.	40 CFR 68.75(b)(2), N.J.A.C. 7:31-4.1(c)12	1,000	2,000	5,000	<u>NM</u>	
319. Failure to assure in the management of change procedures that modifications to operating procedures are addressed prior to implementing the change.	40 CFR 68.75(b)(3), N.J.A.C. 7:31-4.1(a)	1,000	2,000	5,000	<u>NM</u>	
320. Failure to assure in the management of change procedures that the necessary time period for the change is addressed prior to implementing the change.	40 CFR 68.75(b)(4), N.J.A.C. 7:31-4.1(a)	1,000	2,000	5,000	<u>NM</u>	
321. Failure to assure in the management of change procedures that the authorization requirements for the proposed change are addressed prior to implementing the change.	40 CFR 68.75(b)(5), N.J.A.C. 7:31-4.1(a)	1,000	2,000	5,000	<u>NM</u>	

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322. Failure to train and inform employees involved in operating a process and maintenance and contract employees whose job tasks will be affected by a change in the process on a change prior to start-up of the changed process or the affected part of the process.	40 CFR 68.75(c), N.J.A.C. 7:31-4.1(a)	1,000	2,000	5,000	<u>NM</u>	
323. Failure to update the process safety information required by 40 CFR 68.65 as incorporated at N.J.A.C. 7:31-4.1 to reflect changes in such information.	40 CFR 68.75(d), N.J.A.C. 7:31-4.1(a)	1,000	2,000	5,000	<u>NM</u>	
324. Failure to update the operating procedures or practices for a change covered by 40 CFR 68.75 as incorporated at N.J.A.C. 7:31-4.1 that resulted in a change in the operating procedures or practices.	40 CFR 68.75(e), N.J.A.C. 7:31-4.1(a)	1,000	2,000	5,000	<u>NM</u>	
325. Failure to identify the associated release scenarios and changes in rate, duration or quantity for a change in the covered process or procedures that resulted in an increase in rate, duration or quantity, or release frequency.	N.J.A.C. 7:31-4.6(b)	1,000	2,000	5,000	<u>NM</u>	
326. Failure to analyze the associated release scenarios for a change in the covered process or procedures that resulted in an increase in rate, duration and quantity, or release frequency in accordance with the parameters and methods required at N.J.A.C. 7:31-4.2 to determine whether a criterion endpoint defined at N.J.A.C. 7:31-4.2(b)3iv extends beyond the stationary source boundary.	N.J.A.C. 7:31-4.6(b)	2,000	4,000	10,000	<u>NM</u>	
327. Failure to prepare or update the documentation and report required by N.J.A.C. 7:31-4.2(d) and (e) prior to implementing a change for a release scenario that results in a criterion endpoint extending beyond the stationary source boundary.	N.J.A.C. 7:31-4.6(c)	4,000	8,000	20,000	<u>NM</u>	

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328. Failure to require in the management of change temporary change procedure a description of the temporary change to be made.	N.J.A.C. 7:31-4.6(d)1i	2,000	4,000	10,000	<u>NM</u>	
329. Failure to require in the management of change temporary change procedure a description of the temporary change that includes identification of the EHS equipment, piping and instrument diagram(s), and standard operating procedure(s) affected by the temporary change.	N.J.A.C. 7:31-4.6(d)1ii	2,000	4,000	10,000	<u>NM</u>	
330. Failure to require in the management of change temporary change procedure a description of the temporary change including the reason for the temporary change.	N.J.A.C. 7:31-4.6(d)1iii	2,000	4,000	10,000	<u>M</u>	<u>30</u>
331. Failure to require in the management of change temporary change procedure the authorization of the temporary change by the appropriate person specified in the management system developed pursuant to 40 CFR 68.15(c) as incorporated at N.J.A.C. 7:31-1.1(c).	N.J.A.C. 7:31-4.6(d)2	2,000	4,000	10,000	<u>NM</u>	
332. Failure to require in the management of change temporary change procedure the notification of all personnel affected by the temporary change.	N.J.A.C. 7:31-4.6(d)3	2,000	4,000	10,000	<u>NM</u>	
333. Failure to require in the management of change temporary change procedure the implementation of appropriate safety precautions while the temporary change is in EHS service.	N.J.A.C. 7:31-4.6(d)4	2,000	4,000	10,000	<u>NM</u>	

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334. Failure to require in the management of change temporary change procedure the time limit for the temporary change. or Failure to comply with all requirements of 40 CFR 68.75 with changes specified at N.J.A.C. 7:31-4.1(c)12 and N.J.A.C. 7:31-4.6(a), (b), and (c) for a temporary change that exceeded the time limit specified in the management of change procedures.	N.J.A.C. 7:31-4.6(d)5	2,000	4,000	10,000	<u>NM</u>	
335. Failure to include in the management of change temporary change procedure a requirement to ensure that the equipment and procedures are returned to their original or designed conditions at the end of the temporary change.	N.J.A.C. 7:31-4.6(d)6	2,000	4,000	10,000	<u>NM</u>	
336. Failure to perform a pre-startup safety review for new stationary sources or modified stationary sources for a modification significant enough to require a change in the process safety information.	40 CFR 68.77(a), N.J.A.C. 7:31-4.1(a)	4,000	8,000	20,000	<u>NM</u>	
337. Failure to confirm in a pre-startup safety review that prior to the introduction of regulated substances to a process, construction and equipment are in accordance with design specifications.	40 CFR 68.77(b)(1), N.J.A.C. 7:31-4.1(a)	2,000	4,000	10,000	<u>NM</u>	
338. Failure to confirm in a pre-startup safety review that prior to the introduction of regulated substances to a process, safety, operating, maintenance, and emergency procedures are in place and are adequate.	40 CFR 68.77(b)(2), N.J.A.C. 7:31-4.1(a)	2,000	4,000	10,000	<u>NM</u>	

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339. Failure to confirm in a pre-startup safety review that prior to the introduction of regulated substances to a process for a new stationary source, a process hazard analysis has been performed and recommendations have been resolved or implemented before startup. or Failure to confirm in a pre-startup safety review that modified stationary sources meet the management of change requirements contained in at 40 CFR 68.75 incorporated at N.J.A.C. 7:31-4.1(a).	40 CFR 68.77(b)(3), N.J.A.C. 7:31-4.1(a)	2,000	4,000	10,000	<u>NM</u>	
340. Failure to confirm in a pre-startup safety review that prior to the introduction of regulated substances to a process, training of each employee involved in operating the process has been completed.	40 CFR 68.77(b)(4), N.J.A.C. 7:31-4.1(a)	2,000	4,000	10,000	<u>NM</u>	
341. Failure to conduct a safety review of design for new EHS equipment in a new covered process prior to construction and to document that the design of the covered process follows design and operating standards as reflected in the process safety information compiled in accordance with 40 CFR 68.65 with changes specified at N.J.A.C. 7:31-4.1(c)1 through 4.	N.J.A.C. 7:31-4.7(b)	2,000	4,000	10,000	<u>NM</u>	
342. Failure to prepare a written report for the safety review of design for a new covered process.	N.J.A.C. 7:31-4.7(c)	2,000	4,000	10,000	<u>NM</u>	
343. Failure to include in the written report for each safety review performed pursuant to N.J.A.C. 7:31-4.7(b) the date of the report or an identification of the covered process, the process safety information, or the standard operating procedures reviewed.	N.J.A.C. 7:31-4.7(c)1	500	1,000	2,500	<u>M</u>	<u>30</u>

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344. Failure to include in the written report for each safety review performed pursuant to N.J.A.C. 7:31-4.7(b) an identification of the codes and standards upon which the covered process design and operations were based.	N.J.A.C. 7:31-4.7(c)2	500	1,000	2,500	<u>M</u>	<u>30</u>
345. Failure to include in the written report for each safety review performed pursuant to N.J.A.C. 7:31-4.7(b) the names of the person(s) who performed the safety review.	N.J.A.C. 7:31-4.7(c)3	500	1,000	2,500	<u>M</u>	<u>30</u>
346. Failure to include in the written report for each safety review performed pursuant to N.J.A.C. 7:31-4.7(b) the deviations from the design and operating codes and standards that were found with an appropriate description of the resolution of each deviation.	N.J.A.C. 7:31-4.7(c)4	500	1,000	2,500	<u>M</u>	<u>30</u>
347. Failure to conduct and document a pre-startup safety review prior to placing a new or modified covered process into EHS service.	N.J.A.C. 7:31-4.7(d)	4,000	8,000	20,000	<u>NM</u>	
348. Failure to prepare a written report for each pre-startup safety review.	N.J.A.C. 7:31-4.7(e)	2,000	4,000	10,000	<u>NM</u>	
349. Failure to prepare a written report for each pre-startup safety review performed pursuant to N.J.A.C. 7:31-4.7(d) that includes the date of the report and an identification of the covered process.	N.J.A.C. 7:31-4.7(e)1	[500] <u>1,000</u>	2,000	5,000	<u>M</u>	<u>30</u>
350. Failure to include in the written report for each pre-startup safety review performed pursuant to N.J.A.C. 7:31-4.7(d) documentation that all the requirements of 40 CFR 68.77(b) as incorporated at N.J.A.C. 7:31-4.1(a) have been completed prior to the startup of the new or modified covered process.	N.J.A.C. 7:31-4.7(e)2	500	1,000	2,500	<u>M</u>	<u>30</u>

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351. Failure to conduct a compliance audit and certify that compliance with the provisions of 40 CFR Subpart D incorporated at N.J.A.C. 7:31-4 has been evaluated at least every year to verify that the procedures and practices developed are adequate and are being followed. or Failure to verify that the process technology and equipment, as built and operated, are in accordance with the process safety information prepared pursuant to 40 CFR 68.65(c) and (d) as incorporated with changes at N.J.A.C. 7:31-4.1(c)1 through 4.	40 CFR 68.79(a), N.J.A.C. 7:31-4.1(c)13	4,000	8,000	20,000	<u>NM</u>	
352. Failure to conduct the compliance audit with at least one person knowledgeable in the process.	40 CFR 68.79(b), N.J.A.C. 7:31-4.1(a)	1,000	2,000	5,000	<u>NM</u>	
353. Failure to develop a report of the findings of the audit.	40 CFR 68.79(c), N.J.A.C. 7:31-4.1(c)14	1,000	2,000	5,000	<u>NM</u>	
354. Failure to include in the report of the findings of the audit the scope, audit techniques, methods used, or the names of the audit participants.	40 CFR 68.79(c), N.J.A.C. 7:31-4.1(c)14	1,000	2,000	5,000	<u>M</u>	<u>30</u>
355. Failure to promptly determine and document an appropriate response to each of the findings of the compliance audit. or Failure to document that deficiencies identified during the compliance audit have been corrected.	40 CFR 68.79(d), N.J.A.C. 7:31-4.1(a)	1,000	2,000	5,000	<u>NM</u>	
356. Failure to retain the two (2) most recent compliance audit reports.	40 CFR 68.79(e), N.J.A.C. 7:31-4.1(a)	1,000	2,000	5,000	<u>NM</u>	
357. Failure to investigate each EHS accident or potential catastrophic event.	40 CFR 68.81(a), N.J.A.C. 7:31-4.1(c)16	2,000	4,000	10,000	<u>NM</u>	
358. Failure to initiate an EHS accident or potential catastrophic event investigation as promptly as possible, but not later than 48 hours following the incident.	40 CFR 68.81(b), N.J.A.C. 7:31-4.1(c)15	1,000	2,000	5,000	<u>NM</u>	

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359. Failure to establish an EHS accident or potential catastrophic event investigation team that consists of at least one person knowledgeable in the process involved, including a contract employee if the incident involved work of a contractor, and other persons with appropriate knowledge and experience to thoroughly investigate and analyze the incident.	40 CFR 68.81(c), N.J.A.C. 7:31-4.1(c)15	1,000	2,000	5,000	<u>NM</u>	
360. Failure to prepare a report at the conclusion of the EHS accident or potential catastrophe event investigation.	40 CFR 68.81(d) N.J.A.C. 7:31-4.1 (c) 15 and 17	1,000	2,000	5,000	<u>NM</u>	
361. Failure to prepare a report at the conclusion of the investigation which includes the date, time, or location of the EHS accident or potential catastrophic event.	40 CFR 68.81(d)(1), N.J.A.C. 7:31-4.1(c)15 and 17	1,000	2,000	5,000	<u>M</u>	<u>30</u>
362. Failure to prepare a report at the conclusion of the EHS accident or potential catastrophic event investigation which includes the date the investigation began.	40 CFR 68.81(d)(2), N.J.A.C. 7:31-4.1(a)	1,000	2,000	5,000	<u>M</u>	<u>30</u>
363. Failure to prepare a report at the conclusion of the EHS accident or potential catastrophic event investigation which includes a description of the EHS accident or potential catastrophic event in chronological order providing all the relevant facts. or Failure to include the identity, amount and duration of the EHS release when these facts could reasonably be determined based on the information obtained through the EHS accident or potential catastrophic event investigation. or Failure to identify consequences of the EHS accident or potential catastrophic event including the number of evacuees, injured, fatalities, or the impact on the community.	40 CFR 68.81(d)(3), N.J.A.C. 7:31-4.1(c)15 and 18	1,000	2,000	5,000	<u>NM</u>	

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364. Failure to prepare a report at the conclusion of the investigation which includes the factors that contributed to the EHS accident or potential catastrophic event and an identification of basic and contributory causes, either direct or indirect.	40 CFR 68.81(d)(4), N.J.A.C. 7:31-4.1(c)15 and 19	1,000	2,000	5,000	<u>NM</u>	
365. Failure to prepare a report prepared at the conclusion of the EHS accident or potential catastrophic event investigation which includes any recommendations resulting from the investigation to prevent a recurrence.	40 CFR 68.81(d)(5), N.J.A.C. 7:31-4.1(c)20	1,000	2,000	5,000	<u>NM</u>	
366. Failure to prepare a report at the conclusion of the EHS accident or potential catastrophic event investigation which includes the names and position titles of the investigators.	40 CFR 68.81(d)(5), N.J.A.C. 7:31-4.1(c)21i	1,000	2,000	5,000	<u>M</u>	<u>30</u>
367. Failure to establish a system to promptly address and resolve the EHS accident or potential catastrophic event report findings and recommendations.	40 CFR 68.81(e), N.J.A.C. 7:31-4.1(c)15	2,000	4,000	10,000	<u>NM</u>	
368. Failure to document EHS accident or potential catastrophic event investigation resolutions and corrective actions.	40 CFR 68.81(e), N.J.A.C. 7:31-4.1(c)15	1,000	2,000	5,000	<u>NM</u>	
369. Failure to review the investigation report with all affected personnel whose job tasks are relevant to the EHS accident or potential catastrophic event findings including contract employees, where applicable.	40 CFR 68.81(f), N.J.A.C. 7:31-4.1(c)15	1,000	2,000	5,000	<u>NM</u>	
370. Failure to retain EHS accident or potential catastrophic event investigation reports for five years.	40 CFR 68.81(g), N.J.A.C. 7:31-4.1(c)15	2,000	4,000	10,000	<u>NM</u>	
371. Failure to develop a written plan of action regarding the implementation of the employee participation required by 40 CFR 68.83 as incorporated at N.J.A.C. 7:31-4.1(a).	40 CFR 68.83(a), N.J.A.C. 7:31-4.1(a)	2,000	4,000	10,000	<u>M</u>	<u>30</u>

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372. Failure to consult with employees and their representatives on the conduct and development of process hazards analyses with risk assessments and on the development of the other elements of process safety management in this rule.	40 CFR 68.83(b), N.J.A.C. 7:31-4.1(c)22	1,000	2,000	5,000	<u>M</u>	<u>30</u>
373. Failure to provide to employees and their representatives access to process hazard analyses with risk assessments and to all other information required to be developed under this rule.	40 CFR 68.83(c), N.J.A.C. 7:31-4.1(c)22	2,000	4,000	10,000	<u>M</u>	<u>30</u>
374. Failure to issue a hot work permit for hot work operations conducted on or near a covered process.	40 CFR 68.85(a), N.J.A.C. 7:31-4.1(a)	1,000	2,000	5,000	<u>NM</u>	
375. Failure to document in the hot work permit that the fire prevention and protection requirements in 29 CFR 1910.252(a) have been implemented prior to beginning the hot work operations, to indicate the date(s) authorized for hot work, and to identify the object on which hot work is to be performed. or Failure to keep the hot work permit on file until completion of the hot work operations.	40 CFR 68.85(b), N.J.A.C. 7:31-4.1(a)	500	1,000	[2,000] <u>2,500</u>	<u>NM</u>	
376. Failure to apply the requirements of 40 CFR 68.87 as incorporated at N.J.A.C. 7:31-4.1(a) for contractors performing maintenance or repair, turnaround, major renovation, or specialty work on or adjacent to a covered process.	40 CFR 68.87(a), N.J.A.C. 7:31-4.1(a)	2,000	4,000	10,000	<u>NM</u>	
377. Failure to obtain and evaluate information regarding the contract owner or operator's safety performance and programs when selecting a contractor.	40 CFR 68.87(b)(1), N.J.A.C. 7:31-4.1(a)	2,000	4,000	10,000	<u>NM</u>	
378. Failure to inform a contract owner or operator of the known potential fire, explosion, or toxic release hazards related to the contractor's work and the process.	40 CFR 68.87(b)(2), N.J.A.C. 7:31-4.1(a)	2,000	4,000	10,000	<u>NM</u>	

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379. Failure to explain to the contract owner or operator the applicable provisions of 40 CFR 68 subpart E as incorporated at N.J.A.C. 7:31-5.1(a).	40 CFR 68.87(b)(3), N.J.A.C. 7:31-4.1(a)	1,000	2,000	5,000	<u>NM</u>	
380. Failure to develop and implement safe work practices consistent with 40 CFR 68.69(d), as incorporated at N.J.A.C. 7:31-4.1(a) to control the entrance, presence, and exit of the contract owner or operator and contract employees in covered process areas.	40 CFR 68.87(b)(4), N.J.A.C. 7:31-4.1(a)	1,000	2,000	5,000	<u>NM</u>	
381. Failure to periodically evaluate the performance of the contract owner or operator in fulfilling their obligations as specified in 40 CFR 68.87(c) as incorporated at N.J.A.C. 7:31-4.1(a).	40 CFR 68.87(b)(5), N.J.A.C. 7:31-4.1(a)	2,000	4,000	10,000	<u>NM</u>	
382. Failure of the contract owner or operator to assure that each contract employee is trained in the work practices necessary to safely perform his/her job.	40 CFR 68.87(c)(1), N.J.A.C. 7:31-4.1(a)	2,000	4,000	10,000	<u>NM</u>	
383. Failure of the contract owner or operator to assure that each contract employee is instructed in the known potential fire, explosion, or toxic release hazards related to his/her job and the process, and the applicable provisions of the emergency action plan.	40 CFR 68.87(c)(2), N.J.A.C. 7:31-4.1(a)	2,000	4,000	10,000	<u>NM</u>	
384. Failure of the contract owner or operator to document that each contract employee has received and understood the training required by 40 CFR 68.87 as incorporated at N.J.A.C. 7:31-4.1(a). or Failure of the contract owner or operator to prepare a record which contains the identity of the contract employee, the date of training, and the means used to verify that each employee understood the training.	40 CFR 68.87(c)(3), N.J.A.C. 7:31-4.1(a)	1,000	2,000	5,000	<u>NM</u>	

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385. Failure of the contract owner or operator to assure that each contract employee follows the safety rules of the stationary source including the safe work practices required by 40 CFR 68.69(d) as incorporated as N.J.A.C. 7:31-4.1(a).	40 CFR 68.87(c)(4), N.J.A.C. 7:31-4.1(a)	2,000	4,000	10,000	<u>NM</u>	
386. Failure of the contract owner or operator to advise the owner or operator of any unique hazards presented by the contract owner or operator's work, or of any hazards found by the contract owner or operator's work.	40 CFR 68.87(c)(5), N.J.A.C. 7:31-4.1(a)	2,000	4,000	10,000	<u>NM</u>	
387. Failure to comply with the emergency response provisions of N.J.A.C. 7:31-5.	N.J.A.C. 7:31-4.8(a)	4,000	8,000	20,000	<u>NM</u>	
388. Failure to submit to the Department within 90 days of the anniversary date an annual report reflecting the risk management activities for the 12-month period ending on the anniversary date.	N.J.A.C. 7:31-4.9(a)	2,000	4,000	10,000	<u>M</u>	<u>30</u>
389. Failure to include in the annual report an update of the supplemental TCPA program information as specified in N.J.A.C. 7:31-7.2(a)2 if this supplemental information was not previously reported in a revised Risk Management Plan submittal. or Failure to state that there were no changes to the supplemental TCPA program information in the annual report if there were no changes in this information since the last Risk Management Plan submittal.	N.J.A.C. 7:31-4.9(b)1	500	1,000	2,500	<u>M</u>	<u>30</u>
390. Failure to include in the annual report a description of significant changes to the management system. or Failure to state that there were no changes to the management system in the annual report if there were no changes in this information since the last annual report.	N.J.A.C. 7:31-4.9(b)2	500	1,000	2,500	<u>M</u>	<u>30</u>

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391. Failure to include in the annual report a process hazard analysis with risk assessment report prepared pursuant to N.J.A.C. 7:31-4.2(e) for each process hazard analysis with risk assessment completed during the previous year, when applicable. or Failure to include in the annual report a list of the risk assessment reports prepared pursuant to N.J.A.C. 7:31-4.6(c) or the actual risk assessment reports. or Failure to state in the annual report that there were no process hazard analysis with risk assessment reports completed if no such reports were completed since the last annual report.	N.J.A.C. 7:31-4.9(b)3	500	1,000	2,500	<u>M</u>	<u>30</u>
392. Failure to include in the annual report a summary of any EHS accidents that occurred during the previous year including the EHS involved and amount released if these facts could have been reasonably determined based on the information obtained through the investigation.	N.J.A.C. 7:31-4.9(b)4i	500	1,000	2,500	<u>M</u>	<u>30</u>
393. Failure to include in the annual report a summary of any EHS accidents that occurred during the previous year including the date and time of the EHS accident and identification of EHS equipment involved.	N.J.A.C. 7:31-4.9(b)4ii	500	1,000	2,500	<u>M</u>	<u>30</u>
394. Failure to include in the annual report a summary of any EHS accidents that occurred during the previous year including the basic and contributory causes.	N.J.A.C. 7:31-4.9(b)4iii	500	1,000	2,500	<u>M</u>	<u>30</u>
395. Failure to include in the annual report a summary of any EHS accidents that occurred during the previous year including a statement that there were no EHS accidents if no EHS accidents occurred since the last annual report.	N.J.A.C. 7:31-4.9(b)4iv	500	1,000	2,500	<u>M</u>	<u>30</u>

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396. Failure to include in the annual report the compliance audit report and documentation for the year ending on the anniversary date prepared pursuant to 40 CFR 68.79(c) and (d) with changes specified at N.J.A.C. 7:31-4.1(c)14 and 23.	N.J.A.C. 7:31-4.9(b)5	500	1,000	2,500	<u>M</u>	<u>30</u>
397. Failure to perform a pre-startup safety review of temporarily discontinued EHS equipment and procedures in accordance with the requirements of 40 CFR 68.77(a), (b)(1) and (2) and N.J.A.C. 7:31-4.7(e), within 60 calendar days prior to bringing the EHS back to the covered process.	N.J.A.C. 7:31-4.10(a)1	2,000	4,000	10,000	<u>NM</u>	
398. Failure to perform inspections, tests and checks conforming to requirements of 40 CFR 68.73 with changes specified at N.J.A.C. 7:31-4.1(c)10-11 and N.J.A.C. 7:31-4.5, for proper operation of temporarily discontinued EHS equipment, within 60 calendar days prior to bringing the EHS back to the covered process.	N.J.A.C. 7:31-4.10(a)2	2,000	4,000	10,000	<u>NM</u>	
399. Failure to perform EHS operator training activities conforming to 40 CFR 68.71 with changes specified at N.J.A.C. 7:31-4.1(c)9 and N.J.A.C. 7:31-4.4, for activities involving temporarily discontinued EHS equipment, within 60 calendar days prior to bringing the EHS back to the covered process.	N.J.A.C. 7:31-4.10(a)3	2,000	4,000	10,000	<u>NM</u>	
400. Failure to pay the annual fee for a temporary discontinuance in accordance with N.J.A.C. 7:31-1.11A(o) and (p).	N.J.A.C. 7:31-4.10(a)4	2,000	4,000	10,000	<u>M</u>	<u>30</u>

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401. Failure to submit to the Department a report of safety review of design, in accordance with N.J.A.C. 7:31-4.7(b) and (c), and the documentation required at N.J.A.C. 7:31-7.2 and 40 CFR 68.150 with changes specified at N.J.A.C. 7:31-7.1(c)1 and 2, at least 90 days prior to construction of a new Program 3 covered process at a stationary source for which there is no previously approved risk management program.	N.J.A.C. 7:31-4.11(a)1	2,000	4,000	10,000	<u>M</u>	<u>30</u>
402. Failure to receive written approval from the Department before proceeding with construction of a new Program 3 covered process at a stationary source for which there is no previously approved risk management program.	N.J.A.C. 7:31-4.11(a)2	6,000	12,000	30,000	<u>NM</u>	
403. Failure to submit to the Department, at least 90 days prior to the date the equipment was scheduled to be placed into EHS service, any updates of the documentation as required by N.J.A.C. 7:31-4.11(a)1 for a new Program 3 covered process at a stationary source for which there is no previously approved risk management program.	N.J.A.C. 7:31-4.11(a)3	2,000	4,000	10,000	<u>M</u>	<u>30</u>
404. Failure to conduct a pre-startup safety review in accordance with N.J.A.C. 7:31-4.7(d) and (e) for a new Program 3 covered process at a stationary source for which there is no previously approved risk management program.	N.J.A.C. 7:31-4.11(a)4	4,000	8,000	20,000	<u>NM</u>	
405. Failure to submit to the Department the fees required by N.J.A.C. 7:31-1.11A for a new Program 3 covered process at a stationary source for which there is no previously approved risk management program.	N.J.A.C. 7:31-4.11(a)5	one-third of fee	one-third of fee + 1,000	one-third of fee + 2000	<u>M</u>	<u>30</u>

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406. Failure to submit a report of safety review of design in accordance with N.J.A.C. 7:31-4.7(b) and (c) and the documentation required at N.J.A.C. 7:31-7.2 and 40 CFR 68.150 with changes specified at N.J.A.C. 7:31-7.1(c)1 and 2 at least 90 days prior to placing the equipment into EHS service for a new Program 3 covered process that utilizes existing equipment at a stationary source for which there is no previously approved risk management program.	N.J.A.C. 7:31-4.11(b)1	2,000	4,000	10,000	<u>M</u>	<u>30</u>
407. Failure to conduct a pre-startup safety review in accordance with N.J.A.C. 7:31-4.7(d) and (e) on a new Program 3 covered process that utilizes existing equipment at a stationary source for which there is no previously approved risk management program.	N.J.A.C. 7:31-4.11(b)2	2,000	4,000	10,000	<u>NM</u>	
408. Failure to submit to the Department the fees required by N.J.A.C. 7:31-1.11A for a new Program 3 covered process that utilizes existing equipment at a stationary source for which there is no previously approved risk management program.	N.J.A.C. 7:31-4.11(b)3	one-third of fee	one-third of fee + 1,000	one-third of fee + 2,000	<u>M</u>	<u>30</u>
409. Failure to submit a report of safety review of design in accordance with N.J.A.C. 7:31-4.7(b) and (c) and update documentation in accordance with N.J.A.C. 7:31-7.2 and 40 CFR 68.150 with changes specified at N.J.A.C. 7:31-7.1(c)1 and 2 at least 90 days prior to the scheduled placing of equipment into EHS service for a Program 3 covered process that is newly constructed or that utilizes existing equipment at a stationary source that has a previously approved risk management program.	N.J.A.C. 7:31-4.11(c)1	2,000	4,000	10,000	<u>M</u>	<u>30</u>

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410. Failure to conduct a pre-startup safety review in accordance with N.J.A.C. 7:31-4.7(d) and (e) for a new Program 3 covered process that is newly constructed or utilizes existing equipment at a stationary source that has a previously approved risk management program.	N.J.A.C. 7:31-4.11(c)2	2,000	4,000	10,000	<u>NM</u>	
411. Failure to submit to the Department the fees required by N.J.A.C. 7:31-1.11A for a newly constructed Program 3 covered process or one that utilizes existing equipment at a stationary source that has a previously approved risk management program.	N.J.A.C. 7:31-4.11(c)3	one-third of fee	one-third of fee + 1,000	one-third of fee + 2,000	<u>M</u>	<u>30</u>
412. Failure to enter into a consent agreement or consent agreement addendum with the Department prior to placing equipment into EHS service for a new covered process and subsequent to a stationary source inspection by the Department. or Failure to complete corrective action of deficiencies in the consent agreement or consent agreement addendum for equipment in a new covered process in accordance with the schedule in the consent agreement or consent agreement addendum.	N.J.A.C. 7:31-4.11(d)	6,000	12,000	30,000	<u>NM</u>	
413. Failure of an owner/operator of a Program 2 covered process, whose employees will not respond to accidental releases of regulated substances, to meet the emergency response exemption applicability and failure requirements of 40 CFR 68.90(b) incorporated at N.J.A.C. 7:31-5.1(c)1 and 2 and to develop and implement an emergency response program in accordance with 40 CFR 68.95.	40 CFR 68.90(a) N.J.A.C. 7:31-5.1(a)	1,000	2,000	5,000	<u>NM</u>	
414. Failure to develop and implement an emergency response program that includes an emergency response plan which is maintained at the stationary source.	40 CFR 68.95(a) N.J.A.C. 7:31-5.1(a)	4,000	8,000	20,000	<u>NM</u>	

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415. Failure to include in the emergency response plan procedures for informing the public and local emergency response agencies about accidental releases.	40 CFR 68.95(a)(1)(i) N.J.A.C. 7:31-5.1(a)	500	1,000	2,500	<u>NM</u>	
416. Failure to include in the emergency response plan documentation of proper first-aid and emergency medical treatment necessary to treat accidental human exposures.	40 CFR 68.95(a)(1)(ii), N.J.A.C. 7:31-5.1(a)	500	1,000	2,500	<u>NM</u>	
417. Failure to include in the emergency response plan procedures and measures for emergency response after an accidental release of a regulated substance.	40 CFR 68.95(a)(1)(iii), N.J.A.C. 7:31-5.1(a)	500	1,000	2,500	<u>NM</u>	
418. Failure to include in the emergency response program procedures for the use of emergency response equipment and for its inspection, testing, and maintenance.	40 CFR 68.95(a)(2), N.J.A.C. 7:31-5.1(a)	1,000	2,000	5,000	<u>NM</u>	
419. Failure to include in the emergency response program emergency response program training for all employees in relevant procedures.	40 CFR 68.95(a)(3), N.J.A.C. 7:31-5.1(a)	1,000	2,000	5,000	<u>NM</u>	
420. Failure to include in the emergency response program procedures to review and update, as appropriate, the emergency response plan to reflect changes at the stationary source and to ensure that employees are informed of changes.	40 CFR 68.95(a)(4), N.J.A.C. 7:31-5.1(a)	1,000	2,000	5,000	<u>NM</u>	
421. Failure to include elements of 40 CFR 68.95(a) and 40 CFR 68.95(c) as incorporated at N.J.A.C. 7:31-5.1(a) in the emergency response plan that are consistent with and as stringent as the National Response Team's Integrated Contingency Plan Guidance ("One Plan").	40 CFR 68.95(b), N.J.A.C. 7:31-5.1(a)3 and 4	1,000	2,000	5,000	<u>NM</u>	

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422. Failure to coordinate the emergency response plan developed under 40 CFR 68.95(a)(1) as incorporated at N.J.A.C. 7:31-5.1(a) with the community emergency response plan developed under 42 U.S.C. §11003. or Failure to promptly provide to the local emergency planning committee or emergency response officials, upon their request, information necessary for developing and implementing the community emergency response plan.	40 CFR 68.95(c), N.J.A.C. 7:31-5.1(a)	1,000	2,000	5,000	<u>NM</u>	
423. Failure to develop and implement a written emergency response (ER) program which includes initial and annual refresher emergency response training for all employees in relevant procedures to implement the emergency response plan.	N.J.A.C. 7:31-5.2(b)1	2,000	4,000	10,000	<u>NM</u>	
424. Failure to develop and implement a written emergency response (ER) program which includes performance of at least one EHS ER exercise per calendar year.	N.J.A.C. 7:31-5.2(b)2	2,000	4,000	10,000	<u>NM</u>	
425. Failure to invite at least one outside responder agency who is designated in the ER plan to participate in the ER exercise at a stationary source with a Program 2 covered process whose employees will not respond to an EHS accident in accordance with 40 CFR 68.90(b) with changes specified at N.J.A.C. 7:31-5.1(c)2. or Failure to require employees of the stationary source to perform their assigned responsibilities for all ER exercises.	N.J.A.C. 7:31-5.2(b)2i	2,000	4,000	10,000	<u>NM</u>	

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426. Failure to perform at least one full scale ER exercise in which the ER team and ER containment, mitigation, and monitoring equipment are deployed at a strength appropriate to demonstrate the adequacy and implementation of the plan for a stationary source at which the employees will respond to an EHS accident.	N.J.A.C. 7:31-5.2(b)2ii	2,000	4,000	10,000	<u>NM</u>	
427. Failure to make a written assessment of the ER plan and of the adequacy or need for ER equipment after each ER plan implementation or each ER exercise.	N.J.A.C. 7:31-5.2(b)3	1,000	2,000	5,000	<u>NM</u>	
428. Failure to provide in the emergency response (ER) program a description of the emergency notification system which requires immediate notification of an EHS accident or imminent EHS accident at the stationary source, including company name and address of the EHS accident, to the Department's emergency communications center at 877-WARNDEP by the emergency coordinator or designee.	N.J.A.C. 7:31-5.2(b)4i(1)	2,000	4,000	10,000	<u>NM</u>	
429. Failure to provide in the emergency response (ER) program a description of the emergency notification system which requires immediate notification of an EHS accident or imminent EHS accident at the stationary source, including the name, position and telephone number of the caller, to the Department's emergency communications center at 877-WARNDEP by the emergency coordinator or designee.	N.J.A.C. 7:31-5.2(b)4i(2)	1,000	2,000	5,000	<u>NM</u>	

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430. Failure to provide in the emergency response (ER) program a description of the emergency notification system which requires immediate notification of an EHS accident or imminent EHS accident at the stationary source, including time of, or anticipated time of the EHS accident and the projected duration to the Department's emergency communications center at 877-WARNDEP by the emergency coordinator or designee.	N.J.A.C. 7:31-5.2(b)4i(3)	1,000	2,000	5,000	<u>NM</u>	
431. Failure to provide in the emergency response (ER) program's emergency notification system a requirement for immediate notification of an EHS accident or imminent EHS accident, including the chemical name of the EHS released, to the Department's emergency communications center at 877-WARNDEP by the emergency coordinator or designee.	N.J.A.C. 7:31-5.2(b)4i(4)	1,000	2,000	5,000	<u>NM</u>	
432. Failure to provide in the emergency notification system a requirement for immediate notification to the Department's emergency communications center at 877-WARNDEP of an EHS accident or imminent EHS accident by the emergency coordinator or designee stating the actual EHS quantity (or estimated quantity if not known), and whether it will have an offsite impact.	N.J.A.C. 7:31-5.2(b)4i(5)	1,000	2,000	5,000	<u>NM</u>	
433. Failure to require in the emergency response (ER) program's emergency notification system the weather conditions, including wind direction and speed and expected offsite effects in the immediate notification to the Department's emergency communications center at 877-WARNDEP by the emergency coordinator or designee for an EHS accident or imminent EHS accident.	N.J.A.C. 7:31-5.2(b)4i(6)	1,000	2,000	5,000	<u>NM</u>	

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434. Failure to provide in the emergency response (ER) program an EHS accident reporting requirement that the emergency coordinator or designee for the stationary source be prepared to provide the Department's emergency communications center with updates, if requested, which include the name and address of the stationary source.	N.J.A.C. 7:31-5.2(b)4ii(1)	1,000	2,000	5,000	<u>NM</u>	
435. Failure to provide in the emergency response (ER) program an EHS accident reporting requirement that the emergency coordinator or designee for the stationary source be prepared to provide the Department's emergency communications center updates, if requested, which include the name, position and telephone number of the caller.	N.J.A.C. 7:31-5.2(b)4ii(2)	1,000	2,000	5,000	<u>NM</u>	
436. Failure to require in the emergency response (ER) program an EHS accident reporting requirement that the emergency coordinator or designee be prepared to provide the Department's emergency communications center with updates, if requested, which include the location of the point of EHS release, a description of the source, cause and type of EHS accident, quantity and concentration of the EHS released, and whether the EHS release is of a continuing nature.	N.J.A.C. 7:31-5.2(b)4ii(3)	1,000	2,000	5,000	<u>NM</u>	
437. Failure to provide in the emergency response (ER) program an EHS accident reporting requirement that the emergency coordinator or designee for the stationary source be prepared to provide the Department's emergency communications center updates, if requested, which include the measures taken to terminate the EHS release or to mitigate its effect, and the effectiveness of such measures.	N.J.A.C. 7:31-5.2(b)4ii(4)	1,000	2,000	5,000	<u>NM</u>	

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438. Failure to provide in the emergency response (ER) program an EHS accident reporting requirement that the emergency coordinator or designee for the stationary source be prepared to provide the Department's emergency communications center updates, if requested, which include an update on weather conditions.	N.J.A.C. 7:31-5.2(b)4ii(5)	1,000	2,000	5,000	<u>NM</u>	
439. Failure to report to the Department's emergency communications center an EHS accident that had potential offsite impact or that extended beyond an industrial complex property boundary.	N.J.A.C. 7:31-5.2(b)4iii(1)	4,000	8,000	20,000	<u>NM</u>	
440. Failure to report to the Department's emergency communications center an EHS accident that resulted in actual or potential injuries or fatalities at the stationary source.	N.J.A.C. 7:31-5.2(b)4iii(2)	4,000	8,000	20,000	<u>NM</u>	
441. Failure to report to the Department's emergency communications center an EHS accident that activates the emergency response plan.	N.J.A.C. 7:31-5.2(b)4iii(3)	4,000	8,000	20,000	<u>NM</u>	
442. Failure to submit a single RMP that includes the information required by 40 CFR 68.155 through 40 CFR 68.185 as incorporated at N.J.A.C. 7:31-7.1 for all covered processes. or Failure to submit the RMP for covered processes regulated under 40 CFR 68 as incorporated at N.J.A.C. 7:31-7.1 in a method and format to a central point as specified by USEPA [prior to June 21, 1999] <u>as of the date of submission.</u> or Failure to submit the RMP for all covered processes to the Department in accordance with N.J.A.C. 7:31-7.2.	40 CFR 68.150(a), N.J.A.C. 7:31-7.1(c)1&2	5,000	10,000	25,000	<u>NM</u>	
443. Failure to submit the first RMP on or before June 21, 1999.	40 CFR 68.150(b)(1), N.J.A.C. 7:31-7.1(a)	5,000	10,000	25,000	<u>NM</u>	

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444. Failure to submit the first RMP on or before three years after the date on which a regulated substance is first listed under 40 CFR 68.130.	40 CFR 68.150(b)(2), N.J.A.C. 7:31-7.1(a)	5,000	10,000	25,000	<u>NM</u>	
445. Failure to submit the first RMP on or before the date on which a regulated substance is first present above a threshold quantity in a process.	40 CFR 68.150(b)(3), N.J.A.C. 7:31-7.1(a)	5,000	10,000	25,000	<u>NM</u>	
<u>446.</u> <u>The owner or operator of any stationary source for which an RMP was submitted before June 21, 2004, shall revise the RMP to include the information required by 40 CFR 68.160(b)(6) and (14) by June 21, 2004 in the manner specified by EPA prior to that date. Any such submission shall also include the information required by 40 CFR 68.160(b)(20) (indicating that the submission is a correction to include the information required by 40 CFR 68.160(b)(6) and (14) or an update under 40 CFR 68.190).</u>	<u>40 CFR 68.150(c), N.J.A.C. 7:31-7.1(a)</u>	1,000	2,000	5,000	<u>NM</u>	
[446.] <u>447.</u> Failure to [make subsequent submissions of RMPs in accordance with 40 CFR 68.190, as incorporated at N.J.A.C. 7:31-7.1(c)3,4, and 5.] <u>update and correct RMPs submitted under 40 CFR 68 in accordance with 40 CFR 68.190 as incorporated at N.J.A.C. 7:31-7.1(c)3,4, and 5 and 68.195 incorporated at N.J.A.C. 7:31-7.1(a).</u>	40 CFR 68.150[(c)](<u>d</u>), N.J.A.C. 7:31-7.1(a)	1,000	2,000	5,000	<u>NM</u>	
[447.] <u>448.</u> Failure to provide an executive summary in the RMP.	40 CFR 68.155 N.J.A.C. 7:31-7.1(a)	1,000	2,000	5,000	<u>NM</u>	
[448.] <u>449.</u> Failure to provide in the RMP executive summary a brief description of the accidental release prevention and emergency response policies at the stationary source.	40 CFR 68.155(a), N.J.A.C. 7:31-7.1(a)	500	1,000	2,500	<u>M</u>	<u>30</u>

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[449.] 450. Failure to provide in the RMP executive summary a brief description of the stationary source and regulated substances handled.	40 CFR 68.155(b), N.J.A.C. 7:31-7.1(a)	500	1,000	2,500	<u>M</u>	<u>30</u>
[450.] [Failure to provide in the RMP executive summary a brief description of the worst-case release scenario(s) and the alternative release scenario(s), including administrative controls and mitigation measures to limit the distances for each reported scenario.]	[40 CFR 68.155(c), N.J.A.C. 7:31-7.1(a)]	[500]	[1,000]	[2,500]		
451. Failure to provide in the RMP executive summary a brief description of the general accidental release prevention program and chemical specific prevention steps.	40 CFR 68.155[(d)](<u>c</u>), N.J.A.C. 7:31-7.1(a)	500	1,000	2,500	<u>M</u>	<u>30</u>
452. Failure to provide in the RMP executive summary a brief description of the five-year accident history.	40 CFR 68.155[(e)](<u>d</u>), N.J.A.C. 7:31-7.1(a)	500	1,000	2,500	<u>M</u>	<u>30</u>
453. Failure to provide in the RMP executive summary a brief description of the emergency response program.	40 CFR 68.155[(f)](<u>e</u>), N.J.A.C. 7:31-7.1(a)	500	1,000	2,500	<u>M</u>	<u>30</u>
454. Failure to provide in the RMP executive summary a brief description of the planned changes to improve safety.	40 CFR 68.155[(g)](<u>f</u>), N.J.A.C. 7:31-7.1(a)	500	1,000	2,500	<u>M</u>	<u>30</u>
455. Failure to complete a single registration form that is included in the RMP that covers all regulated substances handled in covered processes.	40 CFR 68.160(a), N.J.A.C. 7:31-7.1(a)	2,000	4,000	10,000	<u>NM</u>	
456. Failure to include in the registration any of the following: stationary source name, street, city, county, state, zip code, latitude and longitude, method for obtaining latitude and longitude, or description of location that latitude and longitude represent.	40 CFR 68.160(b)(1), N.J.A.C. 7:31-7.1(a)	500	1,000	2,500	<u>M</u>	<u>30</u>
457. Failure to include in the registration the stationary source's Dun and Bradstreet number.	40 CFR 68.160(b)(2), N.J.A.C. 7:31-7.1(a)	500	1,000	2,500	<u>M</u>	<u>30</u>

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458. Failure to include in the registration the name and Dun and Bradstreet number of the corporate parent company.	40 CFR 68.160(b)(3), N.J.A.C. 7:31-7.1(a)	500	1,000	2,500	<u>M</u>	<u>30</u>
459. Failure to include in the registration the name, telephone number, and mailing address of the owner or operator.	40 CFR 68.160(b)(4), N.J.A.C. 7:31-7.1(a)	500	1,000	2,500	<u>M</u>	<u>30</u>
460. Failure to include in the registration the name and title of the person or position with overall responsibility for RMP elements and implementation, <u>and (optional) the e-mail address for that person or position.</u>	40 CFR 68.160(b)(5), N.J.A.C. 7:31-7.1(a)	500	1,000	2,500	<u>M</u>	<u>30</u>
461. Failure to include in the registration the emergency contact person's name, title, telephone number, [and] 24-hour telephone number, <u>and, as of June 21, 2004, the e-mail address (if an e-mail address exists).</u>	40 CFR 68.160(b)(6), N.J.A.C. 7:31-7.1(a)	500	1,000	2,500	<u>M</u>	<u>30</u>
462. Failure to include in the registration for each covered process the name and CAS number of each regulated substance held above the threshold quantity in the process, the maximum quantity of each regulated substance or mixture in the process (in pounds) to two significant digits, the five- or six-digit NAICS code that most closely corresponds to the process, and the Program level of the process.	40 CFR 68.160(b)(7), N.J.A.C. 7:31-7.1(a)	500	1,000	2,500	<u>NM</u>	
463. Failure to include in the registration the stationary source USEPA identifier.	40 CFR 68.160(b)(8), N.J.A.C. 7:31-7.1(a)	500	1,000	2,500	<u>M</u>	<u>30</u>
464. Failure to include in the registration the number of full-time employees at the stationary source.	40 CFR 68.160(b)(9), N.J.A.C. 7:31-7.1(a)	500	1,000	2,500	<u>M</u>	<u>30</u>
465. Failure to include in the registration whether the stationary source is subject to 29 CFR 1910.119.	40 CFR 68.160(b)(10), N.J.A.C. 7:31-7.1(a)	500	1,000	2,500	<u>M</u>	<u>30</u>
466. Failure to include in the registration whether the stationary source is subject to 40 CFR part 355.	40 CFR 68.160(b)(11), N.J.A.C. 7:31-7.1(a)	500	1,000	2,500	<u>M</u>	<u>30</u>

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467. Failure to include in the registration the CAA Title V operating permit number for a stationary source that has a CAA Title V operating permit.	40 CFR 68.160(b)(12), N.J.A.C. 7:31-7.1(a)	500	1,000	2,500	<u>M</u>	<u>30</u>
468. Failure to include in the registration the date of the last safety inspection of the stationary source by a Federal, state, or local government agency and the identity of the inspecting entity.	40 CFR 68.160(b)(13), N.J.A.C. 7:31-7.1(a)	500	1,000	2,500	<u>M</u>	<u>30</u>
<u>469. Failure to include in the registration as of June 21, 2004, the name, the mailing address, and the telephone number of the contractor who prepared the RMP (if any).</u>	<u>40 CFR 68.160(b)(14), N.J.A.C. 7:31-7.1(a)</u>	<u>500</u>	<u>1,000</u>	<u>2,500</u>	<u>M</u>	<u>30</u>
<u>470. Failure to include in the registration as of June 21, 2004, the type of and reason for any changes being made to a previously submitted RMP categorized as follows:</u> <u>(i) Updates and re-submissions required under 40 CFR 68.190(b);</u> <u>(ii) Corrections under Sec. 68.195 or for purposes of correcting minor clerical errors, updating administrative information, providing missing data elements or reflecting facility ownership changes, and which do not require an update and re-submission as specified in 40 CFR 68.190(b);</u> <u>(iii) De-registrations required under 40 CFR 68.190(c); and</u> <u>(iv) Withdrawals of an RMP for any facility that was erroneously considered subject to 40 CFR Part 68.</u>	<u>40 CFR 68.160(b)(20), N.J.A.C. 7:31-7.1(a)</u>	<u>500</u>	<u>1,000</u>	<u>2,500</u>	<u>M</u>	<u>30</u>

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[469.] <u>471.</u> Failure to submit in the RMP for Program 2 and 3 processes information on one worst-case release scenario to represent all regulated toxic substances held above the threshold quantity and one worst-case release scenario to represent all regulated flammable substances held above the threshold quantity. or Failure to submit information for additional worst-case scenarios for toxics or flammables required by 40 CFR 68.25(a)(2)(iii) incorporated at N.J.A.C. 7:31-2.1(a). or Failure to submit information on one alternative release scenario for each regulated toxic substance held above the threshold quantity and one alternative release scenario to represent all regulated flammable substances held above the threshold quantity.	40 CFR 68.165(a)(2), N.J.A.C. 7:31-7.1(a)	2,000	4,000	10,000	<u>NM</u>	
[470.] <u>472.</u> Failure to submit the chemical name in the off-site consequence analysis (OCA).	40 CFR 68.165(b)(1), N.J.A.C. 7:31-7.1(a)	1,000	2,000	5,000	<u>M</u>	<u>30</u>
[471.] <u>473.</u> Failure to submit the percentage weight of the chemical in a liquid mixture (toxics only) in the OCA.	40 CFR 68.165(b)(2), N.J.A.C. 7:31-7.1(a)	1,000	2,000	5,000	<u>M</u>	<u>30</u>
[472.] <u>474.</u> Failure to submit the physical state (toxics only) in the OCA.	40 CFR 68.165(b)(3), N.J.A.C. 7:31-7.1(a)	1,000	2,000	5,000	<u>M</u>	<u>30</u>
[473.] <u>475.</u> Failure to submit the basis for the results of the off-site consequence analysis data in the RMP (including model name if used).	40 CFR 68.165(b)(4), N.J.A.C. 7:31-7.1(a)	1,000	2,000	5,000	<u>M</u>	<u>30</u>
[474.] <u>476.</u> Failure to submit the scenario (explosion, fire, toxic gas release, or liquid spill and vaporization) in the OCA.	40 CFR 68.165(b)(5), N.J.A.C. 7:31-7.1(a)	1,000	2,000	5,000	<u>M</u>	<u>30</u>
[475.] <u>477.</u> Failure to submit the quantity released in pounds in the OCA.	40 CFR 68.165(b)(6), N.J.A.C. 7:31-7.1(a)	1,000	2,000	5,000	<u>M</u>	<u>30</u>
[476.] <u>478.</u> Failure to submit release rate in the OCA.	40 CFR 68.165(b)(7), N.J.A.C. 7:31-7.1(a)	1,000	2,000	5,000	<u>M</u>	<u>30</u>

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[477.] <u>479.</u> Failure to submit the release duration in the OCA.	40 CFR 68.165(b)(8), N.J.A.C. 7:31-7.1(a)	1,000	2,000	5,000	<u>M</u>	<u>30</u>
[478.] <u>480.</u> Failure to submit the wind speed and atmospheric stability class (toxics only) in the OCA.	40 CFR 68.165(b)(9), N.J.A.C. 7:31-7.1(a)	1,000	2,000	5,000	<u>M</u>	<u>30</u>
[479.] <u>481.</u> Failure to submit the topography (toxics only) in the OCA.	40 CFR 68.165(b)(10), N.J.A.C. 7:31-7.1(a)	1,000	2,000	5,000	<u>M</u>	<u>30</u>
[480.] <u>482.</u> Failure to submit the distance to endpoint in the OCA.	40 CFR 68.165(b)(11), N.J.A.C. 7:31-7.1(a)	1,000	2,000	5,000	<u>NM</u>	
[481.] <u>483.</u> Failure to submit the public and environmental receptors within the distance to endpoint in the OCA.	40 CFR 68.165(b)(12), N.J.A.C. 7:31-7.1(a)	1,000	2,000	5,000	<u>NM</u>	
[482.] <u>484.</u> Failure to submit the passive mitigation considered in the OCA.	40 CFR 68.165(b)(13), N.J.A.C. 7:31-7.1(a)	1,000	2,000	5,000	<u>M</u>	<u>30</u>
[483.] <u>485.</u> Failure to submit the active mitigation considered (alternative releases only) in the OCA.	40 CFR 68.165(b)(14), N.J.A.C. 7:31-7.1(a)	1,000	2,000	5,000	<u>M</u>	<u>30</u>
[484.] <u>486.</u> Failure to submit in the RMP the five year accident history information required at 40 CFR 68.42(b) incorporated at N.J.A.C. 7:31-2.1(a) on each accident covered by 40 CFR 68.42(a) incorporated at N.J.A.C. 7:31-2.1(a).	40 CFR 68.168, N.J.A.C. 7:31-7.1(a)	1,000	2,000	5,000	<u>NM</u>	
[485.] <u>487.</u> Failure to indicate in the RMP to which Program 2 processes the prevention program information in 40 CFR 68.170(b) through (k) incorporated at N.J.A.C. 7:31-7.1(a) applies, for prevention program information provided only once which applies to more than one covered process.	40 CFR 68.170(a), N.J.A.C. 7:31-7.1(a)	1,000	2,000	5,000	<u>M</u>	<u>30</u>
[486.] <u>488.</u> Failure to provide in the RMP the five- or six-digit NAICS code that most closely corresponds to each Program 2 process.	40 CFR 68.170(b), N.J.A.C. 7:31-7.1(a)	500	1,000	2,500	<u>M</u>	<u>30</u>
[487.] <u>489.</u> Failure to provide in the RMP the name(s) of the chemical(s) covered for each Program 2 process.	40 CFR 68.170(c), N.J.A.C. 7:31-7.1(a)	1,000	2,000	5,000	<u>M</u>	<u>30</u>

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[488.] <u>490.</u> Failure to provide in the RMP for each Program 2 process the date of the most recent review or revision of the safety information and a list of Federal or state regulations or industry specific design codes and standards used to demonstrate compliance with the safety information requirement.	40 CFR 68.170(d), N.J.A.C. 7:31-7.1(a)	1,000	2,000	5,000	<u>M</u>	<u>30</u>
[489.] <u>491.</u> Failure to provide in the RMP the date of completion of the most recent hazard review or update for each Program 2 process.	40 CFR 68.170(e), N.J.A.C. 7:31-7.1(a)	1,000	2,000	5,000	<u>NM</u>	
[490.] <u>492.</u> Failure to provide in the RMP the expected date of completion of any changes resulting from the hazard review for each Program 2 process.	40 CFR 68.170(e)(1), N.J.A.C. 7:31-7.1(a)	1,000	2,000	5,000	<u>M</u>	<u>30</u>
[491.] <u>493.</u> Failure to provide in the RMP the major hazards identified for each Program 2 process.	40 CFR 68.170(e)(2), N.J.A.C. 7:31-7.1(a)	1,000	2,000	5,000	<u>M</u>	<u>30</u>
[492.] <u>494.</u> Failure to provide in the RMP the process controls in use for each Program 2 process.	40 CFR 68.170(e)(3), N.J.A.C. 7:31-7.1(a)	1,000	2,000	5,000	<u>M</u>	<u>30</u>
[493.] <u>495.</u> Failure to provide in the RMP the mitigation systems in use for each Program 2 process.	40 CFR 68.170(e)(4), N.J.A.C. 7:31-7.1(a)	1,000	2,000	5,000	<u>M</u>	<u>30</u>
[494.] <u>496.</u> Failure to provide in the RMP the monitoring and detection systems in use for each Program 2 process.	40 CFR 68.170(e)(5), N.J.A.C. 7:31-7.1(a)	1,000	2,000	5,000	<u>M</u>	<u>30</u>
[495.] <u>497.</u> Failure to provide in the RMP the changes since the last hazard review for each Program 2 process.	40 CFR 68.170(e)(6), N.J.A.C. 7:31-7.1(a)	1,000	2,000	5,000	<u>M</u>	<u>30</u>
[496.] <u>498.</u> Failure to provide in the RMP the date of the most recent review or revision of operating procedures for each Program 2 process.	40 CFR 68.170(f), N.J.A.C. 7:31-7.1(a)	1,000	2,000	5,000	<u>M</u>	<u>30</u>

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[497.] <u>499.</u> Failure to provide in the RMP the date of the most recent review or revision of training programs for each Program 2 process.	40 CFR 68.170(g), N.J.A.C. 7:31-7.1(a)	1,000	2,000	5,000	<u>M</u>	<u>30</u>
[498.] <u>500.</u> Failure to provide in the RMP the type of training provided-(classroom, classroom plus on the job, on the job) for each Program 2 process.	40 CFR 68.170(g)(1), N.J.A.C. 7:31-7.1(a)	1,000	2,000	5,000	<u>M</u>	<u>30</u>
[499.] <u>501.</u> Failure to provide in the RMP the type of competency testing used for each Program 2 process.	40 CFR 68.170(g)(2), N.J.A.C. 7:31-7.1(a)	1,000	2,000	5,000	<u>M</u>	<u>30</u>
[500.] <u>502.</u> Failure to provide in the RMP the date of the most recent review or revision of maintenance procedures, the date of the most recent equipment inspection or test, or the equipment inspected or tested for each Program 2 process.	40 CFR 68.170(h), N.J.A.C. 7:31-7.1(a)	1,000	2,000	5,000	<u>M</u>	<u>30</u>
[501.] <u>503.</u> Failure to provide in the RMP the date of the most recent compliance audit or the expected date of completion of any changes resulting from the compliance audit for each Program 2 process.	40 CFR 68.170(i), N.J.A.C. 7:31-7.1(a)	1,000	2,000	5,000	<u>M</u>	<u>30</u>
[502.] <u>504.</u> Failure to provide in the RMP the date of the most recent incident investigation and the expected date of completion of any changes resulting from the investigation for each Program 2 process.	40 CFR 68.170(j), N.J.A.C. 7:31-7.1(a)	1,000	2,000	5,000	<u>M</u>	<u>30</u>
[503.] <u>505.</u> Failure to provide in the RMP the date of the most recent change that triggered a review or revision of the safety information, the hazard review, operating or maintenance procedures, or training for each Program 2 process.	40 CFR 68.170(k), N.J.A.C. 7:31-7.1(a)	1,000	2,000	5,000	<u>M</u>	<u>30</u>

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[504.] <u>506.</u> Failure to indicate to which Program 3 processes the prevention program information required by 40 CFR 68.175(b) through (p) incorporated at N.J.A.C. 7:31-7.1(a) applies, for prevention program information provided only once which applies to more than one covered process.	40 CFR 68.175(a), N.J.A.C. 7:31-7.1(a)	1,000	2,000	5,000	<u>M</u>	<u>30</u>
[505.] <u>507.</u> Failure to provide in the RMP the five- or six-digit NAICS code that most closely corresponds to each Program 3 process.	40 CFR 68.175(b), N.J.A.C. 7:31-7.1(a)	500	1,000	2,500	<u>M</u>	<u>30</u>
[506.] <u>508.</u> Failure to provide in the RMP the name(s) of the substance(s) covered for each Program 3 process.	40 CFR 68.175(c), N.J.A.C. 7:31-7.1(a)	1,000	2,000	5,000	<u>M</u>	<u>30</u>
[507.] <u>509.</u> Failure to provide in the RMP the date on which the safety information was last reviewed or revised for each Program 3 process.	40 CFR 68.175(d), N.J.A.C. 7:31-7.1(a)	1,000	2,000	5,000	<u>M</u>	<u>30</u>
[508.] <u>510.</u> Failure to provide in the RMP the date of completion of the most recent process hazard analysis or update and the technique used for each Program 3 process.	40 CFR 68.175(e), N.J.A.C. 7:31-7.1(a)	1,000	2,000	5,000	<u>NM</u>	
[509.] <u>511.</u> Failure to provide in the RMP the expected date of completion of any changes resulting from the PHA for each Program 3 process.	40 CFR 68.175(e)(1), N.J.A.C. 7:31-7.1(a)	1,000	2,000	5,000	<u>M</u>	<u>30</u>
[510.] <u>512.</u> Failure to provide in the RMP the major hazards identified for each Program 3 process.	40 CFR 68.175(e)(2), N.J.A.C. 7:31-7.1(a)	1,000	2,000	5,000	<u>M</u>	<u>30</u>
[511.] <u>513.</u> Failure to provide in the RMP the process controls in use for each Program 3 process.	40 CFR 68.175(e)(3), N.J.A.C. 7:31-7.1(a)	1,000	2,000	5,000	<u>M</u>	<u>30</u>
[512.] <u>514.</u> Failure to provide in the RMP the mitigation systems in use for each Program 3 process.	40 CFR 68.175(e)(4), N.J.A.C. 7:31-7.1(a)	1,000	2,000	5,000	<u>M</u>	<u>30</u>
[513.] <u>515.</u> Failure to provide in the RMP the monitoring and detection systems in use for each Program 3 process.	40 CFR 68.175(e)(5), N.J.A.C. 7:31-7.1(a)	1,000	2,000	5,000	<u>M</u>	<u>30</u>

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[514.] <u>516.</u> Failure to provide in the RMP the changes since the last PHA for each Program 3 process.	40 CFR 68.175(e)(6), N.J.A.C. 7:31-7.1(a)	1,000	2,000	5,000	<u>M</u>	<u>30</u>
[515.] <u>517.</u> Failure to provide in the RMP the date of the most recent review or revision of the operating procedures for each Program 3 process.	40 CFR 68.175(f), N.J.A.C. 7:31-7.1(a)	1,000	2,000	5,000	<u>M</u>	<u>30</u>
[516.] <u>518.</u> Failure to provide in the RMP the date of the most recent review or revision of training programs for each Program 3 process.	40 CFR 68.175(g), N.J.A.C. 7:31-7.1(a)	1,000	2,000	5,000	<u>M</u>	<u>30</u>
[517.] <u>519.</u> Failure to provide in the RMP for each Program 3 process the type of training given (classroom, classroom plus on the job, on the job).	40 CFR 68.175(g)(1), N.J.A.C. 7:31-7.1(a)	1,000	2,000	5,000	<u>M</u>	<u>30</u>
[518.] <u>520.</u> Failure to provide in the RMP the type of competency testing used for each Program 3 process.	40 CFR 68.175(g)(2), N.J.A.C. 7:31-7.1(a)	1,000	2,000	5,000	<u>M</u>	<u>30</u>
[519.] <u>521.</u> Failure to provide in the RMP the date of the most recent review or revision of maintenance procedures and the date of the most recent equipment inspection or test and the equipment inspected or tested for each Program 3 process.	40 CFR 68.175(h), N.J.A.C. 7:31-7.1(a)	1,000	2,000	5,000	<u>M</u>	<u>30</u>
[520.] <u>522.</u> Failure to provide in the RMP the date of the most recent change that triggered management of change procedures or the date of the most recent review or revision of management of change procedures for each Program 3 process.	40 CFR 68.175(i), N.J.A.C. 7:31-7.1(a)	1,000	2,000	5,000	<u>M</u>	<u>30</u>
[521.] <u>523.</u> Failure to provide in the RMP the date of the most recent pre-startup review for each Program 3 process.	40 CFR 68.175(j), N.J.A.C. 7:31-7.1(a)	1,000	2,000	5,000	<u>M</u>	<u>30</u>
[522.] <u>524.</u> Failure to provide in the RMP the date of the most recent compliance audit and the expected date of completion of any changes resulting from the compliance audit for each Program 3 process.	40 CFR 68.175(k), N.J.A.C. 7:31-7.1(a)	1,000	2,000	5,000	<u>M</u>	<u>30</u>

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[523.] <u>525.</u> Failure to provide in the RMP the date of the most recent incident investigation and the expected date of completion of any changes resulting from the investigation for each Program 3 process.	40 CFR 68.175(l), N.J.A.C. 7:31-7.1(a)	1,000	2,000	5,000	<u>M</u>	<u>30</u>
[524.] <u>526.</u> Failure to provide in the RMP the date of the most recent review or revision of employee participation plans for each Program 3 process.	40 CFR 68.175(m), N.J.A.C. 7:31-7.1(a)	1,000	2,000	5,000	<u>M</u>	<u>30</u>
[525.] <u>527.</u> Failure to provide in the RMP the date of the most recent review or revision of hot work permit procedures for each Program 3 process.	40 CFR 68.175(n), N.J.A.C. 7:31-7.1(a)	500	1,000	2,500	<u>M</u>	<u>30</u>
[526.] <u>528.</u> Failure to provide in the RMP the date of the most recent review or revision of contractor safety procedures for each Program 3 process.	40 CFR 68.175(o), N.J.A.C. 7:31-7.1(a)]	500	1,000	2,500	<u>M</u>	<u>30</u>
[527.] <u>529.</u> Failure to provide in the RMP the date of the most recent evaluation of contractor safety performance for each Program 3 process.	40 CFR 68.175(p), N.J.A.C. 7:31-7.1(a)	500	1,000	2,500	<u>M</u>	<u>30</u>
[528.] <u>530.</u> Failure to provide in the RMP whether there is a written emergency response plan.	40 CFR 68.180(a)(1), N.J.A.C. 7:31-7.1(a)	1,000	2,000	5,000	<u>M</u>	<u>30</u>
[529.] <u>531.</u> Failure to provide in the RMP whether the emergency response plan includes specific actions to be taken in response to an accidental release of a regulated substance.	40 CFR 68.180(a)(2), N.J.A.C. 7:31-7.1(a)	1,000	2,000	5,000	<u>M</u>	<u>30</u>
[530.] <u>532.</u> Failure to provide in the RMP whether the emergency response plan includes procedures for informing the public and local agencies responsible for responding to accidental releases.	40 CFR 68.180(a)(3), N.J.A.C. 7:31-7.1(a)	1,000	2,000	5,000	<u>M</u>	<u>30</u>
[531.] <u>533.</u> Failure to provide in the RMP whether the emergency response plan includes information on emergency health care.	40 CFR 68.180(a)(4), N.J.A.C. 7:31-7.1(a)	1,000	2,000	5,000	<u>M</u>	<u>30</u>

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[532.] <u>534.</u> Failure to provide in the RMP the date of the most recent review or update of the emergency response plan.	40 CFR 68.180(a)(5), N.J.A.C. 7:31-7.1(a)	1,000	2,000	5,000	<u>M</u>	<u>30</u>
[533.] <u>535.</u> Failure to provide in the RMP the date of the most recent emergency response training for employees.	40 CFR 68.180(a)(6), N.J.A.C. 7:31-7.1(a)	1,000	2,000	5,000	<u>M</u>	<u>30</u>
[534.] <u>536.</u> Failure to provide in the RMP the name and telephone number of the local agency with which emergency response activities and the emergency response plan is coordinated.	40 CFR 68.180(b), N.J.A.C. 7:31-7.1(a)	1,000	2,000	5,000	<u>M</u>	<u>30</u>
[535.] <u>537.</u> Failure to list in the RMP other Federal or state emergency plan requirements to which the stationary source is subject.	40 CFR 68.180(c), N.J.A.C. 7:31-7.1(a)	1,000	2,000	5,000	<u>M</u>	<u>30</u>
[536.] <u>538.</u> Failure to submit in the RMP a single certification that, to the best of the signer's knowledge, information, and belief formed after reasonable inquiry, the information submitted is true, accurate, and complete.	40 CFR 68.185(b), N.J.A.C. 7:31-7.1(a)	2,000	4,000	10,000	<u>NM</u>	
[537.] <u>539.</u> Failure to review and update the RMP as specified in 40 CFR 68.190(b) incorporated at N.J.A.C. 7:31-7.1(c) and submit it in a method and format to a central point specified by EPA <u>as of the date of submission.</u>	40 CFR 68.190(a), N.J.A.C. 7:31-7.1(c)3-4	1,000	2,000	5,000	<u>NM</u>	
[538.] <u>540.</u> Failure to submit RMP updates to the Department in accordance with 40 CFR 190(b) incorporated N.J.A.C. 7:31-7.1(c) and N.J.A.C. 7:31-7.2 for all covered processes.	40 CFR 68.190(b) N.J.A.C. 7:31-7.1(c)5 N.J.A.C. 7:31-7.2	1,000	2,000	5,000	<u>NM</u>	

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[539.] <u>541.</u> Failure to revise and update the RMP submitted under 40 CFR 68.150 incorporated with changes specified at N.J.A.C. 7:31-7.1(c)1 and 2 [within five years of its initial submission or most recent update required by 40 CFR 68.190(b)(2) through (b)(7) incorporated at N.J.A.C. 7:31-7.1(c), whichever is later] <u>at least once every five years from the date of its initial submission or most recent update required by 40 CFR 68.190(b)(2) through (b)(7), whichever is later. For purposes of determining the date of initial submissions, RMPs submitted before June 21, 1999 are considered to have been submitted on that date.</u>	40 CFR 68.190(b)(1), N.J.A.C. 7:31-7.1(c)5	1,000	2,000	5,000	<u>NM</u>	
[540.] <u>542.</u> Failure to revise and update the RMP submitted under 40 CFR 68.150 incorporated with changes specified at N.J.A.C. 7:31-7.1(c)1 and 2 prior to three years after a newly regulated substance is first listed by EPA.	40 CFR 68.190(b)(2), N.J.A.C. 7:31-7.1(c)5	1,000	2,000	5,000	<u>NM</u>	
[541.] <u>543.</u> Failure to revise and update the RMP submitted under 40 CFR 68.150 incorporated with changes specified at N.J.A.C. 7:31-7.1(c)1 and 2 prior to the date on which a new regulated substance is first present above a threshold quantity in an already covered process.	40 CFR 68.190(b)(3), N.J.A.C. 7:31-7.1(c)5	1,000	2,000	5,000	<u>NM</u>	
[542.] <u>544.</u> Failure to revise and update the RMP submitted under 40 CFR 68.150 incorporated with changes specified at N.J.A.C. 7:31-7.1(c)1 and 2 prior to the date on which a regulated substance was first present above a threshold quantity in a new process.	40 CFR 68.190(b)(4), N.J.A.C. 7:31-7.1(c)5	1,000	2,000	5,000	<u>NM</u>	
[543.] <u>545.</u> Failure to revise and update the RMP submitted under 40 CFR 68.150 incorporated with changes specified at N.J.A.C. 7:31-7.1(c)1 and 2 within six months of a change that requires a revised PHA or hazard review.	40 CFR 68.190(b)(5), N.J.A.C. 7:31-7.1(c)5	1,000	2,000	5,000	<u>NM</u>	

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[544.] <u>546.</u> Failure to revise and update the RMP submitted under 40 CFR 68.150 incorporated with changes specified at N.J.A.C. 7:31-7.1(c)1 and 2 within six months of a change that requires a revised offsite consequence analysis as provided in 40 CFR 68.3 incorporated at N.J.A.C. 7:31-2.1(c).	40 CFR 68.190(b)(6), N.J.A.C. 7:31-7.1(c)5	1,000	2,000	5,000	<u>NM</u>	
[545.] <u>547.</u> Failure to revise and update the RMP submitted under 40 CFR 68.150 incorporated with changes specified at N.J.A.C. 7:31-7.1(c)1 and 2 within six months of a change that alters the Program level that applied to any covered process.	40 CFR 68.190(b)(7), N.J.A.C. 7:31-7.1(c)5	1,000	2,000	5,000	<u>NM</u>	
[546.] <u>548.</u> Failure to submit a [revised registration] <u>de-registration</u> to EPA and the Department within six months of being no longer subject to 40 CFR 68 as incorporated at N.J.A.C. 7:31 indicating that the stationary source is no longer covered.	40 CFR 68.190(c), N.J.A.C. 7:31-7.1(a)	1,000	2,000	5,000	<u>M</u>	<u>30</u>
<u>549.</u> <u>Failure to correct the RMP for any accidental release meeting the five-year accident history reporting criteria of 40 CFR 68.42 and occurring after April 9, 2004 by submitting the data required under 40 CFR 68.168, 68.170(j), and 68.175(l) with respect to that accident within six months of the release or by the time the RMP is updated under 40 CFR 68.190, whichever is earlier.</u>	<u>40 CFR 68.195(a), N.J.A.C. 7:31-7.1(a)</u>	<u>1,000</u>	<u>2,000</u>	<u>5,000</u>	<u>NM</u>	
<u>550.</u> <u>Failure to correct the RMP beginning June 21, 2004, within one month of any change in the emergency contact information required under 40 CFR 68.160(b)(6), the owner or operator shall submit a correction of that information.</u>	<u>40 CFR 68.195(b), N.J.A.C. 7:31-7.1(a)</u>	<u>1,000</u>	<u>2,000</u>	<u>5,000</u>	<u>NM</u>	
[547.] <u>551.</u> Failure to submit to the Department in a specified format all documents required by 40 CFR 68.150 incorporated with changes specified at N.J.A.C. 7:31-7.1(c)1[-] <u>and</u> 2.	N.J.A.C. 7:31-7.2(a)1	1,000	2,000	5,000	<u>M</u>	<u>30</u>

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[548.] <u>552.</u> Failure to submit to the Department in a specified format, supplemental TCPA program information including identification of the position titles, expertise and affiliation of the persons involved with the development of each element of the risk management program.	N.J.A.C. 7:31-7.2(a)2i	1,000	2,000	5,000	<u>M</u>	<u>30</u>
[549.] <u>553.</u> Failure to submit to the Department in a specified format supplemental TCPA program information including a description and profile of the area in which the covered process is situated and its proximity to population and water supplies.	N.J.A.C. 7:31-7.2(a)2ii	1,000	2,000	5,000	<u>M</u>	<u>30</u>
[550.] <u>554.</u> Failure to submit to the Department in a specified format supplemental TCPA program information identifying insurance carriers underwriting the stationary source's environmental liability and workers compensation insurance policies including the address of the carrier, the type of policy, the amount of insurance and limitations or exclusions to the policy.	N.J.A.C. 7:31-7.2(a)2iii	1,000	2,000	5,000	<u>M</u>	<u>30</u>
[551.] <u>555.</u> Failure to submit to the Department in a specified format supplemental TCPA program information identifying the extraordinarily hazardous substances inventory at the covered process as end products, intermediate products, by-products or waste products.	N.J.A.C. 7:31-7.2(a)2iv	1,000	2,000	5,000	<u>M</u>	<u>30</u>
[552.] <u>556.</u> Failure to submit to the Department in a specified format supplemental TCPA program information identifying each covered process containing an RHS Mixture and the number of process vessels in which the RHS Mixture is present at or above its threshold quantity for RHS Mixtures containing one or more EHSs listed in Parts A, B, or C of N.J.A.C. 7:31-6.3(a) Table I.	N.J.A.C. 7:31-7.2(a)2v	1,000	2,000	5,000	<u>M</u>	<u>30</u>

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[553.] <u>557.</u> Failure to identify and register each regulated individual RHS and RHS Mixture and provide in the RMP registration section pursuant to 40 CFR 68.160(b)(7) incorporated at N.J.A.C. 7:31-7.1(a) the total amount of the individual RHS in the covered process for each individual RHS listed at N.J.A.C. 7:31-6.3(a), Table I, Part D, Group I.	N.J.A.C. 7:31-7.2(a)3i	1,000	2,000	5,000	<u>NM</u>	
[554.] <u>558.</u> Failure to identify and register a RHS Mixture in the RMP registration section pursuant to 40 CFR 68.160(b)(7) incorporated at N.J.A.C. 7:31-7.1(a) the maximum capacity of the process vessel containing the RHS Mixture, for each regulated RHS Mixture identified pursuant to N.J.A.C. 7:31-6.3. or Failure to register the total combined capacity of multiple vessels with a capacity at or above the threshold quantity of an RHS Mixture.	N.J.A.C. 7:31-7.2(a)3ii	1,000	2,000	5,000	<u>NM</u>	
[555.] <u>559.</u> Failure to identify and register each regulated individual RHS and RHS mixture and provide in the RMP registration section pursuant to 40 CFR 68.160(b)(7) incorporated at N.J.A.C. 7:31-7.1(a) the heat of reaction range for RHS mixtures in calories/gram of RHS mixture as listed at Table II of N.J.A.C. 7:31-6.3(c). or Failure to identify and register the RHS mixture having the highest heat of reaction range as shown on Table II in the RMP registration section pursuant to 40 CFR 68.160(b)(7) incorporated at N.J.A.C. 7:31-7.1(a) when more than one RHS mixture is present in the process vessel at different times.	N.J.A.C. 7:31-7.2(a)3iii	1,000	2,000	5,000	<u>NM</u>	

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[556.] <u>560.</u> Failure to identify and register only the EHS listed on Part A, B, or C as a toxic or flammable substance, as applicable, in the RMP registration section pursuant to 40 CFR 68.160(b)(7) incorporated at N.J.A.C. 7:31-7.1(a), for RHS Mixtures containing one or more EHS(s) listed in Parts A, B, or C of Table I in a process above their threshold.	N.J.A.C. 7:31-7.2(a)3iv	1,000	2,000	5,000	<u>NM</u>	
[557.] <u>561.</u> Failure to submit an update to the Department within 60 days of an increase in maximum inventory of a covered process in addition to the updates required by N.J.A.C. 7:31-7.1(c)3 through 5.	N.J.A.C. 7:31-7.2(b)	2,000	4,000	10,000	<u>NM</u>	
[558.] <u>562.</u> Failure to adopt the existing, or obtain a new, approved Program 2 or Program 3 TCPA risk management program for the covered process before operating EHS equipment following the transfer of the covered process to a new owner or operator or change in ownership or the name of an owner or operator.	N.J.A.C. 7:31-7.4(a)	2,000	4,000	10,000	<u>NM</u>	
[559.] <u>563.</u> Failure to adopt an existing approved Program 2 or Program 3 TCPA risk management program by submitting an updated registration in accordance with Subchapter 7 and signing an addendum to the consent agreement that was previously signed by the Department and the former owner or operator.	N.J.A.C. 7:31-7.4(b)	2,000	4,000	10,000	<u>NM</u>	
[560.] <u>564.</u> Failure to comply with the approved risk management program for EHSs listed in N.J.A.C. 7:31-6.3, Table I, Parts A, B and/or C until the risk management program is revised to reflect the new requirements of N.J.A.C. 7:31. or Failure to revise the risk management program to reflect the new requirements of this chapter by January 1, 2004.	N.J.A.C. 7:31-7.5(a)	2,000	4,000	10,000	<u>NM</u>	

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[561.] <u>565.</u> Failure to be in compliance with this chapter by September [18] <u>30</u> , 2004.	N.J.A.C. 7:31-7.5(b)	2,000	4,000	10,000	<u>NM</u>	
[562.] <u>566.</u> Failure to maintain records supporting the implementation of 40 CFR 68 as incorporated at N.J.A.C. 7:31 for five years unless otherwise provided in N.J.A.C. 7:31-3 and 4.	40 CFR 68.200, N.J.A.C. 7:31-8.1(c)1	2,000	4,000	10,000	<u>NM</u>	
[563.] <u>567.</u> Failure to provide the Department access to the stationary source, supporting documentation, or any area where an accidental release could occur in accordance with N.J.A.C. 7:31-8.2.	40 CFR 68.220(d), N.J.A.C. 7:31-8.1(c)2 and 5	2,000	4,000	10,000	<u>NM</u>	
[564.] <u>568.</u> Failure to include in the written response to a preliminary determination a statement that the revisions contained in the preliminary determination will be implemented in accordance with the timetable included in the preliminary determination or a statement that the revisions in whole or in part are rejected. or Failure to explain the basis for rejecting in whole or in part a revision contained in a preliminary determination.	40 CFR 68.220(f)(1), N.J.A.C. 7:31-8.1(c)7	2,000	4,000	10,000	<u>NM</u>	
[565.] <u>569.</u> Failure to submit the written response under 40 CFR 68.220(f)(1) as incorporated at N.J.A.C. 7:31-8.1(c)7 to the Department within 60 days of the issue of the preliminary determination.	40 CFR 68.220(f)(2), N.J.A.C. 7:31-8.1(c)8	4,000	8,000	20,000	<u>NM</u>	
[566.] <u>570.</u> Failure to enter into a consent agreement (or consent agreement addendum for previously approved risk management programs) with the Department within 120 days of receipt of a preliminary determination. or Failure to comply with the requirements of the approved risk management program as set forth in the consent agreement or consent agreement addendum.	40 CFR 68.220(g), N.J.A.C. 7:31-8.1(c)9	2,000	4,000	10,000	<u>NM</u>	

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[567.] <u>571.</u> Failure to revise and submit the RMP prepared under 40 CFR 68.150 as incorporated at N.J.A.C. 7:31-7.1(c) as required by a consent agreement, consent agreement addendum or administrative order under 40 CFR 68.220(g) as incorporated at N.J.A.C. 7:31-8.1(c)9 within 30 days after completion of the actions detailed in the implementation schedule set forth in the consent agreement, consent agreement addendum or administrative order.	40 CFR 68.220(h), N.J.A.C. 7:31-8.1(c)10	2,000	4,000	10,000	<u>NM</u>	
[568.] <u>572.</u> Failure to provide the Department the right to enter and inspect and/or audit any stationary source, building or equipment, or any portion thereof, at any time, in order to determine compliance with the TCPA, N.J.A.C. 7:31, any order, consent order or agreement. or Failure to provide the Department the right to test or sample any materials at the stationary source, to sketch or photograph any portion of the stationary source, building or equipment, to copy or photograph any document or records necessary to determine such compliance or non-compliance, and to interview any employees or representatives of the owner or operator. or Failure to assist the Department by hindering or delaying during the performance of any aspects of an inspection and audit.	N.J.A.C. 7:31-8.2(a)	2,000	4,000	10,000	<u>NM</u>	
[569.] <u>573.</u> Failure to submit to the Department a risk management program document for review.	N.J.A.C. 7:31-8.2(c)	1,000	2,000	5,000	<u>NM</u>	
[570.] <u>574.</u> Failure to assist the Department in developing a work plan to perform an Extraordinarily Hazardous Substance Accident Risk Assessment (EHSARA) and develop a risk reduction plan.	N.J.A.C. 7:31-9.1(a)	2,000	4,000	10,000	<u>NM</u>	

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[571.] <u>575.</u> Failure to compile and submit to the Department the list of risk management program documents within 30 days after receipt of notice of the determination that the owner or operator does not have an established risk management program. or Failure to group the list of documents by operating or utility unit area in EHS service at the stationary source giving their document number, name, the EHS involved, most recent revision number and date, file location at the stationary source, and code of sheet size according to ANSI Y14.1-1996 (A, B, C, D, or E) or Deutsches Institut fuer Normung (DIN) 823-1965 (A4, A3, A2, A1, or A0).	N.J.A.C. 7:31-9.1(c)	2,000	4,000	10,000	<u>NM</u>	
[572.] <u>576.</u> Failure to attend a meeting with the Department for the purpose of discussing any workplan items listed at N.J.A.C. 7:31-9.1(d)1 through 7.	N.J.A.C. 7:31-9.1(d)1 through 7	2,000	4,000	10,000	<u>NM</u>	
[573.] <u>577.</u> Failure to submit within 60 days of receipt of the finished workplan the names and proposals of three consultants who meet the requirements at N.J.A.C. 7:31-9.4(b) and are willing and able to perform the EHSARA in accordance with the schedule set in the work plan.	N.J.A.C. 7:31-9.3(b)	2,000	4,000	10,000	<u>NM</u>	
[574.] <u>578.</u> Failure to obtain approval in writing from the Department to subcontract work involved in the EHSARA.	N.J.A.C. 7:31-9.3(c)4	750	1,500	3,750	<u>NM</u>	
[575.] <u>579.</u> Failure to submit the names and proposals of an additional three consultants to the Department for its selection of one of the consultants to perform the EHSARA within 60 days after the Department's determination that none of the original proposals meet the requirements in N.J.A.C. 7:31-9.4.	N.J.A.C. 7:31-9.4(d)2	2,000	4,000	10,000	<u>NM</u>	

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[576.] <u>580.</u> Failure to execute a contract with the consultant chosen by the Department within 45 days after receipt of the name of the consultant from the Department.	N.J.A.C. 7:31-9.4(e)	2,000	4,000	10,000	<u>NM</u>	
[577.] <u>581.</u> Failure to require the consultant to perform the EHSARA and develop a recommended risk reduction plan which includes the identification of those activities necessary to create a risk management program in conformity with the work plan developed and explained at the meeting held pursuant to N.J.A.C. 7:31-9.1(d).	N.J.A.C. 7:31-9.4(f)	2,000	4,000	10,000	<u>NM</u>	
[578.] <u>582.</u> Failure to require the consultant to prepare an EHSARA report upon completion of the EHSARA which includes recommendations to reduce risks.	N.J.A.C. 7:31-9.5(a)	2,000	4,000	10,000	<u>NM</u>	
[579.] <u>583.</u> Failure to submit the original EHSARA report to the Department in accordance with the schedule set forth in the work plan.	N.J.A.C. 7:31-9.5(b)	2,000	4,000	10,000	<u>M</u>	<u>30</u>
[580.] <u>584.</u> Failure to include in the EHSARA report the findings of the verification required by N.J.A.C. 7:31-9.2(a)2.	N.J.A.C. 7:31-9.5(c)1	1,000	2,000	[2,500] <u>5,000</u>	<u>NM</u>	
[581.] <u>585.</u> Failure to include in the EHSARA report the findings of the review required by N.J.A.C. 7:31-9.2(a)3.	N.J.A.C. 7:31-9.5(c)2	1,000	2,000	[2,500] <u>5,000</u>	<u>NM</u>	
[582.] <u>586.</u> Failure to include in the EHSARA report the findings of the safety review required by N.J.A.C. 7:31-9.2(a)4.	N.J.A.C. 7:31-9.5(c)3	1,000	2,000	[2,500] <u>5,000</u>	<u>NM</u>	
[583.] <u>587.</u> Failure to include in the EHSARA report the reports of the process hazard analysis with risk assessment required by N.J.A.C. 7:31-9.2(a)5.	N.J.A.C. 7:31-9.5(c)4	1,000	2,000	[2,500] <u>5,000</u>	<u>NM</u>	
[584.] <u>588.</u> Failure to include in the EHSARA report the findings of the reviews required by N.J.A.C. 7:31-9.2(a)6 through 10.	N.J.A.C. 7:31-9.5(c)5	1,000	2,000	[2,500] <u>5,000</u>	<u>NM</u>	

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[585.] <u>589.</u> Failure to include in the EHSARA report the recommended risk reduction plan including the listing of all of the deficiencies identified in N.J.A.C. 7:31-9.5(c)1 through 5, the remedial actions and alternatives to correct the deficiencies or a proposed schedule for implementation.	N.J.A.C. 7:31-9.5(c)6	1,000	2,000	[2,500] <u>5,000</u>	<u>NM</u>	
[586.] <u>590.</u> Failure to include in the EHSARA report the findings of the verification required by N.J.A.C. 7:31-9.2(b)2.	N.J.A.C. 7:31-9.5(d)1	1,000	2,000	[2,500] <u>5,000</u>	<u>NM</u>	
[587.] <u>591.</u> Failure to include in the EHSARA report the findings of the review required by N.J.A.C. 7:31-9.2(b)3.	N.J.A.C. 7:31-9.5(d)2	1,000	2,000	[2,500] <u>5,000</u>	<u>NM</u>	
[588.] <u>592.</u> Failure to include in the EHSARA report the report of the hazard review required by N.J.A.C. 7:31-9.2(b)4.	N.J.A.C. 7:31-9.5(d)3	1,000	2,000	[2,500] <u>5,000</u>	<u>NM</u>	
[589.] <u>593.</u> Failure to include in the EHSARA report the findings of the reviews required by N.J.A.C. 7:31-9.2(b)5 through 9.	N.J.A.C. 7:31-9.5(d)4	1,000	2,000	[2,500] <u>5,000</u>	<u>NM</u>	
[590.] <u>594.</u> Failure to include in the EHSARA report the recommended risk reduction plan including the listing of all of the deficiencies identified in N.J.A.C. 7:31-9.5(d)1 through 4, the remedial actions and alternatives to correct the deficiencies or a proposed schedule for implementation.	N.J.A.C. 7:31-9.5(d)5	1,000	2,000	[2,500] <u>5,000</u>	<u>NM</u>	
[591.] <u>595.</u> Failure to implement the risk reduction plan which includes a list of risks that must be reduced.	N.J.A.C. 7:31-9.5(e)1	4,000	8,000	20,000	<u>NM</u>	
[592.] <u>596.</u> Failure to implement the risk reduction plan which includes the scheduled actions that were required to be taken to reduce the risks including those necessary to complete a risk management program meeting the requirements of N.J.A.C. 7:31-3 for Program 2 covered processes or N.J.A.C. 7:31-4 for Program 3 covered processes.	N.J.A.C. 7:31-9.5(e)2	4,000	8,000	20,000	<u>NM</u>	

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(d) The Department may assess a civil administrative penalty for a violation of the Toxic Catastrophe Prevention Act and for violations of any rule, consent agreement or administrative order adopted or issued pursuant thereto, for which no penalty amount is specified under (c) above, according to the following:

1. **The Department shall assess a penalty in an amount not to exceed the following:**

- i. [Not more than] \$10,000 for the first offense;
- [2.] ii. [Not more than] \$20,000 for the second offense;
- [3.] iii. [Not more than] \$50,000 for the third and each subsequent offense.

2. **The Department shall determine whether the violation is a minor violation and subject to a grace period or whether the violation is non-minor and not subject to a grace period and shall assess a penalty as follows:**

i. **If, pursuant to (e) below, the violation is comparable to a violation listed in (c) above, and the comparable violation in (c) above is minor, then the violation under this section is also minor, provided the criteria at N.J.A.C. 7:31-11.5(c)1 through 4 are also met. The minor violation shall be subject to the grace period set forth in (c) above for the comparable violation, and the penalty shall be assessed in the amount of the penalty for the comparable violation, in accordance with the procedures set forth at N.J.A.C. 7:31-11.5;**

ii. **If the violation is not comparable to a violation listed in (c) above and the violation meets all of the criteria at (d)2ii(1) through (3) below as well as the criteria at N.J.A.C. 7:31-11.5(c)1 through 4, then the violation under this section is minor. The minor violation shall be subject to a grace period of 30 days, and may be subject to a penalty to be assessed under (d)1 above, in accordance with the procedures set forth at N.J.A.C. 7:31-11.5.**

(1) **The violation poses minimal risk to the public health, safety and natural resources;**

(2) **The violation does not materially and substantially undermine or impair the goals of the regulatory program; and**

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(3) The activity or condition constituting the violation is capable of being corrected and compliance achieved within the time prescribed by the Department;

iii. If, pursuant to (e) below, the violation is comparable to a violation listed in (c) above, and the comparable violation in (c) above is non-minor, then the violation under this section is also non-minor and the penalty shall be assessed in the amount of the penalty for the comparable non-minor violation.

iv. If the violation is not comparable to a violation listed in (c) above and the violation does not meet the requirements of (d)2ii above, the violation is non-minor and the penalty shall be assessed pursuant to (d)1 above, and (g) below as appropriate.

(e) [The Department may, in its discretion, adjust the penalty amount determined pursuant to (d) above to assess a civil administrative penalty based on any or all of the following factors:

1. The amount of the penalty established under (c) above for a violation which is comparable to the violation in question.] Comparability **of a violation under (d) above with a violation listed in (c) above** is based upon the nature of the violation[s] (for example, [violations] a violation[s] of recordkeeping, completeness, reporting completeness or performance of risk management program requirements) and the nature and extent of the extraordinarily hazardous accident risk likely to result from the type of violation[; and/or].

[2. The factors listed in (g) below.]

(f) (No change.)

(g) The Department may, in its discretion, adjust the amount of any penalty assessed **for a non-minor violation** pursuant to this section to assess a civil administrative penalty amount no greater than \$10,000 for the first offense, \$20,000 for the second offense and \$50,000 for the third and each subsequent offense, based upon any or all of the following factors:

1. - 8. (No change.)

7:31-11.5 Grace period applicability; procedures

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(a) Each violation identified in the penalty table at N.J.A.C. 7:31-11.4(c) Table III by an “M” in the Type of Violation column and for each violation determined under N.J.A.C. 7:31-11.4(d) as minor, for which conditions at (c) below are satisfied, is a minor violation and is subject to a grace period, the length of which (in days) is indicated in the column with the heading “Grace Period.”

(b) Each violation identified in the penalty table at N.J.A.C. 7:31-11.4(c) Table III by an “NM” in the Type of Violation column is a non-minor violation and is not subject to a grace period.

(c) The Department shall provide a grace period for any violation identified as minor under this section, provided that the following conditions are met:

1. The violation is not the result of the purposeful, knowing, reckless or criminally negligent conduct of the person responsible for the violation;

2. The activity or condition constituting the violation has existed for less than 12 months prior to the date of discovery by the Department or local government agency;

3. The person responsible for the violation has not been identified in a previous enforcement action by the Department or a local government agency as responsible for the same or a substantially similar violation at the same stationary source within the preceding 12-month period; and

4. The person responsible for the violation has not been identified by the Department or a local government agency as responsible for the same or substantially similar violations at any time that reasonably indicate a pattern of illegal conduct and not

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isolated incidents on the part of the person responsible.

(d) For a violation determined to be minor under (c) above, the following provisions apply:

1. The Department or local government agency shall issue a notice of violation to the person responsible for the minor violation that:

i. Identifies the condition or activity that constitutes the violation and the specific statutory and regulatory provision or other requirement violated; and

ii. Specifies that a penalty may be imposed unless the minor violation is corrected and compliance is achieved within the specified grace period.

2. If the person responsible for the minor violation corrects that violation and demonstrates, in accordance with (d)3 below, that compliance has been achieved within the specified grace period, the Department or local government agency shall not impose a penalty for the violation, and the violation will not be considered an offense for purposes of determining whether the violation constitutes a second or subsequent offense.

3. The person responsible for the minor violation shall submit to the Department or local government agency, before the end of the specified grace period, written information, certified in accordance with 40 C.F.R. 68.185, incorporated by reference at N.J.A.C. 7:31-7.1, and signed by a qualified person or position as defined in N.J.A.C. 7:31-1.5, detailing the corrective action taken or compliance achieved.

4. If the person responsible for the minor violation seeks additional time beyond the specified grace period to achieve compliance, the person shall request an extension

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of the specified grace period. The request shall be made in writing no later than one week before the end of the specified grace period and include the anticipated time needed to achieve compliance, the specific cause or causes of the delay, and any measures taken or to be taken to minimize the time needed to achieve compliance and shall be certified in accordance with 40 C.F.R. 68.185, incorporated by reference at N.J.A.C. 7:31-7.1. The Department may, at its discretion, approve in writing an extension, which shall not exceed 90 days, to accommodate the anticipated delay in achieving compliance. In exercising its discretion to approve a request for an extension, the Department may consider the following:

i. Whether the violator has taken reasonable measures to achieve compliance in a timely manner;

ii. Whether the delay has been caused by circumstances beyond the control of the violator;

iii. Whether the delay will pose a risk to the public health, safety and natural resources; and

iv. Whether the delay will materially or substantially undermine or impair the goals of the regulatory program.

5. If the person responsible for the minor violation fails to demonstrate to the Department or local government agency that the violation has been corrected and compliance achieved within the specified grace period, or within the approved extension, if any, the Department or local government agency may, in accordance with the provisions of this chapter, impose a penalty that is retroactive to the date on which the notice of violation under (d)1 above was issued.

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6. The person responsible for a minor violation shall not request more than one extension of a grace period specified in a notice of violation.