

NOTE: THIS IS A COURTESY COPY OF THIS RULE ADOPTION. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE NOVEMBER 2, 2020 NEW JERSEY REGISTER. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION OF THE ADOPTION, THE OFFICIAL VERSION WILL GOVERN.

ENVIRONMENTAL PROTECTION

COMPLIANCE AND ENFORCEMENT

DIVISION OF WASTE ENFORCEMENT, PESTICIDES, AND RELEASE PREVENTION

Notice of Readoption

Discharges of Petroleum and Other Hazardous Substances

Readoption: N.J.A.C. 7:1E, Appendix A and Appendix B, without change

Authority: N.J.S.A. 58:10-23.11, N.J.S.A. 58:10-46 to 50, N.J.S.A. 13:1K-1 et seq.,
and N.J.S.A.13:1D-125 through 133

Authorized By: Catherine R. McCabe, Commissioner, Department of Environmental
Protection.

Effective Date: October 8, 2020

New Expiration Date: October 8, 2027

Take notice that pursuant to N.J.S.A. 52:14B-5.1, the Discharges of Petroleum and Other Hazardous Substances (DPHS) rules at N.J.A.C. 7:1E, and Appendices A and B, are readopted and shall continue in effect for a seven-year period. The rules had been scheduled to expire on January 27, 2021. The Department of Environmental Protection (Department) has reviewed these rules and has determined that the rules should be readopted because they are necessary, reasonable and proper for the purpose for which they were originally promulgated. In accordance with N.J.S.A. 52:14B-5.1(c), timely filing of this notice extended the expiration date of the chapter seven years from the date of filing.

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The DPHS rules establish standards for emergency response in the event of a discharge of a hazardous substance, and establish standards for discharge prevention for major facilities storing or handling hazardous substances. The rules contain general provisions for the discharge prevention program, including definitions; standards applicable to storing, transferring, processing or using hazardous substances, including specification of the equipment and procedures required to be utilized at major facilities; registration requirements for transmission pipelines; requirements for the preparation and submission of Discharge Prevention, Containment and Countermeasure (DPCC) and Discharge Cleanup and Removal (DCR) plans, including the information they are to contain and the schedules for their submission; procedures for notification, reporting, and response; administrative penalties and grace period applicability; and requirements applicable to the handling of confidential information. There are two appendices, one of which contains the list of hazardous substances, and the other contains forms to be used to demonstrate financial responsibility for cleanup and removal activities.

The Department met with stakeholders in 2019 and is in the process of drafting a proposal to amend the DPHS rules.