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ENVIRONMENTAL PROTECTION

COMPLIANCE AND ENFORCEMENT

DIVISION OF COMPLIANCE OPERATIONS AND COORDINATION

Notice of Readoption

Pollution Prevention Program Rules

Readoption with Technical Changes: N.J.A.C. 7:1K

Authority: N.J.S.A. 13:1B-1 et seq., 13:1D-9; 13:1D-35 et seq., and 34-5A-1 et seq.

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

Effective Date: December 4, 2020

New Expiration Date: December 4, 2027

Take notice that pursuant to N.J.S.A. 52:14B-5.1, the Pollution Prevention Program Rules at N.J.A.C. 7:1K are readopted and shall continue in effect for a seven-year period. The rules had been scheduled to expire on January 23, 2021. The Department of Environmental Protection (Department) has reviewed these rules and has determined that the rules should be readopted with technical changes discussed below 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(1), timely filing of this notice extended the expiration date of the chapter seven years from the date of filing.

The Pollution Prevention Program Rules implement the goals of the Pollution Prevention Act (P2 Act), N.J.S.A. 13:1D-35 et seq., to reduce the use of hazardous substances as well as the

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The P2 Act requires "priority industrial facilities" to examine their production processes to determine if they are using hazardous substances in the most efficient way possible. Priority industrial facilities are those that must prepare and submit a toxic chemical release form under the Federal Emergency Planning and Community Right to Know Reporting Requirements at 42 U.S.C. § 11023, as well as those that meet one or more of the several criteria in the Pollution Prevention Program Rules.

The rules require priority industrial facilities to prepare pollution prevention plans, pollution prevention plan summaries, and pollution prevention plan progress reports as required by the P2 Act. The rules also provide for the development and issuance of multimedia permits covering a facility's air, water, and waste requirements under a pilot program established under the P2 Act. The pilot program has been completed.

The rules are readopted with technical changes to update program contact information and to correct the name of the United States Environmental Protection Agency's Toxics Release Inventory Program.

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

7:1K-1.5 Definitions

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

...

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Environmental Protection Agency for reporting pursuant to 42 U.S.C. §11023.

...

7:1K-1.8 Access to public information

Interested persons may obtain information on the pollution prevention program, copies of pollution prevention reporting forms, and copies of the Pollution Prevention Planning Guidance

Document by contacting:

[Office of Pollution Prevention and Right to Know Department of Environmental Protection]

Bureau of Compliance Support and Pollution Prevention

Mail Code [22-03C] **401-04B**

PO Box 420

Trenton, New Jersey 08625-0420

(609) 777-0518, or

[<http://www.nj.gov/dep/opppc/>]

<https://www.nj.gov/dep/enforcement/pp.html>

7:1K-3.4 Scope of pollution prevention planning documents

(a) The owner or operator of a priority industrial facility is required to include in the industrial facility's Pollution Prevention Plans, Pollution Prevention Plan Summaries, and Pollution Prevention Plan Progress Reports information on any hazardous substance which is used or

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quantities exceeding a lower threshold for the hazardous substance set by the Department in accordance with N.J.A.C. 7:1K-3.5(b), measured on a facility-wide basis, and which is listed on either:

1. The [Toxic] **Toxics** Release Inventory (TRI) list established by the United States

Environmental Protection Agency for reporting of hazardous substances pursuant to

Section 313 of the Emergency Planning and Community Right-to-Know Act of 1986, 42

2. (No change.)

(b) – (c) (No change.)

7:1K-4.9 Pollution Prevention Process-Level Data Worksheet in the Pollution Prevention Plan

(a) An owner or operator of a priority industrial facility shall include in a Pollution Prevention

Plan a P2-115, Pollution Prevention Process-Level Data Worksheet, available from the

Department (at the address in (a)1 below), for recording key process-level data elements

required for each process in the Pollution Prevention Plan. These include type and units of

product, process-level use and nonproduct output (NPO), and data components needed to

compute use and NPO. The worksheet(s) shall include base year data and shall be annually

updated and included in the Plan. At the discretion of the Department, an owner or operator

may include in the Pollution Prevention Plan an alternate version of this worksheet, such as an

electronic spreadsheet, as developed by the facility. The worksheet shall be included in the

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Prevention Report (RPPR), or by the next revision of the P2 Plan, whichever occurs first.

1. The worksheet may be obtained at the following address:

[Office of Pollution Prevention and Right to Know]

Bureau of Compliance Support and Pollution Prevention

Department of Environmental Protection

Mail Code [22-03C] **401-04B**

P.O. Box [[443]] 420

Trenton, New Jersey 08625-0420

(609) 777- 0518, or

by internet: [<http://www.nj.gov/dep/opppc/>] <https://www.nj.gov/dep/enforcement/pp.html>

7:1K-8.4 Correspondence, inquiries and notices

(a) (No change.)

(b) A claimant shall direct all correspondence, inquiries, notices and submissions

concerning confidentiality claims under this chapter to the Department at the following

address:

[Office of Pollution Prevention and Right to Know]

Bureau of Compliance Support and Pollution Prevention

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