

Guidelines for TCPA Annual Reports

Revised August 12, 2021

In accordance with N.J.A.C. 7:31-4.9, an Annual Report must be submitted to the Department every year within 90 days of a facility's anniversary date. Submit the Annual Report via email using a OneDrive link which will be sent by the Department to the facility's responsible person as identified in their Risk Management Plan (RMP), instead of a compact disc (CD) as previously required. The OneDrive link shall enable facilities to submit files including documents for the requirements of N.J.A.C. 7:31-4.9(b)1 through 6 in a format that you prefer such as pdf, Word, or Excel. Also, an electronic file of the signed certification statement must be included in the email submission.

The Annual Report, which reflects risk management activities for the 12-month period ending on a facility's anniversary date, must include the following:

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

If any of the above listed changes occurred and **WERE NOT** previously reported, complete and submit the TCPA RMP resubmission or correction using the eNJRMP service on NJDEP Online. Information regarding eNJRMP is available on the TCPA RMP website at <https://www.nj.gov/dep/enforcement/tcpa/rmp.htm> .

If there were no changes to the supplemental TCPA information since submitting your last RMP, you must state this in the Annual Report.

2. A description of significant changes to the management system (see definition at N.J.A.C. 7:31-1.5) of the risk management program at the facility. If the changes involve any activities requiring you to correct or update your risk management plan, you must submit a corrected or updated RMP. See the TCPA website referenced above for instructions on submitting the RMP to NJDEP and the U.S.EPA.

If there were no significant changes to the management system since the last Annual Report, you must state this in the Annual Report.

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

If no PHA/RA reports were completed since the last Annual Report, you must state this in the Annual Report.

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

If no EHS accidents or potential catastrophic events occurred during the previous year, you must state this in the Annual Report.

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

PLEASE NOTE: The Department has provided a TCPA Compliance Audit Checklist, available on the TCPA website, as an optional aid to assist in performing the compliance audit. The use of the TCPA Compliance Audit Checklist is not mandated by the rules. Please note that the TCPA rules require a final compliance audit report that contains additional information about the audit. (See 40 CFR 68.79 (c) and (d) incorporated with changes at N.J.A.C.7:31-4.1(c)14 and 23.) The Checklist alone does not meet that requirement. If you conduct any other audit(s) that encompass the Risk Management Program of a TCPA covered process and identify findings related to a covered process and rule requirements or become aware of Risk Management Program deficiencies through another means such as a regulatory inspection, you must include those findings and actions taken to address them as part of the TCPA compliance audit and report if they remain open at the time of the TCPA audit. Other audits may include internal company audits, third-party audits, and audits for other regulatory or insurance purposes.

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

If no IST review reports were completed since the last Annual Report, you must state this in the Annual Report.

7. You must include an electronic copy of the signed certification statement, which must be signed by the qualified person or position specified in your RMP or person of higher authority, specified at N.J.A.C. 7:31-8.2(c):

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