

CHAPTER 1E

DISCHARGES OF PETROLEUM AND OTHER
HAZARDOUS SUBSTANCES

Authority

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

Source and Effective Date

R.2007 d.93, effective February 27, 2007.
See: 38 N.J.R. 4285(a), 39 N.J.R. 1253(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 1E, Discharges of Petroleum and Other Hazardous Substances, expires on February 27, 2014. See: 43 N.J.R. 1203(a).

Chapter Historical Note

Chapter 1E, Discharges of Petroleum and Other Hazardous Substances, was adopted as R.1977 d.115, effective March 31, 1977. See: 9 N.J.R. 68(c), 9 N.J.R. 217(c).

Chapter 1E, Discharges of Petroleum and Other Hazardous Substances, was readopted as R.1985 d.377, effective July 15, 1985. See: 17 N.J.R. 865(a), 17 N.J.R. 1759(a). Pursuant to Executive Order No. 66(1978), Chapter 1E, Discharges of Petroleum and Other Hazardous Substances, expired on July 15, 1990.

Chapter 1E, Discharges of Petroleum and Other Hazardous Substances, was adopted as new rules by R.1990 d.398, effective August 6, 1990. See: 22 N.J.R. 1651(a), 22 N.J.R. 2284(a).

Subchapter 5, Hazardous Substance Discharge: Reports and Notices, was recodified from N.J.A.C. 7:1-7 by R.1990 d.457, effective September 17, 1990. See: 22 N.J.R. 1457(a), 22 N.J.R. 2965(a).

Public Notice: Notice to adopt rules concerning petroleum and other hazardous substances. See: 23 N.J.R. 2507(a).

Chapter 1E, Discharges of Petroleum and Other Hazardous Substances, was repealed and Chapter 1E, Discharges of Petroleum and Other Hazardous Substances, was adopted as new rules by R.1991 d.465, effective September 3, 1991, operative September 11, 1991. See: 23 N.J.R. 1335(a), 23 N.J.R. 2656(a).

Subchapter 7, Confidentiality Claims, Subchapter 8, Confidentiality Determinations, Subchapter 9, Disclosure and Use of Confidential Information, and Subchapter 10, Treatment of Confidential Information, were adopted as new rules by R.1992 d.186, effective April 20, 1992. See: 23 N.J.R. 2848(a), 24 N.J.R. 1484(a).

Pursuant to Executive Order No. 66(1978), Chapter 1E, Discharges of Petroleum and Other Hazardous Substances, was readopted as R.1996 d.462, effective September 3, 1996. As part of R.1996 d.462, Appendix C, Mapping and Digital Data Standards, was recodified to N.J.A.C. 7:1 Appendix A. See: 28 N.J.R. 2730(a), 28 N.J.R. 4424(b).

Petition for Rulemaking: Notice of Receipt of and Action on a Petition for Rulemaking. See: 28 N.J.R. 5499(a), 29 N.J.R. 704(a).

Chapter 1E, Discharges of Petroleum and Other Hazardous Substances, was readopted as R.2001 d.355, effective August 31, 2001. See: 33 N.J.R. 1255(a), 33 N.J.R. 3518(a).

Chapter 1E, Discharges of Petroleum and Other Hazardous Substances, was readopted as R.2007 d.93, effective February 27, 2007. See: Source and Effective Date. See, also, section annotations.

Petition for Rulemaking. See: 40 N.J.R. 1935(a), 2570(b).

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. GENERAL PROVISIONS

- 7:1E-1.1 Scope
- 7:1E-1.2 Construction
- 7:1E-1.3 Severability
- 7:1E-1.4 Relationship to Federal and State Law
- 7:1E-1.5 State non-liability
- 7:1E-1.6 Definitions
- 7:1E-1.7 Hazardous substances
- 7:1E-1.8 Environmentally sensitive areas
- 7:1E-1.9 Access
- 7:1E-1.10 Waiver
- 7:1E-1.11 Applicability

SUBCHAPTER 2. PREVENTION AND CONTROL OF
DISCHARGES AT MAJOR FACILITIES

- 7:1E-2.1 Scope
- 7:1E-2.2 Storage
- 7:1E-2.3 Tank car or tank truck loading or unloading areas
- 7:1E-2.4 In-facility pipes for hazardous substances
- 7:1E-2.5 Process areas for hazardous substances
- 7:1E-2.6 Facility drainage and secondary containment
- 7:1E-2.7 Marine transfer facilities
- 7:1E-2.8 Illumination
- 7:1E-2.9 Flood hazard areas
- 7:1E-2.10 Visual inspections and monitoring
- 7:1E-2.11 Housekeeping and maintenance
- 7:1E-2.12 Employee training
- 7:1E-2.13 Security
- 7:1E-2.14 Standard operating procedures
- 7:1E-2.15 Recordkeeping
- 7:1E-2.16 Integrity testing

SUBCHAPTER 3. TRANSMISSION PIPELINES

- 7:1E-3.1 Scope
- 7:1E-3.2 Registration of transmission pipelines
- 7:1E-3.3 Standards
- 7:1E-3.4 Discharge cleanup information

SUBCHAPTER 4. PLANS

- 7:1E-4.1 Scope
- 7:1E-4.2 Discharge prevention, containment and countermeasure plans
- 7:1E-4.3 Discharge cleanup and removal plan
- 7:1E-4.4 Financial responsibility
- 7:1E-4.5 Preparation and submission of plans
- 7:1E-4.6 Approval and conditional approval of plans
- 7:1E-4.7 Denial or revocation of approval of plans
- 7:1E-4.8 Amendment of plans
- 7:1E-4.9 Plan renewals
- 7:1E-4.10 Mapping criteria
- 7:1E-4.11 Certifications

SUBCHAPTER 5. DISCHARGE NOTIFICATION,
RESPONSE AND REPORTING

- 7:1E-5.1 Scope
- 7:1E-5.2 Notification of historical discharges
- 7:1E-5.3 Discharge notification
- 7:1E-5.4 Notification of aircraft discharges
- 7:1E-5.5 Notification of malfunctions in discharge detection systems
- 7:1E-5.6 Justification of delay
- 7:1E-5.7 Discharge response
- 7:1E-5.8 Confirmation report and recordkeeping
- 7:1E-5.9 Reporting responsibilities of the Department
- 7:1E-5.10 Discharge reporting requirements of local officials
- 7:1E-5.11 Amendment of plans following a discharge

SUBCHAPTER 6. CIVIL ADMINISTRATIVE PENALTIES
AND REQUESTS FOR ADJUDICATORY HEARINGS

- 7:1E-6.1 Scope
- 7:1E-6.2 Applicability
- 7:1E-6.3 Procedures for issuance of administrative orders and assessment, settlement and payment of civil administrative penalties
- 7:1E-6.4 Procedures for requesting and conducting adjudicatory hearings
- 7:1E-6.5 Civil administrative penalty determination—general
- 7:1E-6.6 Civil administrative penalty for submitting inaccurate or false information
- 7:1E-6.7 Civil administrative penalty for failure to allow lawful entry and inspection
- 7:1E-6.8 Civil administrative penalties for violations of rules adopted pursuant to the Act
- 7:1E-6.9 Conditions of grace period

SUBCHAPTER 7. CONFIDENTIALITY CLAIMS

- 7:1E-7.1 Procedure for making a claim
- 7:1E-7.2 Designation by claimant of an addressee for notices and inquiries
- 7:1E-7.3 Correspondence, inquiries and notices

SUBCHAPTER 8. CONFIDENTIALITY DETERMINATIONS

- 7:1E-8.1 Time for making confidentiality determinations
- 7:1E-8.2 Notice of initial confidentiality determination, and of requirement to submit substantiation of claim
- 7:1E-8.3 Substantiation of confidentiality claims
- 7:1E-8.4 Time for submission of substantiation
- 7:1E-8.5 Final confidentiality determination
- 7:1E-8.6 Treatment of information pending confidentiality determination
- 7:1E-8.7 Availability of information to the public after determination that information is not confidential
- 7:1E-8.8 Preparation of final public copy
- 7:1E-8.9 Class confidentiality determinations
- 7:1E-8.10 Classes of information which are not confidential information

SUBCHAPTER 9. DISCLOSURE AND USE OF
CONFIDENTIAL INFORMATION

- 7:1E-9.1 Disclosure of confidential information to other public agencies
- 7:1E-9.2 Disclosure of confidential information to contractors
- 7:1E-9.3 Disclosure to alleviate an imminent and substantial danger
- 7:1E-9.4 Notice to claimants of disclosure of confidential information
- 7:1E-9.5 Disclosure by consent
- 7:1E-9.6 Incorporation of confidential information into accumulations of data
- 7:1E-9.7 Disclosure of confidential information in rulemaking, permitting, and enforcement proceedings
- 7:1E-9.8 Hearing before disclosure of information for which a confidentiality claim has been made

SUBCHAPTER 10. TREATMENT OF CONFIDENTIAL
INFORMATION

- 7:1E-10.1 Nondisclosure of confidential information
- 7:1E-10.2 Safeguarding of confidential information
- 7:1E-10.3 Confidentiality agreements
- 7:1E-10.4 Wrongful access or disclosure; penalties

APPENDIX A. LIST OF HAZARDOUS SUBSTANCES

APPENDIX B. FINANCIAL FORMS

SUBCHAPTER 1. GENERAL PROVISIONS

Law Review and Journal Commentaries

Environmental Crimes: Considerations in Prosecutions. Ed Neafsey, Edward Bonanno, 159 N.J.L.J. 37 (1994).

7:1E-1.1 Scope

(a) This chapter covers the discharge of hazardous substances as defined in this chapter. These rules set forth guidelines and procedures to be followed by all persons in the event of a discharge of a hazardous substance. They also set forth certain registration, reporting, design, operational, and maintenance requirements for owners and operators of major facilities and transmission pipelines which handle hazardous substances.

(b) This subchapter prescribes the provisions that are generally applicable. The following shall govern how certain terms are defined for use in this chapter, which persons are subject to this chapter, and the Department's rights of access for determining compliance with this chapter and the Act.

Amended by R.1996 d.252, effective June 3, 1996.

See: 27 N.J.R. 2337(a), 27 N.J.R. 2882(a), 28 N.J.R. 2858(a).

In (a) deleted exception for discharges pursuant to permit.

Amended by R.2007 d.93, effective April 2, 2007.

See: 38 N.J.R. 4285(a), 39 N.J.R. 1253(a).

In (a), inserted "; operational."

Case Notes

Terms defined in Spill Compensation and Control Act regulations were not void for vagueness. In re Adoption of N.J.A.C. 7:1E, 255 N.J.Super. 469, 605 A.2d 733 (A.D.1992).

Spill Compensation and Control Act regulations which required reporting of discharges were constitutional. In re Adoption of N.J.A.C. 7:1E, 255 N.J.Super. 469, 605 A.2d 733 (A.D.1992).

Spill Compensation and Control Act regulations which did not specify discharge quantity were not unconstitutional on their face. In re Adoption of N.J.A.C. 7:1E, 255 N.J.Super. 469, 605 A.2d 733 (A.D.1992).

7:1E-1.2 Construction

(a) These rules, being necessary to promote the public health and welfare, and to protect the environment, shall be liberally construed so as to permit the Department to discharge its statutory functions under the Act.

(b) The Commissioner may amend or repeal this chapter in conformance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and N.J.A.C. 1:30.

7:1E-1.3 Severability

If any section, subsection, provision, clause or portion of this chapter or the application thereof to any person or circumstance is adjudged invalid or unconstitutional by a court of competent jurisdiction, the remainder of this chapter and the application thereof to other persons or circumstances shall not be affected thereby, and shall remain in full force and effect.

2. Any water resource, as defined at N.J.A.C. 7:19-1.3, which is utilized by a public water system, nonpublic water system, or water supply system, as defined at N.J.A.C. 7:10-1.3;

3. Bay islands, as defined at N.J.A.C. 7:7E-3.21(a), and barrier island corridors, as defined at N.J.A.C. 7:7E-3.20(a);

4. Beaches, as defined in N.J.A.C. 7:7E-3.22(a);

5. Dunes, as defined in N.J.A.C. 7:7E-3.16(a);

6. Wetlands and wetland transition areas, including without limitation the following: freshwater wetlands and transition areas, as defined at N.J.A.C. 7:7A-1.4; wetlands, as defined in N.J.A.C. 7:7E-3.27(a); and wetland buffers and transition areas, as defined in N.J.A.C. 7:7E-3.28(a);

7. Critical wildlife habitats, as defined in N.J.A.C. 7:7E-3.39;

8. Prime fishing areas, as defined in N.J.A.C. 7:7E-3.4(a);

9. Finfish migratory pathways, as defined in N.J.A.C. 7:7E-3.5(a);

10. Submerged vegetation habitat, as defined in N.J.A.C. 7:7E-3.6(a);

11. Shellfish waters as defined in N.J.A.C. 7:9B-1.4;

12. Forest areas, including prime forestland and unique forestland;

13. Habitat for Federal and State endangered or threatened plant and animal species, as defined in N.J.A.C. 7:7E-3.38(a);

14. Federal and State wilderness areas, including areas included within the Natural Areas System, as designated in N.J.A.C. 7:5A-1.13, or the State Register of Natural Areas pursuant to the Natural Areas System Act, N.J.S.A. 13:1B-15.12a et seq. and 15.4 et seq., and N.J.A.C. 7:5A-1.4, and preserved land held by the New Jersey Natural Lands Trust pursuant to the New Jersey Natural Lands Trust Act, N.J.S.A. 13:1B-15.119 et seq.; and

15. Wild and scenic river corridors, as defined in N.J.A.C. 7:7E-3.46(a).

Amended by R.1996 d.252, effective June 3, 1996.
See: 27 N.J.R. 2337(a), 27 N.J.R. 2882(a), 28 N.J.R. 2858(a).
Amended by R.1996 d.462, effective October 7, 1996.
See: 28 N.J.R. 2730(a), 28 N.J.R. 4424(b).
Amended by R.2001 d.355, effective October 1, 2001.
See: 33 N.J.R. 1255(a), 33 N.J.R. 3518(a).
Rewrote (a).
Amended by R.2007 d.93, effective April 2, 2007.
See: 38 N.J.R. 4285(a), 39 N.J.R. 1253(a).
Rewrote the section.

7:1E-1.9 Access

(a) During normal business hours and at any time during an actual or suspected discharge or violation the Department and its representatives shall have the right to enter and inspect any facility, vessel, building, or equipment, or any portion thereof, in order to ascertain compliance with the Act, this chapter, or any order, or consent agreement issued or entered into pursuant thereto. At any time, the Department and its representatives shall have the right to enter and inspect those portions of any facility, vessel, building or equipment actively engaged in the transfer or processing of hazardous substances in order to ascertain compliance with the Act or this chapter, or any order, consent order or agreement issued or entered into pursuant thereto. Such right shall include, but not be limited to, the right to test or sample any materials at the facility, to sketch, photograph or videotape any portion of the facility, vessel, building or equipment, to copy or photograph any document or records necessary to determine such compliance or noncompliance; and to interview any employees or representatives of the owner or operator or their contractors. Such right shall be absolute and shall not be conditioned upon any action by the Department, except the presentation of appropriate credentials as requested and compliance with appropriate standard safety procedures.

(b) The Department may inspect major facilities prior to approving DPCC or DCR plans.

(c) Owners or operators, and any employees or representatives thereof, shall assist and shall not hinder or delay the Department and its representatives in the performance of all aspects of any inspection.

Amended by R.1992 d.186, effective April 20, 1992.
See: 23 N.J.R. 2848(a), 24 N.J.R. 1484(a).

Deleted (e) regarding availability of information.
Amended by R.2007 d.93, effective April 2, 2007.
See: 38 N.J.R. 4285(a), 39 N.J.R. 1253(a).

Rewrote (b); deleted former (c); and recodified former (d) as (c).

Case Notes

Entry upon and use of debtor's property by State Department of Environmental Protection personnel for purposes of implementing necessary remedial action to contain or remove dioxin and minimize public exposure was not contemptuous action as a violation of the automatic stay or consent order in force. In the Matter of Hildermann Industries, Inc., 53 B.R. 509 (Bkrcty.Ct.N.J.1984).

7:1E-1.10 Waiver

The Department, when it determines that the application of these rules would impair expeditious containment or cleanup and removal of discharges, or endanger life, health, safety or the environment, may waive any provision of these rules.

7:1E-1.11 Applicability

(a) No person shall cause, suffer, allow or permit a discharge of a hazardous substance.

(b) Major facilities, as defined in N.J.A.C. 7:1E-1.6, are required to meet the standards of this chapter. The Department shall grant the owner or operator of a major facility a reasonable period of time, in light of all circumstances including economic feasibility, to upgrade existing equipment and procedures to meet the standards of N.J.A.C. 7:1E-2, excluding the requirements of N.J.A.C. 7:1E-2.2(a)4 and 2.16, if the major facility proves to the satisfaction of the Department that such a time period is needed. The rate of such upgrading shall be proposed by the owner or operator as part of the DPCC and DCR plans submitted pursuant to N.J.A.C. 7:1E-4. New equipment and procedures shall meet the standards of N.J.A.C. 7:1E-2 prior to being placed into service.

(c) A non-major facility which adds storage capacity so as to become a major facility shall be considered a major facility.

(d) The Department may require of any major facility which has been granted a period to upgrade, the installation of alternative prevention and/or detection devices such as alarms, so as to minimize the chances of a discharge, and may, in addition, require the owner or operator of such a major facility to demonstrate an enhanced ability to prevent, expeditiously contain and/or clean up and remove a discharge from the portion of the facility to which a time period to upgrade has been granted. If the Department requires the installation of alternative prevention and/or detection devices, the owner or operator shall propose the devices to be used, subject to the Department's approval.

(e) The Department recognizes that the designs of major facilities differ, and, therefore, appropriate methods of discharge prevention are necessarily site-specific. Wherever in these rules a particular method of discharge prevention is mandated, the owner or operator of a major facility may substitute an alternate method if he or she can demonstrate to the satisfaction of the Department that such alternate method will provide protection against discharges at least equivalent to the method it is intended to replace.

Amended by R.1996 d.252, effective June 3, 1996.
See: 27 N.J.R. 2337(a), 27 N.J.R. 2882(a), 28 N.J.R. 2858(a).
Amended by R.2000 d.352, effective August 21, 2000.
See: 31 N.J.R. 3561(a), 32 N.J.R. 3091(a).

In (b), inserted reference to existing equipment and procedures in second sentence and added last sentence.

Amended by R.2001 d.355, effective October 1, 2001.
See: 33 N.J.R. 1255(a), 33 N.J.R. 3518(a).

In (b), deleted "and 2.2(a)" and inserted "6, and 7," following "N.J.A.C. 7:1E-2.2(a)4,".

Amended by R.2007 d.93, effective April 2, 2007.
See: 38 N.J.R. 4285(a), 39 N.J.R. 1253(a).

In (b), substituted "and 2.16" for "5, 6, and 7".

Cross References

Violations, civil administrative penalties, see 7:1E-6.8.

Case Notes

Under New Jersey law, insured's disclosures in environmental plans and permit applications did not compel finding of intended or expected

environmental damage not covered by comprehensive general liability insurance policies. *Pittston Co. v. Allianz Ins. Co.*, D.N.J.1995, 905 F.Supp. 1279.

Commencing transfer operations of leaking gasoline in severe weather conditions that increased risk of discharge warranted civil administrative penalties. *Department of Environmental Protection v. Stolt-Nielsen*, 95 N.J.A.R.2d (EPE) 157.

SUBCHAPTER 2. PREVENTION AND CONTROL OF DISCHARGES AT MAJOR FACILITIES

7:1E-2.1 Scope

This subchapter prescribes the rules of the Department applicable to the owners or operators of major facilities storing, transferring, processing or using hazardous substances. The following shall govern the standards for equipment and procedures utilized at major facilities.

Amended by R.1996 d.252, effective June 3, 1996.
See: 27 N.J.R. 2337(a), 27 N.J.R. 2882(a), 28 N.J.R. 2858(a).

Cross References

Discharge prevention, containment, and countermeasure plans, see 7:1E-4.3.

Violations, civil administrative penalties, see 7:1E-6.8.

7:1E-2.2 Storage

(a) Aboveground storage tanks shall meet the following standards:

1. Aboveground storage tank installations shall be provided with secondary containment or a diversion system, designed and built pursuant to N.J.A.C. 7:1E-2.6.

2. The base underlying the storage tank shall be made of or surfaced with a material impermeable to passage or chemical attack by the stored substance under the conditions of storage prevailing within the tank. Existing storage tanks shall be exempt from this requirement until such time as they may require substantial reconstruction or replacement, or the bottom is being replaced, unless the Department orders a storage tank removed from service because of the likelihood of a discharge. Before such a tank is returned to service, it must meet this requirement.

3. Pipes leading to and from aboveground storage tanks which enter the tank below the liquid level shall be equipped with valves that can be remotely activated or are readily accessible in the event of a leak or discharge, and which are sufficiently close to the tank that they can prevent the contents of the tank from escaping outside the secondary containment area in the event of a pipe failure outside the containment area. Such pipes shall not penetrate or pass through any walls, dikes or berms used as secondary containment, unless the impermeability or integrity of the secondary containment is not impaired.

8. An accurate map or maps, in the format prescribed in N.J.A.C. 7:1E-4.10(c), showing the location of each of the owner or operator's pipeline facilities, storage areas, transfer areas, or other structures in or on which hazardous substances are stored or handled, and the location at which the pipeline enters or leaves the State.

9. An inventory of all types of pipe used for the transmission of hazardous substances, including a history of major repairs, major maintenance and major leaks from all pipes; and

10. Any certifications required pursuant to N.J.A.C. 7:1E-4.11(b).

(b) Any change in the information supplied pursuant to (a) above or N.J.A.C. 7:1E-3.4(a) shall be reported to the Department within 60 days.

(c) The information required by (a) or (b) above shall be sent to:

Bureau of Release Prevention
New Jersey Department of Environmental
Protection
P.O. Box 424
Trenton, New Jersey 08625-0424
Attention: Pipeline Registration

Amended by R.1996 d.252, effective June 3, 1996.
See: 27 N.J.R. 2337(a), 27 N.J.R. 2882(a), 28 N.J.R. 2858(a).
Amended by R.1996 d.462, effective October 7, 1996.
See: 28 N.J.R. 2730(a), 28 N.J.R. 4424(b).
Amended by R.2000 d.352, effective August 21, 2000.
See: 31 N.J.R. 3561(a), 32 N.J.R. 3091(a).
Amended by R.2007 d.93, effective April 2, 2007.
See: 38 N.J.R. 4285(a), 39 N.J.R. 1253(a).

Added new (a)2; recodified former (a)2 through (a)4 as (a)3 through (a)5; rewrote (a)4 and (a)5; added new (a)6; recodified former (a)5 through (a)8 as (a)7 through (a)10; rewrote (a)8; and in the address in (c), substituted "Release" for "Discharge".

7:1E-3.3 Standards

All transmission pipelines shall conform to 49 CFR 195, "Transportation of Hazardous Liquids by Pipeline," and any future supplements and amendments thereto.

Amended by R.2007 d.93, effective April 2, 2007.
See: 38 N.J.R. 4285(a), 39 N.J.R. 1253(a).
Inserted "Hazardous".

7:1E-3.4 Discharge cleanup information

(a) By February 1, 1992, and by each February 1 at five year intervals thereafter, the owner or operator of a transmission pipeline shall submit the following information to the Department at the address specified in N.J.A.C. 7:1E-3.2(c):

1. A summary of the action plan used in responding to, and minimizing health and environmental dangers from, fires, explosions or discharges, including the deployment of personnel and equipment, the chain of command for an emergency response action, and notification procedures pursuant to N.J.A.C. 7:1E-5;

2. A list of containment and removal equipment and materials to which the transmission pipeline has access through ownership, contract or other means, including, but not limited to, vehicles, vessels, pumps, skimmers, booms, chemicals, and communications devices. A copy of all current contracts or agreements between the owner or operator and a discharge cleanup organization for emergency response service shall be included;

3. A list of the trained personnel who are available to operate such equipment and a brief description of their qualifications, and whether personnel are employed by the owner or operator or by a discharge cleanup organization. In lieu of supplying a list of names, the owner or operator may supply a list of job titles of employees who will be assigned to operate containment and removal equipment, and a statement of the minimum qualifications that will be required of each employee so assigned;

4. The name, title and 24-hour business telephone number of facility's response coordinator or other person authorized to hire contractors and release funds for discharge response, containment, cleanup and removal. A response coordinator or alternate shall be available at all times; and

5. Procedures for determining the recycling or disposal options for hazardous substances or contaminated soil, debris, and so forth gathered during cleanup and removal activities.

Amended by R.1996 d.462, effective October 7, 1996.
See: 28 N.J.R. 2730(a), 28 N.J.R. 4424(b).
Amended by R.2007 d.93, effective April 2, 2007.
See: 38 N.J.R. 4285(a), 39 N.J.R. 1253(a).

In (a)2, inserted the last sentence; in (a)3, inserted ", and whether personnel are employed by the owner or operator or by a discharge cleanup organization"; and in (a)5, substituted "activities" for "operations".

SUBCHAPTER 4. PLANS

Cross References

Designation of environmentally sensitive areas, see N.J.A.C. 7:1E-1.8.

7:1E-4.1 Scope

This subchapter establishes the requirements for discharge cleanup and removal activities at major facilities. It prescribes the rules of the Department for information to be submitted in discharge prevention, containment and countermeasure plans, and discharge cleanup and removal plans for major facilities. The following rules shall govern the preparation and submission of such plans.

Amended by R.1996 d.462, effective October 7, 1996.
See: 28 N.J.R. 2730(a), 28 N.J.R. 4424(b).
Amended by R.2007 d.93, effective April 2, 2007.
See: 38 N.J.R. 4285(a), 39 N.J.R. 1253(a).
Rewrote the section.

Case Notes

Regulatory requirement for submission of discharge cleanup and recovery plan is at odds with Spill Compensation and Control Act where overlapping federal statutes or regulations also require submission of such a plan. *GATX Terminals Corp. v. Dept. of Environmental Protection*, 173 N.J.Super. 531, 414 A.2d 980 (App.Div.1980), reversed 86 N.J. 46, 429 A.2d 355 (1981).

Discharge cleanup and removal (DCR) plan pertains to procedures to be followed in the event of a discharge, as well as equipment available to contain and remove discharged hazardous substances. *GATX Terminals Corp. v. Dept. of Environmental Protection*, 173 N.J.Super. 531, 414 A.2d 980 (App.Div.1980), reversed 86 N.J. 46, 429 A.2d 355 (1981).

7:1E-4.2 Discharge prevention, containment and countermeasure plans

(a) The owner or operator of a major facility shall:

1. Prepare a DPCC plan demonstrating compliance with the standards in N.J.A.C. 7:1E-2; and
2. Appoint a facility contact who shall be responsible for insuring compliance with the DPCC plan and this chapter. The facility contact shall be responsible for submission of all plans and reports required by this chapter to the Department.

(b) The DPCC plan shall contain the following general information:

1. The name, telephone number and location of the facility including street and mailing address, county, municipality, and tax lot and block number;
2. The name(s), telephone number(s) and business address(es) of the owner or operator of the facility;
3. The name, title, telephone number, and business address of the facility contact;
4. The name and business address of the owner's or operator's registered agent, if applicable;
5. If the facility is served by or operates a transmission pipeline or pipelines, the name of the transmission pipeline(s), and the mailing address(es) and the telephone number(s) of its owner or operator;
6. A brief description of the facility;
7. A general site plan, in the format prescribed in N.J.A.C. 7:1E-4.10;
8. A drainage and land use map, in the format prescribed in N.J.A.C. 7:1E-4.10;
9. Topographical maps, in the format prescribed in N.J.A.C. 7:1E-4.10;
10. The anticipated date on which the facility will become operational, if the facility is a new one; and
11. A list of discharges that have occurred at the facility in the 36 months preceding the date of the plan submission, including those discharges that were not immediately re-

ported to the Department pursuant to N.J.A.C. 7:1E-5.3(e). The list shall include the substance(s) discharged, the quantity(ies) discharged, the location(s) of the discharge(s), the case number(s) assigned by the Department for those discharges that were reported pursuant to N.J.A.C. 7:1E-5.3(a), and corrective actions taken.

(c) The DPCC plan shall include, at a minimum, the following technical information, in the following order or indexed to this order:

1. A description of all aboveground storage tanks, addressing all standards under N.J.A.C. 7:1E-2.2, including, but not limited to:

- i. Tank identification, such as name or number, and location;
- ii. Material of construction and tank orientation, whether horizontal or vertical;
- iii. Tank size and contents;
- iv. Overfill protection measures; and
- v. The schedule for integrity testing, pursuant to N.J.A.C. 7:1E-2.16, including at a minimum the date(s) of the last test(s) and inspection(s) and the date(s) of the next test(s) and inspection(s), and the schedule or criteria for scheduling maintenance or reconstruction;

2. A description of underground storage tanks, addressing all standards under N.J.A.C. 7:1E-2.2, including, but not limited to:

- i. Location and identification, such as name or number; and
- ii. Tank size and contents;

3. A description of all other storage, not covered by (c)1 or 2 above, addressing all standards under N.J.A.C. 7:1E-2.2, including, but not limited to:

- i. Location and identification, such as name or number;
- ii. The type and size of containers; and
- iii. The substances stored;

4. A description of any tank car or tank truck loading/unloading area, addressing all standards under N.J.A.C. 7:1E-2.3, including, but not limited to:

- i. Location and identification, such as name or number;
- ii. The size of the largest compartment in any tank car or tank truck utilizing the area; and
- iii. The hazardous substances loaded or unloaded;

5. A description of in-facility pipes, addressing all standards under N.J.A.C. 7:1E-2.4, including, but not limited to:

- i. Location and identification, such as name or number;
 - ii. The marking system used;
 - iii. Any product-sensitive leak detection devices in use on buried piping;
 - iv. Any maintenance and repair program for buried pipes, with the testing schedule, including the date(s) of the last test(s) and inspection(s) and the date(s) of the next scheduled test(s) and inspection(s); and
 - v. Procedures for minimizing the chance of a vehicular collision with overhead pipes;
6. A description of process areas, addressing all standards under N.J.A.C. 7:1E-2.5, including, but not limited to:
- i. Location and identification; and
 - ii. The largest vessel or maximum volumetric flow rate of hazardous substances in the area;
7. A description of all secondary containment or diversion systems, addressing all standards under N.J.A.C. 7:1E-2.6, including, but not limited to, their capacity and materials of construction. This description can be included with the information required pursuant to (d)1, 2, 3, 4, 5 and 6 above, as appropriate;
8. A description of marine transfer areas, including materials transferred, booming operations pursuant to N.J.A.C. 7:1E-2.7, and the fixed and portable lighting in use in marine transfer areas pursuant to N.J.A.C. 7:1E-2.8;
9. A description of any flood hazard areas within the facility's boundaries, and any measures implemented to protect hazardous substances from flood waters and wash-out, pursuant to N.J.A.C. 7:1E-2.9;
10. A description of all visual inspection and monitoring procedures, pursuant to N.J.A.C. 7:1E-2.10;
11. An outline of the housekeeping and maintenance program, pursuant to N.J.A.C. 7:1E-2.11;
12. A description of the personnel training program, including types of training given, time periods required for various phases of training, and training procedures, and procedures for instructing of contractors, pursuant to N.J.A.C. 7:1E-2.12;
13. A description of the physical security measures, including lighting, at the facility, pursuant to N.J.A.C. 7:1E-2.13;
14. A current index of all standard operating procedures that have been written pursuant to N.J.A.C. 7:1E-2.14; and
15. A description of the recordkeeping system employed by the facility, pursuant to N.J.A.C. 7:1E-2.15.

(d) The DPCC plan may include a schedule, to be approved by the Department, for upgrading any equipment or those portions of the facility that existed prior to the submission of the owner or operator's DPCC plan to the Department, to meet the requirements of N.J.A.C. 7:1E-2, excluding N.J.A.C. 7:1E-2.2(a)4 and 2.16. All equipment and those portions of the facility installed after the approval of a DPCC plan must meet all applicable standards in these rules.

Amended by R.1996 d.252, effective June 3, 1996.
See: 27 N.J.R. 2337(a), 27 N.J.R. 2882(a), 28 N.J.R. 2858(a).
Recodified from 7:1E-4.3 and amended by R.1996 d.462, effective October 7, 1996.

See: 28 N.J.R. 2730(a), 28 N.J.R. 4424(b).

Former section, "Registration of discharge cleanup organizations", repealed.

Administrative change.

See: 32 N.J.R. 1796(a).

Amended by R.2000 d.352, effective August 21, 2000.

See: 31 N.J.R. 3561(a), 32 N.J.R. 3091(a).

In (b)1, deleted reference to coordinate centroid; in (b)4, inserted N.J.A.C. reference in first sentence and deleted last sentence; and in (d)1 inserted reference to internal visual inspections.

Amended by R.2001 d.355, effective October 1, 2001.

See: 33 N.J.R. 1255(a), 33 N.J.R. 3518(a).

In (d), rewrote the first sentence of 1 and rewrote 3; in (e), substituted "5, 6 and 7" for "and (a)" following the N.J.A.C. reference"; in (f)1, added N.J.A.C. reference.

Amended by R.2007 d.93, effective April 2, 2007.

See: 38 N.J.R. 4285(a), 39 N.J.R. 1253(a).

Rewrote the section.

7:1E-4.3 Discharge cleanup and removal plan

(a) The owner or operator of a major facility shall appoint a response coordinator.

(b) The owner or operator of a major facility shall prepare and implement a DCR plan containing, at a minimum, the following information, in the following order or indexed to this order:

1. The name, title and 24-hour business telephone number of the facility's response coordinator or other person authorized to hire contractors and release funds for discharge response, containment, cleanup and removal. A response coordinator or alternate shall be available at all times;

2. The chain of command for an emergency response action;

3. Notification procedures, pursuant to N.J.A.C. 7:1E-5;

4. Provisions for an annual simulated emergency response drill to determine the currency and adequacy of, and personnel familiarity with, the emergency response action plan and this DCR plan. This drill shall be critiqued in writing and that critique retained pursuant to the recordkeeping requirements at N.J.A.C. 7:1E-2.15. The drill shall be based on different scenarios from year to year in order to address all anticipated emergency response scenarios at the facility and cannot be of the same type, such as a table top drill, in consecutive years. When possible, this annual

drill can be combined with other required emergency response drills;

5. A list of types and minimum quantities of containment and removal equipment and materials to which the facility has access through ownership, contract or other means, including, but not limited to, vehicles, vessels, pumps, skimmers, booms, chemicals, and communications devices, and indicating if access is through ownership, contract or other means. Each major facility shall have available to it, by ownership or by arrangement with a discharge cleanup organization, adequate equipment to clean up any discharge that may occur at the facility. A copy of all current contracts or agreements between the owner or operator and a discharge cleanup organization for emergency response service shall be maintained at the facility or with the facility's registered agent, as appropriate, and shall be available to the Department for review upon request;

6. A list of the trained personnel who are available to operate such equipment and a brief description of their qualifications, and whether personnel are employed at the facility or by a discharge cleanup organization. Each major facility shall have available to it, by ownership or by arrangement with a discharge cleanup organization, adequate personnel to clean up any discharge that may occur at the facility. In lieu of supplying a list of names, the owner or operator may supply a list of job titles of employees who will be assigned to operate containment and removal equipment, and a statement of the minimum qualifications that will be required of each employee so assigned;

7. On-site response measures, including response to leaks, and the types and sizes of discharges that facility personnel will respond to;

8. Off-site response measures, including:

i. Identification of and protection and mitigation measures for off-site residential, environmentally sensitive, or other areas prioritized based on use, seasonal sensitivity, or other relevant factors. The mapping required by N.J.A.C. 7:1E-4.2(b)8 and 9 may serve as the identification;

ii. Provisions for an environmental assessment of the impact of any discharge; and

iii. A certification pursuant to N.J.A.C. 7:1E-4.11(f), by a marine biologist or ecologist or freshwater equivalent and ornithologist acceptable to the Department;

9. Procedures for determining the recycling or disposal options for hazardous substances or contaminated soil, debris, and so forth, gathered during housekeeping or cleanup and removal activities;

10. A copy of a current agreement with the local emergency planning committee or committees that coordinates the emergency responses of the parties to the agreement; and

11. All financial responsibility documents required pursuant to N.J.A.C. 7:1E-4.4 in accordance with N.J.A.C. 7:1E-4.4(e) or Appendix B.

Recodified from 7:1E-4.4 and amended by R.1996 d.462, effective October 7, 1996.

See: 28 N.J.R. 2730(a), 28 N.J.R. 4424(b).

Former N.J.A.C. 7:1E-4.3, "Discharge prevention, containment and countermeasure plans", recodified to 7:1E-4.2.

Amended by R.2001 d.355, effective October 1, 2001.

See: 33 N.J.R. 1255(a), 33 N.J.R. 3518(a).

In (a)9, substituted "a current" for "an" preceding "agreement".

Amended by R.2007 d.93, effective April 2, 2007.

See: 38 N.J.R. 4285(a), 39 N.J.R. 1253(a).

Rewrote the section.

Case Notes

Regulation provides for preconstruction review of major facilities. *GATX Terminals Corp. v. Dept. of Environmental Protection*, 173 N.J.Super. 531, 414 A.2d 980 (App.Div.1980), reversed 86 N.J. 46, 429 A.2d 355 (1981).

7:1E-4.4 Financial responsibility

(a) The owner or operator of a major facility shall demonstrate financial responsibility for cleanup and removal activities.

(b) The owner or operator of a major facility shall demonstrate financial responsibility in the minimum amount of \$1 million per occurrence and \$2 million annual aggregate; provided, however, that if the owner or operator establishes to the satisfaction of the Department that a lesser amount will be sufficient to protect the environment and public health, safety and welfare, the Department may accept evidence of financial responsibility in such lesser amount. In determining the sufficiency of the amount of financial responsibility, the Department may consider factors including, without limitation, the nature and quantity of the hazardous substances which may be present at the facility, and the proximity and nature of environmentally sensitive areas located near the facility.

(c) The required per occurrence and annual aggregate coverage amounts do not in any way limit the liability of the owner or operator.

(d) Financial responsibility may be established by any one, or by any combination, of the following mechanisms:

1. Financial test of self-insurance;
2. Guarantee;
3. Insurance or risk retention group coverage;
4. Surety bond; or
5. Letter of credit.

(e) The owner or operator of any major facility which demonstrates financial responsibility pursuant to the requirements of the Federal Oil Pollution Act of 1990, P.L. 101-380, shall be deemed to have demonstrated financial responsibility in accordance with this chapter and the Act.

expiration of 60 days after the date on which the insured receives the written notice or 60 days after the date on which the Department receives the written notice, whichever is later. Cancellation for nonpayment of premium or material misrepresentation by the insured will be effective only upon written notice and only after the expiration of a minimum of 10 days after the date on which the insured receives the written notice or 10 days after the date on which the Department receives the written notice, whichever is later; and

4. Within 60 days of receipt of a notice of cancellation or other termination, the owner or operator shall provide alternative financial assurance as specified in this section.

(m) To demonstrate financial responsibility through a surety bond:

1. The surety company issuing the bond must be among those listed as acceptable sureties on Federal bonds in the latest Circular 570 of the U.S. Department of the Treasury;

2. The surety bond must be worded as specified in Appendix B, and a copy of the surety bond maintained at the facility at all times;

3. Under the terms of the bond, the surety will become liable on the bond obligation when the owner or operator fails to perform as guaranteed by the bond. In all cases, the surety's liability is limited to the per-occurrence and annual aggregate sums;

4. The owner or operator who uses a surety bond to meet the requirements of (a) above must establish a standby trust fund when the surety bond is acquired. The trustee shall be an entity which has the authority to act as a trustee and whose trust operations are regulated and examined by a Federal or New Jersey agency. Under the terms of the bond, all amounts paid by the surety under the bond will be deposited directly into the standby trust fund in accordance with instructions from the Department;

5. The surety(ies) may cancel the bond by sending written notice of cancellation by certified mail to the principal and the Department, provided, however, that the cancellation shall not occur during the 120 days beginning on the date of receipt of the notice of cancellation by the principal or the date of receipt of the notice of cancellation by the Department, whichever is later, as evidenced by the return receipt; and

6. Within 60 days of receipt of a notice of cancellation or other termination, the owner or operator shall provide alternative financial assurance as specified in this section.

(n) To demonstrate financial responsibility through a letter of credit:

1. The issuing agency must be an entity that has the authority to issue letters of credit in the State and whose

letter-of-credit operations are regulated and examined by a State agency;

2. The letter of credit must be worded as specified in Appendix B, and a copy of the letter of credit maintained at the facility at all times;

3. The owner or operator who uses a letter of credit to meet the requirements of (a) above must establish a standby trust fund when the letter of credit is acquired. The trustee shall be an entity which has the authority to act as a trustee and whose trust operations are regulated and examined by a Federal or New Jersey agency. Under the terms of the letter of credit, all amounts paid pursuant to a draft by the Department will be deposited by the issuing institution directly into the standby trust fund in accordance with instructions from the Department;

4. The letter of credit must be irrevocable with a term specified by the issuing institution, and must provide that credit be automatically renewed for the same term as the original term, unless, at least 120 days before the current expiration date, the issuing institution notifies the owner or operator and the Department by certified mail of its decision not to renew the letter of credit. Under the terms of the letter of credit, the 120 days will begin on the date when the owner or operator receives the notice or on the date when the Department receives the notice, whichever is later, as evidenced by the return receipt; and

5. Within 60 days of receipt of a notice of cancellation or other termination, the owner or operator shall provide alternative financial assurance as specified in this section.

(o) Within 10 days after commencement of a voluntary or involuntary proceeding under Title 11 (Bankruptcy), U.S. Code:

1. Naming an owner or operator as debtor, the owner or operator shall notify the Department by certified mail of such commencement; or

2. Naming the provider of financial assurance as debtor, the provider shall notify the owner or operator by certified mail of such commencement, and the owner or operator shall then notify the Department.

(p) An owner or operator will be deemed to be without the required demonstration of financial responsibility in the event of commencement of bankruptcy or other incapacity of his or her provider of financial assurance. Within 30 days after receiving notice of such an event, the owner or operator shall submit to the Department an alternate demonstration of financial responsibility.

Amended by R.1996 d.252, effective June 3, 1996.

See: 27 N.J.R. 2337(a), 27 N.J.R. 2882(a), 28 N.J.R. 2858(a).

Deleted provisions relating to operators unable to demonstrate financial responsibility and to authority to establish alternate minimum amounts of financial responsibility.

Recodified from 7:1E-4.5 and amended by R.1996 d.462, effective October 7, 1996.

See: 28 N.J.R. 2730(a), 28 N.J.R. 4424(b).

Former N.J.A.C. 7:1E-4.4, "Discharge cleanup and removal plan", recodified to 7:1E-4.3.

Amended by R.2007 d.93, effective April 2, 2007.

See: 38 N.J.R. 4285(a), 39 N.J.R. 1253(a).

Rewrote (a), (g) and (h).

Case Notes

Spill Act provision allowing injured person to bring claim directly against "the bond, the insurer, or any other person providing evidence of financial responsibility" did not authorize direct action by injured party against insurer. *Caldwell Trucking PRP Group v. Spaulding Composites, Co., Inc.*, D.N.J. 1995, 890 F. Supp. 1247.

Portion of regulation requiring a description of a facility's approach to compliance with subchapter standards invalid as to those standards involving design and construction of major facilities. *GATX Terminals Corp. v. Dept. of Environmental Protection*, 173 N.J.Super. 531, 414 A.2d 980 (App.Div.1980), reversed 86 N.J. 46, 429 A.2d 355 (1981).

7:1E-4.5 Preparation and submission of plans

(a) The owner or operator of a major facility shall prepare a DPCC plan and a DCR plan in accordance with N.J.A.C. 7:1E-4.2 and 4.3. The DPCC and DCR plans shall be prepared and submitted as a single document.

(b) The owner or operator of an existing major facility shall submit a DPCC plan and a DCR plan, certified pursuant to N.J.A.C. 7:1E-4.11, to the Department at the address in (h) below. Such plans shall be submitted no later than the following dates:

1. By February 1, 1992, all facilities with a storage capacity for hazardous substances of all kinds of at least 300,000 gallons, but less than one million gallons;

2. By August 1, 1992, all facilities with a storage capacity for hazardous substances of all kinds of at least one million gallons, but less than four million gallons;

3. By February 1, 1993, all facilities with a storage capacity for hazardous substances of all kinds of four million gallons or greater;

4. By August 1, 1993, all facilities with a storage capacity for hazardous substances other than petroleum or petroleum products of at least 80,000 gallons, but less than 200,000 gallons, or for hazardous substance of all kinds of at least 200,000 gallons, but less than 300,000 gallons;

5. By February 1, 1994, all facilities with a storage capacity for hazardous substances other than petroleum or petroleum products of at least 40,000 gallons, but less than 80,000 gallons; and

6. By August 1, 1994, all facilities with a storage capacity for hazardous substances other than petroleum and petroleum products of at least 20,000 gallons, but less than 40,000 gallons.

(c) If a facility becomes a major facility because of the addition of a substance to the list of hazardous substances in Appendix A, the owner or operator shall submit a DPCC and DCR plan, certified pursuant to N.J.A.C. 7:1E-4.11, to the

Department at the address in (g) below, no more than 180 days from the effective date of the addition to Appendix A.

(d) The owner or operator of a new major facility or of an existing facility that plans to increase its storage capacity to such an extent that it meets the definition of a major facility shall submit a DPCC plan and a DCR plan, certified pursuant to N.J.A.C. 7:1E-4.11, to the Department at the address in (g) below at least 180 days prior to the anticipated operational date of the facility as a major facility. The owner or operator shall receive approval and implement the approved plans prior to operating the facility as a major facility.

(e) Within 60 calendar days of receipt of a DPCC and a DCR plan, the Department shall notify the owner or operator in writing as to whether all information required by (a) above to begin technical review of the plans has been submitted. A list of additional information required will be included if the plans are deemed incomplete.

(f) Unless time is extended by the Department for good cause shown, such additional information as outlined in this subchapter as the Department may require shall be submitted within 30 days of receipt of the Department's request. If additional information requested by the Department is not submitted within the 30-day period, the Department may deny approval of the plan without prejudice to resubmission.

(g) One copy of a DPCC and DCR plan, which must include an original certification pursuant to N.J.A.C. 7:1E-4.11, shall be submitted to the Department for approval. Within 30 days of receipt of approval pursuant to N.J.A.C. 7:1E-4.6, a second copy of the approved DPCC and DCR plan shall be submitted to the Department. Copies shall be sent to:

Bureau of Release Prevention
New Jersey Department of Environmental
Protection
PO Box 424
Trenton, New Jersey 08625-0424
Attention: Plan Submittal

Petition for Rulemaking: Seeking to extend deadline for submitting maps.

See: 24 N.J.R. 1122(d).

Amended by R.1996 d.252, effective June 3, 1996.

See: 27 N.J.R. 2337(a), 27 N.J.R. 2882(a), 28 N.J.R. 2858(a).

Recodified from 7:1E-4.6 and amended by R.1996 d.462, effective October 7, 1996.

See: 28 N.J.R. 2730(a), 28 N.J.R. 4424(b).

Former N.J.A.C. 7:1E-4.5, "Financial responsibility", recodified to 7:1E-4.4.

Amended by R.2000 d.352, effective August 21, 2000.

See: 31 N.J.R. 3561(a), 32 N.J.R. 3091(a).

Amended by R.2007 d.93, effective April 2, 2007.

See: 38 N.J.R. 4285(a), 39 N.J.R. 1253(a).

Rewrote (d); deleted former (e); recodified former (f) through (h) as (e) through (g); in (f), inserted "for good cause shown"; and in (g), substituted "and" for "or" two times, and substituted "Release" for "Discharge" in the address.

Administrative correction.

See: 39 N.J.R. 1710(b).

ments and has been prepared in accordance with sound engineering practices.

(f) Any person submitting a DCR plan containing a deployment plan, or submitting an amendment or renewal to the deployment plan, shall include, as an integral part of the plan, plan amendment or plan renewal, a certification, signed by a marine biologist or aquatic biologist or ecologist or freshwater equivalent and an ornithologist stating that the deployment plan identifies those environmentally sensitive areas that could be affected by a discharge from this facility and the seasonal sensitivity of those areas, provides for protection from, and mitigation of, any potentially adverse impact on the identified areas, and for an environmental assessment in the event of a discharge.

Amended by R.1996 d.252, effective June 3, 1996.
See: 27 N.J.R. 2337(a), 27 N.J.R. 2882(a), 28 N.J.R. 2858(a).
Amended by R.1996 d.462, effective October 7, 1996.
See: 28 N.J.R. 2730(a), 28 N.J.R. 4424(b).
Amended by R.2000 d.352, effective August 21, 2000.
See: 31 N.J.R. 3561(a), 32 N.J.R. 3091(a).

In (a) certification wording, inserted "the possibility of" preceding "fines" in second sentence.

Amended by R.2001 d.355, effective October 1, 2001.
See: 33 N.J.R. 1255(a), 33 N.J.R. 3518(a).

Added a new (e); recodified former (e) as (f), substituted "a deployment" for "an environmentally sensitive areas protection" and "deployment" for "environmentally sensitive areas protection".

Amended by R.2007 d.93, effective April 2, 2007.
See: 38 N.J.R. 4285(a), 39 N.J.R. 1253(a).

In (a) and (b), added the final paragraph; and rewrote (c) and (e).

Case Notes

Comparison of regulation to similar federal regulations as basis for guidance in determining authority of Department of Environmental Protection. *GATX Terminals Corp. v. Dept. of Environmental Protection*, 86 N.J. 46, 429 A.2d 355 (1981).

SUBCHAPTER 5. DISCHARGE NOTIFICATION, RESPONSE AND REPORTING

7:1E-5.1 Scope

This subchapter prescribes the rules of the Department for notification and reporting of discharges of hazardous substances, the reporting of malfunctions of discharge detection systems, and response to discharges of hazardous substances. The following rules shall govern the procedures for notification of the Department, response to a discharge of a hazardous substance, and follow-up reporting.

7:1E-5.2 Notification of historical discharges

(a) All persons responsible for a discharge who know or suspect that a discharge has occurred prior to January 23, 1980, or who know or suspect that a discharge has occurred between January 23, 1980 and September 12, 1991, that was not required to be reported at that time, and who have not previously reported that discharge shall conduct a diligent inquiry and shall promptly upon completion of the diligent

inquiry and discovery of a discharge notify the Department in writing of such discharge at the address given at N.J.A.C. 7:1E-5.8(f).

(b) All persons responsible for a discharge pursuant to (a) above who previously reported a discharge which occurred prior to January 23, 1980, or who know or suspect that a discharge has occurred between January 23, 1980 and September 12, 1991, that was not required to be reported at that time, shall promptly correct or supplement the prior notice to the Department if any of the information in the prior notice is determined to be false, misleading or inaccurate, or if additional relevant information is discovered which has not been previously reported to the Department.

(c) All persons responsible for a discharge who are required to make a notification pursuant to (a) or (b) above and who are subject to an investigation or cleanup action under any State or Federal law, may notify the Department of the discovery of a historical discharge as part of the periodic progress reports required during the investigation or cleanup if the discovery of the historical discharge is coincident with such investigation or cleanup.

Amended by R.1996 d.252, effective June 3, 1996.
See: 27 N.J.R. 2337(a), 27 N.J.R. 2882(a), 28 N.J.R. 2858(a).

7:1E-5.3 Discharge notification

(a) Except as delineated in (e) below, immediately after a discharge commences, any person or persons responsible for a discharge who knows or reasonably should know of the discharge, shall immediately notify the Department at (877) WARN DEP (927-6337). In the event that this number is inoperable, any person or persons responsible for a discharge shall immediately notify the State Police at (609) 882-2000.

(b) Notification received by the Department pursuant to (a) above within 15 minutes of the time that the person responsible for a discharge knew, or reasonably should have known, of the occurrence of a discharge shall be considered immediate. It shall be presumed that notification received by the Department more than 15 minutes after the person responsible for a discharge knew, or reasonably should have known, of the discharge is not immediate. The person responsible for the discharge may rebut this presumption by satisfying the requirement of N.J.A.C. 7:1E-5.6.

(c) Any notification performed by any person responsible for a discharge pursuant to (a) and (b) above shall include, but not be limited to, the following information:

1. The name, title, affiliation, address and telephone number of the person reporting the discharge;
2. The location of the discharge, with as much specificity as the Department requests, and in any event with sufficient specificity to enable the Department to direct its agents and employees and any other person to the discharge site, including:

i. For discharges from sites located on land, the name of the site, the street address, the municipality, and the county;

ii. For discharges on, under or into water, the name of the water body, location of the discharge with reference to a fixed point or points, and a description of the area which the discharge may reach.

3. The common name of the hazardous substance(s) discharged;

4. An estimate of the quantity of each hazardous substance discharged, including best estimates if the quantities are unknown;

5. The date and time at which the discharge began, and whether the discharge is continuing, intermittent or terminated;

6. The actions such person proposes to take to contain, clean up and remove the hazardous substance(s) discharged;

7. The name and address of any person responsible for the discharge.

(d) A copy of the requirements of (c) above, printed in a conspicuous format, shall be displayed by the owner or operator of any vessel which is ordinarily docked in this State in a prominent place on the bridge or pilot house of any such vessel.

(e) A discharge which is not required to be reported under any other State or federal statute, rule or regulation is not required to be reported to the Department pursuant to (a) above provided the discharge meets the conditions described in (e)1 or 3 below:

1. The discharge occurs at a facility for which a DPCC and DCR plan pursuant to N.J.A.C. 7:1E-4.6, or a Risk Management Plan pursuant to N.J.A.C. 7:31, or an Emergency Contingency Plan pursuant to N.J.A.C. 7:26-12 or a Facility Response Plan pursuant to 40 CFR 112 has been approved; and

i. Has not entered any waters of the State or migrated off-site;

ii. Within 24 hours of when any person responsible for the discharge knows or reasonably should have known of the commencement of the discharge, is:

(1) Stopped and contained in conformance with the approved plan in (e)1 above; and

(2) Cleaned up and removed, including any contaminated soil, in accordance with the applicable State or Federal regulations for cleanup and remediation, including the storage and disposal of cleanup related materials; and

iii. The owner or operator of the facility documents his or her actions in accordance with N.J.A.C. 7:26E, and maintains records in accordance with N.J.A.C. 7:1E-2.15.

2. If the owner or operator determines that all requirements of (e)1i and ii above cannot be met, the owner or operator shall notify the Department immediately upon making such a determination, but in any case, within 24 hours of when any person responsible for the discharge knows or reasonably should have known of the discharge.

3. The discharge of transformer fluid from a transformer which does not contain polychlorinated biphenyls in concentrations of 50 parts per million or greater which either occurs during a state of emergency declared by the Federal, State or local government, provided such discharges are reported to the Department within 24 hours of the termination of the state of emergency, or:

i. The discharge is less than 25 gallons;

ii. The discharge has not entered any waters of the State, or any storm drain leading to any waters of the State;

iii. Within 24 hours of when any person responsible for the discharge knows or reasonably should have known of the discharge, the discharge is cleaned up and removed in accordance with the applicable State or Federal regulations for cleanup and remediation, including the storage and disposal of cleanup related materials; and

iv. The person responsible for the discharge documents his or her actions in accordance with N.J.A.C. 7:26E, and maintains, and makes available for Department review at either the person's or the Department's offices at the discretion of the Department, such records for three years from the date of the discharge.

(f) The following conditions shall be met in order for any release of a hazardous substance consequent to a motor vehicle accident to be considered a leak not requiring notification pursuant to (a) above:

1. The hazardous substance has not entered any waters of the State, or any storm drain leading to any waters of the State;

2. The hazardous substance is contained on a paved roadway; and

3. Prior to its escape to lands or waters of the State, the hazardous substance is cleaned up and removed in accordance with the applicable State or federal regulations for cleanup and remediation, including storage and disposal of cleanup related materials.

Administrative correction to (a).

See: 24 N.J.R. 581(a).

Amended by R.1996 d.462, effective October 7, 1996.

See: 28 N.J.R. 2730(a), 28 N.J.R. 4424(b).

Amended by R.2000 d.352, effective August 21, 2000.

See: 31 N.J.R. 3561(a), 32 N.J.R. 3091(a).

In (a), amended Department phone number and in (e)3, substituted "50" for "500" preceding "parts per million".
Amended by R.2007 d.93, effective April 2, 2007.
See: 38 N.J.R. 4285(a), 39 N.J.R. 1253(a).

Rewrote (c)5 and (d); in the introductory paragraph of (e), substituted "A" for "For the purposes of this section, a"; in (e)1, inserted "Facility"; and rewrote (e)1iii.

Case Notes

Commencing transfer operations of leaking gasoline in severe weather conditions that increased risk of discharge warranted civil administrative penalties. Department of Environmental Protection v. Stolt-Nielsen, 95 N.J.A.R.2d (EPE) 157.

7:1E-5.4 Notification of aircraft discharges

(a) In the case of a discharge of a hazardous substance used as fuel from an aircraft into the airspace over the lands or waters of New Jersey, any person responsible for a discharge shall notify the Department at (877) WARN DEP (927-6337). In the event that this number is inoperable, any person or persons responsible for a discharge shall immediately notify the State Police at (609) 882-2000.

(b) Any person responsible for a discharge who notifies the Department pursuant to (a) above shall report:

1. The person causing the discharge;
2. The amount of hazardous substance discharged;
3. The time the discharge occurred;
4. The location in the aircraft flight path of the discharge;
5. The wind speed and direction; and
6. The area likely to be affected by the discharge.

Amended by R.2000 d.352, effective August 21, 2000.

See: 31 N.J.R. 3561(a), 32 N.J.R. 3091(a).

In (a), amended Department phone number.

7:1E-5.5 Notification of malfunctions in discharge detection systems

(a) The owner or operator of a major facility shall immediately notify the Department at (877) WARN DEP (927-6337) of any malfunction of a discharge detection or other discharge monitoring, prevention or safety system or device. In the event that this number is inoperable, any owner or operator of a major facility shall immediately notify the State Police at (609) 882-2000.

(b) Notification received by the Department pursuant to (a) above within 15 minutes of the time that the owner or operator knew, or reasonably should have known, of the occurrence of a malfunction shall be considered immediate. It shall be presumed that notification received by the Department more than 15 minutes after the owner or operator knew, or reasonably should have known, of the malfunction is not immediate. The owner or operator may rebut this presumption by satisfying the requirements of N.J.A.C. 7:1E-5.6.

(c) Within two hours of the initial notification, the owner or operator of a major facility shall notify the Department that one of the following situations exists:

1. The malfunction has been repaired;
2. An alternate discharge detection system has been activated for the equipment utilizing the malfunctioning system; or
3. The equipment protected by the discharge detection system has been taken out of service.

Amended by R.2000 d.352, effective August 21, 2000.

See: 31 N.J.R. 3561(a), 32 N.J.R. 3091(a).

In (a), amended Department phone number.

7:1E-5.6 Justification of delay

(a) The Department, at its discretion, may determine that a period of longer than 15 minutes for initiating the notification of the Department of a discharge is immediate if the person responsible for the discharge can show, by clear and convincing evidence, that the notification of the Department was initiated as soon as possible or reasonable and that notification within 15 minutes was impossible or unreasonable because of:

1. Essential immediate response activities;
2. The circumstances under which the discharge occurred;
3. The circumstances under which the discharge was first discovered; or
4. Some other valid cause or reason.

(b) A person who does not initiate the notification of the Department of a discharge within 15 minutes and who desires to establish that the notification was as immediate as reasonably possible under the circumstances in which the discharge occurred, shall submit a sworn affidavit so attesting with the written confirmation report required by N.J.A.C. 7:1E-5.8. This affidavit shall set forth the circumstances of the discharge to establish that the notification of the Department was as immediate as reasonably possible under the circumstances in which the discharge occurred. The affidavit shall be signed by the person or persons required to sign any certifications pursuant to N.J.A.C. 7:1E-4.11, and shall include, but not be limited to, the following information:

1. The address of the facility at which the discharge occurred;
2. The date and time at which the discharge began and the date and time at which it ceased;
3. The name, job title, affiliation, business telephone number and business address of the individual who first discovered the discharge;
4. The date, the time, and the circumstances under which the discharge was first discovered;

5. The reason(s), if any, why the discharge was not immediately discovered;
6. The date and time which the discharge was first reported to the Department;
7. The name, business telephone number, and business address of the individual who first notified the Department of the discharge;
8. Any reason why initiation of notification of the Department within 15 minutes of the onset of the discharge was impossible or unreasonable; and
9. A demonstration that initiation of notification was carried out as soon as possible or reasonable.

7:1E-5.7 Discharge response

(a) Any person responsible for a discharge shall:

1. Take immediate action to stop the discharge;
2. Take all necessary and appropriate measures to contain, mitigate, cleanup and remove the discharge by:
 - i. Following the facility's approved DCR plan, prepared and implemented in accordance with N.J.A.C. 7:1E-4; and
 - ii. Remediating the discharge pursuant to the Administrative Requirements for the Remediation of Contaminated Sites, N.J.A.C. 7:26C; and
3. Coordinate such actions with the Department.

(b) No person shall apply chemicals to a discharge without the prior approval of the Department or the federal on-scene coordinator under the National Oil and Hazardous Substances Pollution Contingency Plan pursuant to 40 CFR 300, unless such application is necessary to prevent or mitigate a situation that poses a serious and imminent threat to human life. In any such situation of imminent threat to human life, the owner or operator shall make reasonable efforts to secure the approval of the Department or the federal on-scene coordinator before applying chemicals. Approval to apply chemicals may be obtained verbally, including by telephone. Application of chemicals pursuant to a DCR plan approved by the Department shall be deemed to have prior approval. Unauthorized use of chemicals shall be regarded as a discharge in violation of N.J.A.C. 7:1E-1.11.

(c) Upon learning that a discharge of a hazardous substance has occurred, the Department may:

1. Act to contain, mitigate, clean up and remove the discharge; or
2. Take any other action to require any person responsible for the discharge to remediate the discharge pursuant to:
 - i. Administrative Requirements for the Remediation of Contaminated Sites, N.J.A.C. 7:26C; and

- ii. The Technical Rules for Site Remediation, N.J.A.C. 7:26E.

(d) The Department, at its discretion, may observe, supervise or participate in any aspect of containment, or cleanup and removal activities. In the exercise of its supervisory power, the Department may order any person to cease cleanup and removal activities and other discharge-related operations if it determines that the person is not capable of properly containing, cleaning up or removing a discharge, or if the Department determines that person is failing to conduct cleanup operations in a proper and expeditious manner.

Amended by R.2001 d.355, effective October 1, 2001.

See: 33 N.J.R. 1255(a), 33 N.J.R. 3518(a).

Rewrote (a) and (c).

Amended by R.2007 d.93, effective April 2, 2007.

See: 38 N.J.R. 4285(a), 39 N.J.R. 1253(a).

Deleted former (a)2i; recodified former (a)2ii as (a)2i; in (a)2i, deleted "the action plan in" following "Following" and substituted "or" for "and" at the end; added new (a)2ii; and in (b), inserted "Oil and Hazardous Substances Pollution".

Special amendment, R.2009 d.361, effective November 4, 2009 (to expire May 4, 2011).

See: 41 N.J.R. 4467(a).

In (a)2ii, substituted "Administrative Requirements for the Remediation of Contaminated Sites, N.J.A.C. 7:26C" for "Technical Rules for Site Remediation, N.J.A.C. 7:26E"; and in (c)2i, substituted "Administrative Requirements for" for "The Department Oversight of".

Readoption of special amendment, R.2011 d.251, effective September 8, 2011.

See: 43 N.J.R. 1077(a), 43 N.J.R. 2581(b).

Provisions of R.2009 d.361 readopted without change.

Amended by R.2012 d.095, effective May 7, 2012.

See: 43 N.J.R. 1935(a), 44 N.J.R. 1339(b).

In the introductory paragraph of (a)2, deleted "either" following "by"; and in (a)2i, substituted "and" for "or" at the end.

Case Notes

Coverage under policy for damages insured became "legally obligated to pay" extended to costs of cleaning up environmental contamination for which Spill Compensation and Control Act imposed liability, even before issuance of agency directive or commencement of lawsuit making insured liable for those costs. *Metex Corp. v. Federal Ins. Co.*, 290 N.J.Super. 95, 675 A.2d 220 (A.D.1996).

Initial Decision (2006 N.J. AGEN LEXIS 300) adopted, which concluded that a penalty of \$20,000 was warranted for respondents' violation of N.J.A.C. 7:1E-5.7(a) by failing to remove and remediate discharged petroleum product from an underground storage tank on their property; although respondents had expended funds to retain environmental consultants and to investigate the contamination, they had failed to properly and completely clean up the contamination. *N.J. Dep't of Env'tl. Prot. v. Palermo's Thriftway Market*, OAL Dkt. No. EWR 402-02, 2006 N.J. AGEN LEXIS 550, Final Decision (May 26, 2006), aff'd per curiam, No. A-5560-05T5, 2007 N.J. Super. Unpub. LEXIS 2742 (App.Div. February 6, 2007).

7:1E-5.8 Confirmation report and recordkeeping

(a) Any owner or operator of a transmission pipeline or of a major facility who has notified the Department of a discharge from a regulated portion of the transmission pipeline or from a regulated portion of the major facility pursuant to N.J.A.C. 7:1E-5.3 shall send to the Department a written confirmation report within 30 days of said notification.

(b) (Reserved)

(c) Any person required to submit a confirmation report pursuant to (a) above shall include the following in the confirmation report:

1. The name, address and telephone number of the individual that reported the discharge pursuant to N.J.A.C. 7:1E-5.3;

2. The name, address and telephone number of the individual submitting the confirmation report if different

from the individual identified in (c)1 above, and the relationship between said persons, such as employer-employee, or contractor-client;

3. The name, address and telephone number of each owner and operator of the facility at which the discharge occurred, or the vessel or vehicle from which the discharge occurred;

4. The Communications Center number, assigned by the Department when the discharge was reported pursuant to N.J.A.C. 7:1E-5.3(a);

5. The source of the discharge, if known;
6. The location of the discharge, as follows:
 - i. For discharge from sites located on land, the name of the site, the street address, the tax lot and block, the municipality, the county, and a site map identifying the point at which the discharge occurred and the surrounding area;
 - ii. For discharges on, under or into water, the name of the water body, and a map identifying the source of the discharge; and
 - iii. For all discharges that affect areas not under the control of the owner or operator, a map of the area affected by the discharge;
7. A list of the common name and Chemical Abstract Service number of each of the hazardous substances discharged;
8. A list of the quantities of each hazardous substance discharged, including best estimates if the quantities are unknown;
9. The following chronology:
 - i. The date and time at which the discharge began;
 - ii. The date and time at which the discharge was discovered;
 - iii. The date and time at which the discharge ended; and
 - iv. The date and time at which the Department was notified pursuant to N.J.A.C. 7:1E-5.3;
10. A description of the measures taken to contain, clean up and remove the discharge, and a summary of costs incurred;
11. Corrective or preventive measures taken or proposed to minimize the possibility of recurrence;
12. The name, addresses and telephone numbers of all entities involved in containment, cleanup or removal of the discharge;
13. Information supplementing any information previously provided to the Department if additional relevant information is discovered, or if it is determined that the information previously provided was false, inaccurate or misleading;
14. Any other information concerning the discharge which the Department may request; and
15. A fully executed certification pursuant to N.J.A.C. 7:1E-4.11.

(d) Any person required to submit a confirmation report pursuant to (a) above shall promptly notify the Department in writing of any additional or corrected information which becomes available after the submission of a confirmation report, within 10 days of the availability of that information. Such in-

formation shall reference the date, title and author of the confirmation report which is being supplemented.

(e) Any person required to submit a confirmation report for a discharge at a major facility or transmission pipeline shall submit the confirmation report to:

Bureau of Release Prevention
New Jersey Department of Environmental
Protection
PO Box 424
Trenton, New Jersey 08625-0424
Attention: Discharge Confirmation Report

(f) Any person required to submit a written report pursuant to N.J.A.C. 7:1E-5.2 shall submit the report to:

Site Remediation and Waste Management
Emergency Planning and Response Element
New Jersey Department of Environmental
Protection
401 East State Street
PO Box 028
Trenton, New Jersey 08625-0028
Attention: Discharge Confirmation Report

Amended by R.1996 d.252, effective June 3, 1996.

See: 27 N.J.R. 2337(a), 27 N.J.R. 2882(a), 28 N.J.R. 2858(a).

Amended by R.1996 d.462, effective October 7, 1996.

See: 28 N.J.R. 2730(a), 28 N.J.R. 4424(b).

Administrative change.

See: 32 N.J.R. 1796(a).

Amended by R.2000 d.352, effective August 21, 2000.

See: 31 N.J.R. 3561(a), 32 N.J.R. 3091(a).

In (c)5iii, deleted N.J.A.C. reference and in (c)13, amended N.J.A.C. references.

Amended by R.2001 d.355, effective October 1, 2001.

See: 33 N.J.R. 1255(a), 33 N.J.R. 3518(a).

Reserved (b).

Amended by R.2007 d.93, effective April 2, 2007.

See: 38 N.J.R. 4285(a), 39 N.J.R. 1253(a).

Added new (c)4; recodified former (c)4 through (c)11 as (c)5 through (c)12; rewrote (c)6i, (c)6ii and (c)9; deleted former (c)12 and (c)13; recodified (c)14 through (c)16 as (c)13 through (c)15; in the address in (e), substituted "Release" for "Discharge"; and in the address in (f), substituted "and Waste Management" for "Program" and "Emergency Planning and" for "Discharge".

Case Notes

Commencing transfer operations of leaking gasoline in severe weather conditions that increased risk of discharge warranted civil administrative penalties. Department of Environmental Protection v. Stolt-Nielsen, 95 N.J.A.R.2d (EPE) 157.

7:1E-5.9 Reporting responsibilities of the Department

(a) Upon obtaining any information which leads it to suspect that a discharge has occurred in a municipality's jurisdiction, the Department shall immediately notify orally the contact persons for the governing body of the municipality and the local board of health as specified in (b) below, unless these entities have been notified previously.

(b) The governing body of the municipality and the local board of health shall provide the Department with the name,

address and telephone number of a 24 hour contact point and an alternate 24 hour contact point. The governing body of the municipality and the local board of health may change the contact point and alternate contact point upon written notice to the Department. If a contact point and an alternate contact point are not specified, the local police department or local fire department shall be the points designated by the Department to receive notification pursuant to (a) above.

(c) Within 10 days of the initial oral notification required by (a) above, the Department shall issue a letter confirming and, if appropriate, expanding upon that initial oral notification.

(d) The Department shall take appropriate action to verify that a discharge has occurred as suspected, including the authorization of agent(s) or officer(s) of the municipality or local board of health by an appropriate Department official to investigate the site of the suspected discharge. Such investigation shall include conducting visual assessment of the site of the discharge and contacting any persons potentially responsible for the discharge.

(e) The agent(s) or officer(s) of the municipality shall report all findings to the Department.

7:1E-5.10 Discharge reporting requirements of local officials

(a) When any governing body of a municipality or local board of health obtains information which leads it to suspect that a discharge has occurred, the governing body or local board of health shall immediately notify, as specified in (b) below, the Department, unless the Department has already been notified of the discharge.

(b) The governing body or local board of health shall provide the Department with information regarding any discharge pursuant to (a) above in the format specified at N.J.A.C. 7:1E-5.3(a).

(c) The local governing body and the local board of health shall coordinate all responses to the discharge with the Department.

7:1E-5.11 Amendment of plans following a discharge

Following submission of a confirmation report pursuant to N.J.A.C. 7:1E-5.8, the Department may review a facility's DPCC and DCR plans and may require the owner or operator of the facility to amend the plans, in accordance with N.J.A.C. 7:1E-4.8, if it finds that a plan does not meet the requirements of this chapter or that amendment of the plan is necessary to prevent and contain similar discharges.

Amended by R.2007 d.93, effective April 2, 2007.
See: 38 N.J.R. 4285(a), 39 N.J.R. 1253(a).

Deleted designation (a); inserted "in accordance with N.J.A.C. 7:1E-4.8,"; and deleted (b).

SUBCHAPTER 6. CIVIL ADMINISTRATIVE PENALTIES AND REQUESTS FOR ADJUDICATORY HEARINGS

7:1E-6.1 Scope

This subchapter shall govern the Department's assessment of civil administrative penalties for violation of provisions of the Act, including rules, regulations, plans, information requests, access requests, orders or directives promulgated or issued pursuant to the Act. This subchapter shall also govern the procedures for requesting an adjudicatory hearing on a notice of civil administrative penalty assessment, an administrative order, conditions of approval for any plan or amendment to a plan, or a denial or revocation of approval of a plan or amendment to a plan required under this chapter.

Amended by R.2007 d.93, effective April 2, 2007.
See: 38 N.J.R. 4285(a), 39 N.J.R. 1253(a).

Substituted "violation of provisions of the Act, including rules, regulations, plans, information requests, access requests, orders or directives" for "violation of any provision of the Act, including any rule, regulation, plan, information request, access request, order or directive" and "this chapter" for "the Act" at the end.

7:1E-6.2 Applicability

(a) The Department may assess a civil administrative penalty of not more than \$50,000 for any discharge less than 100,000 gallons, not more than \$10,000,000 for any discharge of 100,000 gallons or more, and not more than \$50,000 for each violation of the Act or of any rule, regulation, plan, information request, access request, order or directive promulgated or issued pursuant to the Act.

(b) Each violation of any provision of the Act, or any rule, regulation, plan, information request, access request, order or directive promulgated or issued pursuant thereto shall constitute a separate and distinct offense.

(c) Each day during which a violation continues shall constitute an additional, separate, and distinct offense.

(d) The Department may, in its discretion, treat an offense as a first offense solely for civil administrative penalty determination purposes, if the violator has not committed the same offense in the five years immediately preceding the date of the pending offense.

(e) Neither the assessment of a civil administrative penalty nor the payment of any such civil administrative penalty shall be deemed to affect the availability of any other enforcement provisions provided for by the Act, or any other statute, in connection with the violation for which the assessment is levied.

7:1E-6.3 Procedures for issuance of administrative orders and assessment, settlement and payment of civil administrative penalties

(a) In order to assess a civil administrative penalty under the Act, for violation of the Act or any rule, regulation, plan,

information request, access request, order or directive promulgated or issued pursuant to the Act, the Department shall, by means of an administrative order or notice of civil administrative penalty assessment, notify the violator by certified mail (return receipt requested) or by personal service. The Department may, in its discretion, assess a civil administrative penalty for more than one offense in a single administrative order or notice of civil administrative penalty assessment or in multiple administrative orders or notices of civil administrative penalty assessment. This Administrative Order or Notice of Civil Administrative Penalty Assessment shall:

1. Identify the section of the Act, rule, plan, request, order or directive violated;
2. Concisely state the facts which constitute the violation;
3. Order such violation to cease;
4. Specify the amount of the civil administrative penalty to be imposed; and
5. Advise the violator of the right to request an adjudicatory hearing pursuant to the procedures in N.J.A.C. 7:1E-6.4.

(b) Payment of the civil administrative penalty is due upon receipt by the violator of the Department's Final Order in a contested case or when a Notice of Civil Administrative Penalty becomes a Final Order, as follows:

1. If no hearing is requested pursuant to the procedures in N.J.A.C. 7:1E-6.4, a Notice of Civil Administrative Penalty Assessment becomes a Final Order on the 21st calendar day following receipt of the Notice of Civil Administrative Penalty Assessment by the violator;
2. If the Department denies the hearing request pursuant to N.J.A.C. 7:1E-6.4(a), a Notice of Civil Administrative Penalty becomes a Final Order and is deemed received on the 21st day following receipt of the Notice of Civil Administrative Penalty Assessment by the violator;
3. If the Department denies the hearing request pursuant to N.J.A.C. 7:1E-6.4(c), a Notice of Civil Administrative Penalty Assessment becomes a Final Order upon receipt by the violator of notice of such denial; or
4. If the Department grants the hearing request, a Notice of Civil Administrative Penalty Assessment becomes a Final Order upon receipt of a Final Order in a contested case.

(c) If a civil administrative penalty is not paid within 30 calendar days of the date of a Final Order, and the penalty is not contested pursuant to N.J.A.C. 7:1E-6.4, or any payment pursuant to a payment schedule entered into with the Department is not made, an interest charge shall accrue on the amount of the penalty from the 30th calendar day that amount was due and owing.

(d) If a civil administrative penalty is appealed pursuant to N.J.A.C. 7:1E-6.4, and the amount of the penalty is upheld, in whole or in part, a rate of interest shall be calculated on that amount as of the 30th calendar day from the date the amount was due and owing under the administrative order.

(e) The rate of interest charged on any late penalty shall be that established by the New Jersey Supreme Court for interest rates on judgments, as set forth in the Rules Governing the Courts of the State of New Jersey.

(f) The Department may assess and recover, by civil administrative order, the costs of any investigation, cleanup or removal, and the reasonable costs of preparing and successfully enforcing a civil administrative penalty. The assessment may be recovered at the same time as a civil administrative penalty, and shall be in addition to the penalty assessment.

(g) Any person who violates a provision of the Act or a Court order issued pursuant thereto, or who fails to pay a civil administrative penalty in full or to agree to a schedule of payments therefor, shall be subject to a civil penalty not to exceed \$50,000 per offense. Any penalty so incurred may be recovered with costs in a summary proceeding pursuant to N.J.S.A. 2A:58-1 et seq. in the Superior Court or a municipal court.

(h) Any conveyance used or intended for use in the willful discharge of a hazardous substance is subject to forfeiture to the State.

(i) The Department may, in its discretion, settle any Civil Administrative Penalty assessed pursuant to N.J.A.C. 7:1E-6.5, 6.6, 6.7 or 6.8 according to the following factors:

1. Mitigating or extenuating circumstances not previously considered in the Notice of Civil Administrative Penalty Assessment pursuant to N.J.A.C. 7:1E-6.8;
2. The timely implementation by the violator of measures leading to compliance not previously considered in the assessment of penalties pursuant to N.J.A.C. 7:1E-6.5 or 6.8;
3. The full payment by the violator of a specified part of the Civil Administrative Penalty assessed if made within a time period established by the Department in an administrative order and provided that the violator waives the right to request an adjudicatory hearing on the Civil Administrative Penalty; or
4. Any other terms or conditions acceptable to the Department not previously considered in the assessment of penalties pursuant to N.J.A.C. 7:1E-6.5, 6.6, 6.7 or 6.8.

Amended by R.1996 d.252, effective June 3, 1996.
See: 27 N.J.R. 2337(a), 27 N.J.R. 2882(a), 28 N.J.R. 2858(a).
Amended by R.2007 d.93, effective April 2, 2007.
See: 38 N.J.R. 4285(a), 39 N.J.R. 1253(a).
In (b)3, inserted "notice of".

7:1E-6.4 Procedures for requesting and conducting adjudicatory hearings

(a) If the Department does not receive a hearing request within 20 calendar days after receipt by the violator of an administrative order or notice of civil administrative penalty assessment, conditions of approval for any plan, or amendment to a plan, or denial or revocation of approval of any plan or amendment being challenged, the Department shall deny the hearing request.

(b) To request an adjudicatory hearing to contest an administrative order or notice of civil administrative penalty assessment issued pursuant to the Act, or conditions of approval for any plan, or amendment to a plan, or the denial or revocation of approval of any plan or amendment to a plan required pursuant to the Act, the violator shall submit the following information in writing, on forms provided by the Department, to the Department at the addresses in (e) below:

1. The name, address, and telephone number of the person requesting the hearing and his or her authorized representative;

2. A copy of the administrative order or notice of civil administrative penalty assessment, or the approval or the denial or revocation of approval of any plan or amendment and a list of all issues being appealed;

3. An admission or denial of each of the Department's findings of fact in the administrative order or notice of civil administrative penalty assessment, or denial or revocation of approval of a plan or amendment to a plan. If the violator is without knowledge or information sufficient to form a belief as to the truth of a finding, the violator shall so state and this shall have the effect of a denial. A denial shall fairly meet the substance of the findings denied. When the violator intends in good faith to deny only a part or a qualification of a finding, the violator shall specify so much of it as is true and material and deny only the remainder. The violator may not generally deny all of the findings, but shall make all denials as specific denials of designated findings. For each finding the violator denies, the violator shall allege the fact or facts as the violator believes it or them to be;

4. The violator's defenses to each of the Department's findings of fact in the administrative order or notice of civil administrative penalty assessment, or reasons for denial or revocation of approval, stated in short and plain terms;

5. Information supporting the request and specific reference to or copies of other written documents relied upon to support the request;

6. An estimate of the time required for the hearing (in days and/or hours);

7. A request, if necessary, for a barrier-free hearing location for physically disabled persons; and

8. A clear indication of any willingness to negotiate a settlement with the Department prior to the Department's processing of the hearing request to the Office of Administrative Law.

(c) If the violator fails to include all the information required by (b) above, the Department may deny the hearing request.

(d) All adjudicatory hearings shall be conducted in accordance with the Administrative Procedures Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

(e) Requests for adjudicatory hearings shall be sent to:

Office of Legal Affairs
New Jersey Department of Environmental
Protection
401 East State Street, 4th Floor
PO Box 402
Trenton, New Jersey 08625-0402
Attention: Adjudicatory Hearing Request

With a copy sent to:

Bureau of Release Prevention
New Jersey Department of Environmental
Protection
22 South Clinton Avenue, 3rd floor
P.O. Box 424
Trenton, New Jersey 08625-0424
Attention: Adjudicatory Hearing Request

Amended by R.2000 d.352, effective August 21, 2000.
See: 31 N.J.R. 3561(a), 32 N.J.R. 3091(a).
Amended by R.2007 d.93, effective April 2, 2007.
See: 38 N.J.R. 4285(a), 39 N.J.R. 1253(a).
Rewrote (b) and (e).

7:1E-6.5 Civil administrative penalty determination—general

(a) For violations other than those set forth in (c) below and N.J.A.C. 7:1E-6.6 through 6.8, the Department may assess a civil administrative penalty for offenses described in this subchapter within the following ranges:

1. Up to \$20,000 for the first offense;
2. Up to \$35,000 for the second offense; and
3. Up to \$50,000 for the third and each subsequent offense.

(b) The Department may, in its discretion, set the amount determined pursuant to (a) above to assess a civil administrative penalty on the basis of the following factors:

1. The compliance history of the violator;
2. The number, frequency and severity of the offense(s);

Category of Offense ²	Citation	First Offense	Second Offense	Third or Subsequent Offense	Minor ³	Minor Days ⁴
Failure to provide minimum training consisting of time periods for training	2.12(b)2	\$ 2,000	\$ 4,000	\$10,000	M	30
Failure to provide procedures to determine ability	2.12(b)3	\$ 2,000	\$ 4,000	\$10,000	M	30
Failure to provide training consisting of general orientation and initial training	2.12(c)1	\$ 2,000	\$ 4,000	\$10,000	M	30
Failure to provide job-specific training on SOPs	2.12(c)2i	\$ 2,000	\$ 4,000	\$10,000	M	30
Failure to provide training on clean up and removal	2.12(c)2ii	\$ 2,000	\$ 4,000	\$10,000	M	30
Failure to provide training on fires, leaks and discharges	2.12(c)2iii	\$ 2,000	\$ 4,000	\$10,000	M	30
Failure to provide training on equipment familiarization	2.12(c)2iv	\$ 2,000	\$ 4,000	\$10,000	M	30
Failure to provide training on new or updated SOPs	2.12(c)3	\$ 2,000	\$ 4,000	\$10,000	M	30
Failure to provide refresher training	2.12(c)4	\$ 2,000	\$ 4,000	\$10,000	M	30
Failure to specify qualifications of trainers	2.12(d)	\$ 1,000	\$ 2,000	\$ 5,000	M	30
Failure to have procedures to ensure training of employees of outside contractors	2.12(f)	\$ 1,000	\$ 2,000	\$ 5,000	M	30
Failure to provide adequate lighting	2.13(a)	\$ 5,000	\$10,000	\$25,000	NM	
Failure to provide adequate security or to follow security procedures	2.13(b)	\$ 5,000	\$10,000	\$25,000	NM	
Failure to establish standard operating procedures (SOPs)	2.14(a)	\$ 250	\$ 500	\$ 1,000	NM	
		Penalty assessed per SOP				
Failure to have SOPs in all appropriate languages	2.14(a)	\$ 250	\$ 500	\$ 1,000	M	30
Failure to make copies of the SOPs readily available	2.14(b)	\$ 250	\$ 500	\$ 1,000	M	30
Failure to make copies of the MSDS or fact sheets readily available	2.14(c)	\$ 250	\$ 500	\$ 1,000	M	30
Failure to include a description of the operation in an SOP	2.14(d)1	\$ 250	\$ 500	\$ 1,000	M	30
		Penalty assessed per SOP				
Failure to include procedures for visual inspections in an SOP	2.14(d)2	\$ 250	\$ 500	\$ 1,250	M	30
		Penalty assessed per SOP				
Failure to include procedures and conditions for normal operation in an SOP	2.14(d)3	\$ 250	\$ 500	\$ 1,000	M	30
		Penalty assessed per SOP				
Failure to include a description of equipment or alarms in an SOP	2.14(d)4	\$ 250	\$ 500	\$1,250	M	30
		Penalty assessed per SOP				
Failure to include a description of leak or discharge conditions in an SOP	2.14(d)5	\$ 250	\$ 500	\$ 1,000	M	30
		Penalty assessed per SOP				
Failure to include process flow sheets in an SOP	2.14(e)1	\$ 250	\$ 500	\$ 1,000	M	30
		Penalty assessed per SOP				
Failure to include a description of abnormal conditions in an SOP	2.14(e)2	\$ 250	\$ 500	\$ 1,000	M	30
		Penalty assessed per SOP				
Failure to include pre-startup procedures in an SOP	2.14(e)3	\$ 250	\$ 500	\$ 1,000	M	30
		Penalty assessed per SOP				
Failure to include startup procedures in an SOP	2.14(e)4	\$ 250	\$ 500	\$ 1,000	M	30
		Penalty assessed per SOP				
Failure to include shutdown procedures in an SOP	2.14(e)5	\$ 250	\$ 500	\$ 1,000	M	30
		Penalty assessed per SOP				
Failure to include procedures on maintenance in an SOP	2.14(e)6	\$ 250	\$ 500	\$ 1,000	M	30
		Penalty assessed per SOP				
Failure to include logsheets and checklists in an SOP	2.14(e)7	\$ 250	\$ 500	\$ 1,000	M	30
		Penalty assessed per SOP				
Failure to incorporate modifications of procedures into the SOPs prior to implementation	2.14(g)	\$ 250	\$ 500	\$ 1,000	NM	30

<u>Category of Offense²</u>	<u>Citation</u>	<u>First Offense</u>	<u>Second Offense</u>	<u>Third or Subsequent Offense</u>	<u>Minor³</u>	<u>Minor Days⁴</u>
Failure to maintain and make available a current index of SOPs	2.14(h)	\$ 250	\$ 500	\$ 1,000	M	30
Failure to maintain required records for three years	2.15(a)	\$ 250	\$ 500	\$ 1,000	NM	
Failure to maintain required records for *10 years	2.15(b)	\$ 250	\$ 500	\$ 1,000	NM	
Failure to maintain required records for 10 years or the life of the equipment	2.15(c)	\$ 250	\$ 500	\$ 1,000	NM	
Failure to maintain required records for the life of the equipment	2.15(d)	\$ 250	\$ 500	\$ 1,250	NM	
Failure to make required records available for inspection	2.15(e)	\$ 250	\$ 500	\$ 1,000	M	30
Failure to adequately back up records	2.15(f)	\$ 1,000	\$ 2,000	\$ 5,000	NM	
Failure to perform initial integrity testing or static head testing	2.16(a)	Penalty assessed on a per tank basis			NM	
SIZE OF TANK (gallons)						
2,001-10,000		\$ 750	\$ 1,500	\$ 3,750		
10,001-20,000		\$ 1,500	\$ 3,000	\$ 7,500		
20,001-50,000		\$ 3,750	\$ 7,500	\$18,750		
50,001-100,000		\$ 7,500	\$15,000	\$37,500		
100,001-200,000		\$15,000	\$30,000	\$45,000		
200,001-300,000		\$22,500	\$40,000	\$50,000		
300,001 and greater		\$30,000	\$40,000	\$50,000		
Failure to perform initial integrity testing on a new tank	2.16(b)	Penalty assessed on a per tank basis			NM	
SIZE OF TANK (gallons)						
2,001-10,000		\$ 250	\$ 500	\$ 1250		
10,001-20,000		\$ 500	\$ 1,000	\$ 2,500		
20,001-50,000		\$ 1,250	\$ 2,500	\$ 6,250		
50,001-100,000		\$ 2,500	\$ 5,000	\$12,500		
100,001-200,000		\$ 5,000	\$10,000	\$25,000		
200,001-300,000		\$ 7,500	\$15,000	\$37,500		
300,001 and greater		\$10,000	\$20,000	\$50,000		
Failure to follow API 653	2.16(d)1	\$ 2,000	\$ 4,000	\$10,000	NM	
		Penalty assessed on a per tank basis				
Failure to follow API 510	2.16(d)1	\$ 2,000	\$ 4,000	\$10,000	NM	
		Penalty assessed on a per tank basis				
Failure to follow API 653 or SP001	2.16(e)	\$ 1,000	\$ 2,000	\$ 5,000	NM	
		Penalty assessed on a per tank basis				
Failure to follow established protocol assessed on a per tank basis	2.16(f)	\$ 1,000	\$ 2,000	\$ 5,000	NM	
		Penalty assessed on a per tank basis				
Failure to follow established protocol	2.16(g)	\$ 1,000	\$ 2,000	\$ 5,000	NM	
		Penalty assessed on a per tank basis				
Failure to follow established protocol	2.16(h)	\$ 2,000	\$ 4,000	\$10,000	NM	
		Penalty assessed on a per tank basis				

<u>Category of Offense</u> ²	<u>Citation</u>	<u>First Offense</u>	<u>Second Offense</u>	<u>Third or Subsequent Offense</u>	<u>Minor</u> ³	<u>Minor Days</u> ⁴
Failure to follow approved alternative protocol	2.16(i)	\$ 2,000	\$ 4,000	\$10,000	NM	
Penalty assessed on a per tank basis						
Failure to take tank out of service following a failed integrity test or inspection	2.16(j)	\$10,000	\$20,000	\$50,000	NM	

3. The violations of N.J.A.C. 7:1E-3, Transmission Pipelines, and the civil administrative penalty amounts for each violation, are as set forth in the following table, unless modified pursuant to (d) below:

<u>Category of Offense</u> ²	<u>Citation</u>	<u>First Offense</u>	<u>Second Offense</u>	<u>Third or Subsequent Offense</u>	<u>Minor</u> ³	<u>Minor Days</u> ⁴
Failure to register	3.2(a)	\$ 1,000	\$ 2,000	\$ 5,000	NM	
Failure to include owner/operator information in a registration	3.2(a)1	\$ 250	\$ 500	\$ 1,250	M	30
Failure to include name and contact information in a registration	3.2(a)2	\$ 250	\$ 500	\$ 1,250	M	30
Failure to include registered agent information in a registration	3.2(a)3	\$ 250	\$ 500	\$ 1,250	M	30
Failure to include storage capacity and location in a registration	3.2(a)4	\$ 250	\$ 500	\$ 1,250	M	30
Failure to include a description of hazardous substances in a registration	3.2(a)5	\$ 250	\$ 500	\$ 1,250	M	30
Failure to include facilities served by the pipeline in a registration	3.2(a)6	\$ 250	\$ 500	\$ 1,250	M	30
Failure to include transfer capacity and average daily throughput in a registration	3.2(a)7	\$ 250	\$ 500	\$ 1,250	M	30
Failure to include maps in a registration	3.2(a)8	\$ 250	\$ 500	\$ 1,250	M	30
Failure to include a pipe inventory in a registration	3.2(a)9	\$ 250	\$ 500	\$ 1,250	M	30
Failure to include a certification in a registration	3.2(a)10	\$ 250	\$ 500	\$ 1,250	M	30
Failure to report a change in information	3.2(b)	\$ 100	\$ 200	\$ 500	M	30
Failure to conform to 49 CFR 195	3.3	\$ 2,000	\$ 4,000	\$10,000	NM	
Failure to submit the required information	3.4(a)	\$ 1,000	\$ 2,000	\$ 5,000	NM	
Failure to submit a summary of the action plan	3.4(a)1	\$ 250	\$ 500	\$ 1,250	M	30
Failure to submit a list of containment and removal equipment	3.4(a)2	\$ 250	\$ 500	\$ 1,250	M	30
Failure to submit a list of trained personnel	3.4(a)3	\$ 250	\$ 500	\$ 1,250	M	30
Failure to submit information about the response coordinator	3.4(a)4	\$ 250	\$ 500	\$ 1,250	M	30
Failure to submit procedures for determining recycling or disposal options	3.4(a)5	\$ 250	\$ 500	\$ 1,250	M	30

4. The violations of N.J.A.C. 7:1E-4, Plans, and the civil administrative penalty amounts for each violation, are as set forth in the following table, unless modified pursuant to (d) below:

<u>Category of Offense</u> ²	<u>Citation</u>	<u>First Offense</u>	<u>Second Offense</u>	<u>Third or Subsequent Offense</u>	<u>Minor</u> ³	<u>Minor Days</u> ⁴
Failure to appoint a facility contact	4.2(a)2	\$ 500	\$ 1,000	\$ 2,500	NM	
Failure to appoint a response coordinator	4.3(a)	\$ 1,000	\$ 2,000	\$ 5,000	NM	
Failure to perform an annual emergency response drill and critique it in writing	4.3(b)4	\$ 1,000	\$ 2,000	\$ 5,000	NM	
Failure to have adequate cleanup equipment and personnel available	4.3(c)5,6	\$ 5,000	\$10,000	\$25,000	NM	
Failure to word the letter as specified	4.4(g)	\$ 1,000	\$ 2,000	\$ 5,000	M	30
Failure to demonstrate financial responsibility	4.4(a)	\$ 5,000	\$10,000	\$25,000	NM	

<u>Category of Offense²</u>	<u>Citation</u>	<u>First Offense</u>	<u>Second Offense</u>	<u>Third or Subsequent Offense</u>	<u>Minor³</u>	<u>Minor Days⁴</u>
Failure to demonstrate financial responsibility in the full amount	4.4(b)	\$ 5,000	\$10,000	\$25,000	NM	
Failure to word the guarantee as specified	4.4(k)	\$ 1,000	\$ 2,000	\$ 5,000	M	30
Failure to word the liability insurance as specified	4.4(l)	\$ 1,000	\$ 2,000	\$ 5,000	M	30
Failure to word the surety bond as specified	4.4(m)	\$ 1,000	\$ 2,000	\$ 5,000	M	30
Failure to word the letter of credit as specified	4.4(n)	\$ 1,000	\$ 2,000	\$ 5,000	M	30
Failure to notify of bankruptcy commencement	4.4(o)	\$ 250	\$ 500	\$ 1,000	M	30
Failure to submit a DPCC and DCR plan	4.5(b)				NM	
DPCC/DCR Plan due by:						
August 1, 1994	4.5(b)6	\$ 2,000	\$ 4,000	\$10,000		
February 1, 1994	4.5(b)5	\$ 4,000	\$ 8,000	\$20,000		
August 1, 1993	4.5(b)4	\$ 6,000	\$12,000	\$30,000		
February 1, 1992	4.5(b)1	\$ 8,000	\$16,000	\$40,000		
August 1, 1992	4.5(b)2	\$10,000	\$20,000	\$50,000		
February 1, 1993	4.5(b)3	\$12,000	\$24,000	\$50,000		
Failure to submit a DPCC and DCR plan for a newly designated major facility	4.5(c)	\$ 6,000	\$12,000	\$30,000	NM	
Failure to submit a DPCC and DCR plan for a new major facility	4.5(d)	\$ 6,000	\$12,000	\$30,000	NM	
Failure to submit information when requested by the Department	4.5(f)	\$ 1,000	\$ 2,000	\$ 5,000	M	30
Failure to submit copy of approved plan	4.5(g)	\$ 250	\$ 500	\$ 1,250	M	30
Failure to implement an approved DPCC or DCR plan	4.6(f)	\$ 2,000	\$ 4,000	\$10,000	NM	
Failure to maintain copy of the plan on-site	4.6(g)	\$ 1,000	\$ 2,000	\$ 5,000	NM	
Failure to resubmit an acceptable plan	4.7(c)	\$ 5,000	\$10,000	\$25,000	NM	
Failure to provide notice of new construction, installation or modification	4.8(a)	\$ 1,000	\$ 2,000	\$ 5,000	NM	
Failure to submit an amendment	4.8(b)	\$ 2,000	\$ 4,000	\$10,000	M	30
Failure to submit copy of an amendment	4.8(d)	\$ 250	\$ 500	\$ 1,250	M	30
Failure to submit information changes	4.8(e)	\$ 500	\$ 1,000	\$ 2,000	M	30
Failure to renew DPCC/DCR plans	4.9(a)	\$ 1,000	\$ 2,000	\$ 5,000	NM	
Failure to submit copy of an approved plan	4.9(c)	\$ 250	\$ 500	\$ 1,250	M	30
Failure to provide the required certification	4.11(a)	\$ 2,000	\$ 4,000	\$10,000	NM	
Failure to provide the required certification	4.11(b)	\$ 2,000	\$ 4,000	\$10,000	NM	
Failure to provide the required certification	4.11(e)	\$ 2,000	\$ 4,000	\$10,000	NM	
Failure to provide the required certification	4.11(f)	\$ 2,000	\$ 4,000	\$10,000	NM	

5. The violations of N.J.A.C. 7:1E-5, Notification, Response and Reporting, and the civil administrative penalty amounts for each violation, are as set forth in the following table, unless modified pursuant to (d) below:

<u>Category of Offense²</u>	<u>Citation</u>	<u>First Offense</u>	<u>Second Offense</u>	<u>Third or Subsequent Offense</u>	<u>Minor³</u>	<u>Minor Days⁴</u>
Failure to promptly notify the Department of a discharge	5.2(a)	\$ 5,000	\$10,000	\$25,000	NM	
Failure to provide all required information upon notification	5.2(b)	\$ 250	\$ 500	\$ 1,000	M	30
Failure to notify the Department of a discharge	5.3(a)	\$ 5,000	\$10,000	\$25,000	NM	
Notification not immediate	5.3(b)	\$ 1,000	\$ 2,000	\$ 5,000	NM	
Failure to provide information on the person reporting the discharge	5.3(c)1	\$ 250	\$ 500	\$ 1,000	M	30
Failure to provide the location of the discharge	5.3(c)2	\$ 250	\$ 500	\$ 1,000	M	30
Failure to provide the name of the hazardous substance discharge	5.3(c)3	\$ 250	\$ 500	\$ 1,000	M	30
Failure to provide an estimated quantity of each hazardous substance discharged	5.3(c)4	\$ 250	\$ 500	\$ 1,000	M	30
Failure to provide time and date information	5.3(c)5	\$ 250	\$ 500	\$ 1,000	M	30

<u>Category of Offense</u> ²	<u>Citation</u>	<u>First Offense</u>	<u>Second Offense</u>	<u>Third or Subsequent Offense</u>	<u>Minor</u> ³	<u>Minor Days</u> ⁴
Failure to provide information on actions taken	5.3(c)6	\$ 250	\$ 500	\$ 1,000	M	30
Failure to provide information on person(s) responsible	5.3(c)7	\$ 250	\$ 500	\$ 1,000	M	30
Failure to prominently display notification requirements	5.3(d)	\$ 500	\$ 1,000	\$ 2,500	M	
Failure to maintain documentation	5.3(e)1	\$ 2,000	\$ 4,000	\$10,000	NM	
Failure to notify the Department within 24 hours	5.3(e)2	\$ 5,000	\$10,000	\$25,000	NM	
Failure to maintain documentation	5.3(e)3	\$ 2,000	\$ 4,000	\$10,000	NM	
Failure to notify the Department of a discharge of aircraft fuel	5.4(a)	\$ 3,000	\$ 6,000	\$15,000	NM	
Failure to provide the person causing the discharge	5.4(b)1	\$ 250	\$ 500	\$ 1,000	M	30
Failure to provide the amount of hazardous substance discharged	5.4(b)2	\$ 250	\$ 500	\$ 1,000	M	30
Failure to provide the time the discharge occurred	5.4(b)3	\$ 250	\$ 500	\$ 1,000	M	30
Failure to provide the location of the discharge	5.4(b)4	\$ 250	\$ 500	\$ 1,000	M	30
Failure to provide wind speed and direction	5.4(b)5	\$ 250	\$ 500	\$ 1,000	M	30
Failure to provide the area likely to be affected by the discharge	5.4(b)6	\$ 250	\$ 500	\$ 1,000	M	30
Failure to notify the Department of a malfunction in a discharge detection system	5.5(a)	\$ 2,000	\$ 4,000	\$10,000	NM	
Notification not immediate	5.5(b)	\$ 1,000	\$ 2,000	\$ 5,000	NM	
Failure to notify the Department of the status of a malfunctioning discharge detection system	5.5(c)	\$ 1,000	\$ 2,000	\$ 5,000	NM	
Failure to take immediate action to stop a discharge	5.7(a)1	\$20,000	\$40,000	\$50,000	NM	
Failure to follow the DCR plan	5.7(a)2i	\$20,000	\$40,000	\$50,000	NM	
Failure to coordinate any remedial action with the Department	5.7(a)3	\$ 2,000	\$ 4,000	\$10,000	NM	
Failure to submit a confirmation report	5.8(a)	\$ 2,000	\$ 4,000	\$10,000	NM	
Failure to include information on the individual that reported the discharge	5.8(c)1	\$ 250	\$ 500	\$ 1,000	M	30
Failure to include information on the individual submitting the report	5.8(c)2	\$ 250	\$ 500	\$ 1,000	M	30
Failure to include information on the owner(s) or operator(s) of where the discharge occurred	5.8(c)3	\$ 250	\$ 500	\$ 1,000	M	30
Failure to include the Communications Center number	5.8(c)4	\$ 250	\$ 500	\$ 1,250	M	30
Failure to include the source of the discharge	5.8(c)5	\$ 250	\$ 500	\$ 1,000	M	30
Failure to include the location of the discharge	5.8(c)6	\$ 250	\$ 500	\$ 1,000	M	30
Failure to include the name(s) and CAS number(s) of hazardous substance(s) discharged	5.8(c)7	\$ 250	\$ 500	\$ 1,000	M	30
Failure to include quantities of hazardous substances discharged	5.8(c)8	\$ 250	\$ 500	\$ 1,000	M	30
Failure to include date and time information	5.8(c)9	\$ 250	\$ 500	\$ 1,000	M	30
Failure to include a description of the measures taken and costs	5.8(c)10	\$ 250	\$ 500	\$ 1,000	M	30
Failure to include measures taken or proposed	5.8(c)11	\$ 250	\$ 500	\$ 1,000	M	30
Failure to include information on the entities involved in the cleanup	5.8(c)12	\$ 250	\$ 500	\$ 1,000	M	30
Failure to include supplemental information	5.8(c)13	\$ 250	\$ 500	\$ 1,000	M	30
Failure to include requested information	5.8(c)14	\$ 250	\$ 500	\$ 1,000	M	30
Failure to include certification	5.8(c)15	\$ 250	\$ 500	\$ 1,000	M	30
Failure to provide additional information	5.8(d)	\$ 250	\$ 500	\$ 1,000	M	30
Failure to file a requested amendment following a discharge	5.11(a)	\$ 2,000	\$ 4,000	\$10,000	NM	

² The column headed "Category of Offense" is descriptive in nature and to be used for easy reference only. The rule language cited in the column headed "Citation" shall determine the specific violation.

³ The column headed "Minor" contains the designation of whether a violation is considered minor or non-minor pursuant to the Compliance Grace Period Law (P.L. 1995, c.296; N.J.S.A. 13:ID-125 to 133) and will be considered for a grace period in accordance with N.J.A.C. 7:1E-6.9. The designation "M" is for a minor violation, and "NM" is for a non minor violation.

⁴ The column headed "Minor Days" establishes, for those violations designated as minor, the number of calendar days the violator will be given to correct the violation and achieve compliance, in accordance with N.J.A.C. 7:1E-6.9.

(d) The Department may modify the amount of a civil administrative penalty under (c) above, based upon any or all of the following:

1. Mitigating or extenuating circumstances;
2. The implementation of prevention measures in addition to those minimally required by applicable statute or rule;
3. The full payment by the violator of a specified part of the civil administrative penalty assessed if made within a time period established by the Department in an administrative order or notice of civil administrative penalty assessment and provided that the violator waives the right to request an adjudicatory hearing on the civil administrative penalty; or
4. Any other circumstances or conditions acceptable to the Department.

Amended by R.1996 d.252, effective June 3, 1996.

See: 27 N.J.R. 2337(a), 27 N.J.R. 2882(a), 28 N.J.R. 2858(a).

Amended by R.1996 d.462, effective October 7, 1996.

See: 28 N.J.R. 2730(a), 28 N.J.R. 4424(b).

Amended by R.2000 d.352, effective August 21, 2000.

See: 31 N.J.R. 3561(a), 32 N.J.R. 3091(a).

In (b), deleted “, exclusive of registration requirements”; and in (c), rewrote the tables in 2, 4 and 5.

Amended by R.2001 d.355, effective October 1, 2001.

See: 33 N.J.R. 1255(a), 33 N.J.R. 3518(a).

Rewrote (c).

Amended by R.2007 d.93, effective April 2, 2007.

See: 38 N.J.R. 4285(a), 39 N.J.R. 1253(a).

In (a), deleted “and 4” preceding “below”; and rewrote the tables in (c).

7:1E-6.9 Conditions of grace period

(a) The Department shall provide a grace period for any violation identified as minor in accordance with the tables at N.J.A.C. 7:1E-6.8, provided that:

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

(b) Where the Department discovers a violation which is designated as minor in accordance with both the tables at N.J.A.C. 7:1E-6.8 and (a) above, it shall issue a notice of violation to the person responsible for the minor violation which:

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

2. Notifies the person responsible for the violation that a penalty may be imposed unless compliance has been achieved within the time period provided for the violation as set forth in the tables at N.J.A.C. 7:1E-6.8.

(c) If a person responsible for a minor violation corrects that violation and demonstrates to the Department that compliance has been achieved within the period specified in the notice of violation issued pursuant to this section, the Department shall not impose a penalty for the violation.

(d) If the person responsible for the violation fails to demonstrate to the Department that compliance has been achieved within the period of time specified in the notice of violation, the Department may, in accordance with the provisions of this chapter, impose a penalty which is retroactive to the date the enforcement document was first issued.

New Rule, R.2001 d.355, effective October 1, 2001.

See: 33 N.J.R. 1255(a), 33 N.J.R. 3518(a).

SUBCHAPTER 7. CONFIDENTIALITY CLAIMS

7:1E-7.1 Procedure for making a claim

(a) Any person required to submit information to the Department under this chapter, or allow the Department to obtain such information, which such person believes in good faith to constitute confidential information, may assert a confidentiality claim by following the procedures set forth in this subchapter.

(b) A claimant shall submit to the Department (at the address provided in N.J.A.C. 7:1E-7.3) a confidential copy and, upon the Department's request, a preliminary public copy of any record containing assertedly confidential information. The preliminary public copy shall carry a notation stating that confidential information has been deleted. The Department may disclose the preliminary public copy to any person, without restriction or limitation.

(c) The claimant shall label the first page of the confidential copy “CONFIDENTIAL COPY.” At the top of each page of the confidential copy, which page contains information that the claimant asserts is confidential information, the claimant shall place a boldface heading reading “CONFIDENTIAL.” The claimant shall clearly underscore or highlight all information in the confidential copy which the claimant asserts to be confidential, in a manner which shall be clearly visible on photocopies of the confidential copy.

(d) The claimant shall seal the confidential copy in an envelope displaying the word “CONFIDENTIAL” in bold type or stamp on both sides. This envelope shall be enclosed in another envelope for transmittal to the Department. The outer envelope shall bear no markings indicating the confidential nature of the contents.

(e) The claimant shall send the package containing the confidential copy to the Department by certified mail, return receipt requested, or by other means providing a receipt for delivery.

(f) The claimant shall include in the package a written designation of a person to receive notices pursuant to N.J.A.C. 7:1E-7.2.

7:1E-7.2 Designation by claimant of an addressee for notices and inquiries

A claimant shall designate a person as the proper addressee of communications from the Department under N.J.A.C. 7:1E-7, 8, 9 and 10. To designate such a person, the claimant shall submit the following information to the Department in writing: the name and address of the claimant; the name, address, and telephone number of the designated person; and a request that all Department inquiries and communications (oral and written), including without limitation the inquiries and notices listed in N.J.A.C. 7:1E-7.3(a), be directed to the designee.

7:1E-7.3 Correspondence, inquiries and notices

(a) The Department shall direct all correspondence, inquiries and notices to the person designated by the claimant pursuant to N.J.A.C. 7:1E-7.2, including without limitation the following:

1. Notices requesting substantiation of claims, under N.J.A.C. 7:1E-8.2(a)1ii;
2. Notices of denial of confidentiality claims and proposed disclosure of information, under N.J.A.C. 7:1E-8.5(a)1;
3. Notices concerning shortened comment and/or waiting periods under N.J.A.C. 7:1E-9.3(a);
4. Notices of disclosure under N.J.A.C. 7:1E-9.4; and
5. Notices of proposed use of confidential information in administrative proceedings, under N.J.A.C. 7:1E-9.7.

(b) A claimant shall direct all correspondence, inquiries, notices and submissions concerning confidentiality claims under this chapter to the Department at the following address:

Bureau of Release Prevention
New Jersey Department of Environmental
Protection
PO Box 424
Trenton, New Jersey 08625-0424

Amended by R.1996 d.462, effective October 7, 1996.

See: 28 N.J.R. 2730(a), 28 N.J.R. 4424(b).

Amended by R.2000 d.352, effective August 21, 2000.

See: 31 N.J.R. 3561(a), 32 N.J.R. 3091(a).

Amended by R.2007 d.93, effective April 2, 2007.

See: 38 N.J.R. 4285(a), 39 N.J.R. 1253(a).

In the address in (b), substituted "Release" for "Discharge".

SUBCHAPTER 8. CONFIDENTIALITY DETERMINATIONS

7:1E-8.1 Time for making confidentiality determinations

(a) The Department shall make a confidentiality determination:

1. If the Department receives a request, by a person to whom the Department is restricted from disclosing confidential information pursuant to N.J.A.C. 7:1E-10, to inspect or copy records containing assertedly confidential information which is the subject of a confidentiality claim; or

2. Before taking any action which is inconsistent with requirements for treatment of confidential information set forth in N.J.A.C. 7:1E-10.

(b) The Department may, in its discretion, make a confidentiality determination at any time.

7:1E-8.2 Notice of initial confidentiality determination, and of requirement to submit substantiation of claim

(a) If the Department initially determines that any of the assertedly confidential information may be confidential information, the Department shall:

1. Notify each claimant who is known to have asserted a claim applicable to such information, and who has not previously been furnished with notice with regard to the information in question, of the following:

- i. That the Department is in the process of making a confidentiality determination with respect to the claimant's claim;

- ii. That the claimant is required to substantiate the claim as required by N.J.A.C. 7:1E-8.3;

- iii. The address of the office to which the claimant's substantiation must be addressed;

- iv. The time allowed for submission of substantiation, pursuant to N.J.A.C. 7:1E-8.4;

- v. The method for requesting a time extension under N.J.A.C. 7:1E-8.4(b); and

- vi. That a claimant's failure to furnish substantiation within the time allocated in N.J.A.C. 7:1E-8.4 shall operate as a waiver of the claimant's claim.

2. Furnish, to any requester whose request for inspection or copying of the information is pending, notice that:

- i. The information which is the subject of the request may be confidential information;

- ii. The Department must undertake further inquiry before granting or denying the requester's request; and

iii. After the Department has made a confidentiality determination concerning the information which is the subject of the request, the Department will grant or deny the request.

(b) The Department shall send the notice required by paragraphs (a)1 and 2 above by certified mail, return receipt requested, or by other means providing a receipt for delivery.

(c) If the Department is able to determine whether all of the assertedly confidential information is or is not confidential information, without the need for submission of substantiation under N.J.A.C. 7:1E-8.3, such determination shall have the effect of a final confidentiality determination pursuant to N.J.A.C. 7:1E-8.5. The Department shall provide such notices of the determination as are required by N.J.A.C. 7:1E-8.5.

7:1E-8.3 Substantiation of confidentiality claims

(a) If the Department has determined that any assertedly confidential information may be confidential information, and notified the claimant pursuant to N.J.A.C. 7:1E-8.2(a) and (b), the claimant shall substantiate the confidentiality claim by submitting information to the Department in the following areas within the time allotted in N.J.A.C. 7:1E-8.4:

1. Measures taken by the claimant to prevent disclosure of the information to others, including evidence that the information is not contained in materials which are routinely available to the general public, including without limitation initial and final orders in contested case adjudications, press releases, copies of speeches, pamphlets and educational materials;

2. The extent to which the information has been disclosed to others and whether it was disclosed to other persons either by the claimant (except in a manner which protects the confidentiality of the information) or without the consent of the claimant (other than by subpoena or by discovery based on a showing of special need in a judicial proceeding, arbitration, or other proceeding in which the claimant was required to disclose the information to such other persons, as long as the information has not become available to persons not involved in the proceeding), and the precautions taken to prevent further disclosure;

3. If the Department, EPA or any other agency has previously made a confidentiality determination relevant to the pending confidentiality claim, copies of all such confidentiality determinations;

4. A description of any substantial harmful effects which disclosure would have upon the claimant's competitive position or national security, an explanation of why such harmful effects are substantial, and an explanation of the causal relationship between disclosure and such harmful effects;

5. Evidence that no law, regulation (including, without limitation, N.J.A.C. 7:1E-8.10 or any other regulations of

the Department), or order by a court or other tribunal of competent jurisdiction specifically requires disclosure of the information or provides that the information is not confidential information;

6. The period of time for which the claimant desires that the Department treat the assertedly confidential information as confidential information; and

7. Any other substantiation which is relevant in establishing that the assertedly confidential information is confidential information.

(b) The claimant may assert a confidentiality claim for any information submitted to the Department by the claimant as part of his or her substantiation pursuant to this section. If the claimant fails to assert a confidentiality claim for such information at the time of submission, the claimant shall be deemed to have waived all such claims with respect to the information.

Amended by R.1996 d.462, effective October 7, 1996.
See: 28 N.J.R. 2730(a), 28 N.J.R. 4424(b).

7:1E-8.4 Time for submission of substantiation

(a) The claimant shall submit substantiation within 30 days after the date of the claimant's receipt of the written notice provided under N.J.A.C. 7:1E-8.2(a)1.

(b) The Department may, in its discretion, extend the time allotted for submission of substantiation pursuant to (a) above if, before the expiration of the allotted time, the claimant submits a written request for the extension of such allotted time, provided, however, that except in extraordinary circumstances, the Department shall not approve such an extension of time in connection with a request to inspect or copy assertedly confidential information pursuant to N.J.S.A. 47:1A-1 et seq. without the consent of any person whose request to inspect or copy the allegedly confidential information under N.J.S.A. 47:1A-1 et seq. is pending.

(c) If a claimant fails to submit substantiation within the time allotted pursuant to this section, the claimant shall be deemed to have waived all confidentiality claims with respect to the information for which the substantiation was required.

7:1E-8.5 Final confidentiality determination

(a) If, after review of all the information submitted pursuant to N.J.A.C. 7:1E-8.2 and 8.3, the Department determines that the assertedly confidential information is not confidential information, the Department shall take the following actions:

1. The Department shall so notify the claimant by certified mail, return receipt requested. The notice shall state the basis for the determination, that it constitutes final agency action concerning the confidentiality claim, and that the Department shall make the information available to the public on the 14th day following receipt by the claim-

ant of the written notice. The notice shall include a copy of the final public copy to be made available to the public.

2. On or after the 14th day following receipt by the claimant of the written notice required by (a)1 above, the Department shall send written notice of the determination to any requester with a pending request to inspect or copy the information which was the subject of the confidentiality claim. The Department shall send the notice by certified mail, return receipt requested.

(b) If, after review of the substantiation submitted pursuant to N.J.A.C. 7:1E-8.3, the Department determines that the assertedly confidential information is confidential information, the Department shall treat such information as confidential information in accordance with N.J.A.C. 7:1E-10. The Department shall send written notice of the determination to the claimant and to any requester with a pending request to inspect or copy the information which was the subject of the confidentiality claim. The notice shall state the basis for the determination and that it constitutes final agency action. The Department shall send the notice by certified mail, return receipt requested.

7:1E-8.6 Treatment of information pending confidentiality determination

The Department shall treat assertedly confidential information as confidential information, until the Department has made a final determination that the assertedly confidential information is not confidential information.

7:1E-8.7 Availability of information to the public after determination that information is not confidential

If the Department determines that assertedly confidential information is not confidential information pursuant to N.J.A.C. 7:1E-8.5(a), the Department may disclose such information to any person on the date which is 14 days after the claimant's receipt of the written notice of the confidentiality determination.

7:1E-8.8 Preparation of final public copy

After the Department makes a final confidentiality determination that a record contains confidential information, the Department shall prepare a final public copy of the record based upon the final confidentiality determination. The Department may disclose the final public copy to any person, without restriction or limitation.

7:1E-8.9 Class confidentiality determinations

(a) The Department may make a class confidentiality determination if the Department finds that the items of information within the class share one or more characteristics, which characteristics would cause the Department to deter-

mine consistently that such information is or is not confidential information.

(b) A class confidentiality determination shall clearly identify the class of information to which it applies. Such identification shall include a list of the common characteristics shared by all information within the class.

(c) A class confidentiality determination shall state that all of the information in the class is or is not confidential information.

7:1E-8.10 Classes of information which are not confidential information

(a) Without limiting the ability of the Department to determine that information not listed in this section is not confidential information, the following types of information are not confidential information:

1. The name, address and business telephone number of the owner or operator of a transmission pipeline, or of the registered agent of such owner or operator;

2. The name, address and business telephone number of a facility and of its owner or operator and the registered agent of such owner or operator;

3. Schedules of integrity testing for aboveground storage tanks required to be submitted under N.J.A.C. 7:1E-2.2(a)4, and information concerning the methods of testing;

4. Test reports for aboveground storage tanks required to be submitted under N.J.A.C. 7:1E-2.2(a)5;

5. Information contained in documentation of employee training, evaluation and qualifying activities required to be maintained under N.J.A.C. 7:1E-2.12(d);

6. The storage capacity of a facility, the transfer capacity of a facility, and the types of hazardous substances present at a facility;

7. Discharge cleanup information required to be submitted under N.J.A.C. 7:1E-3.4;

8. Lists of standard operating procedures required to be submitted under N.J.A.C. 7:1E-4.2(d)10;

9. Information concerning procedures for mobilizing equipment in the event of a discharge;

10. Names and titles of response coordinators and other persons authorized to hire contractors and release funds for discharge response, containment, cleanup and removal;

11. Information concerning proposed methods of disposal of material gathered during cleanups;

12. Housekeeping and maintenance records required to be made available under N.J.A.C. 7:1E-4.2(f)6;

13. The locations of environmentally sensitive areas;

14. Certifications required under N.J.A.C. 7:1E-4.11, and the identity of any person signing such a certification;

15. Information which the Department is required to report under N.J.A.C. 7:1E-5.9; and

16. Information contained in an administrative order or notice of civil administrative penalty assessment under N.J.A.C. 7:1E-6.3.

Amended by R.1996 d.462, effective October 7, 1996.
See: 28 N.J.R. 2730(a), 28 N.J.R. 4424(b).

SUBCHAPTER 9. DISCLOSURE AND USE OF
CONFIDENTIAL INFORMATION

**7:1E-9.1 Disclosure of confidential information to other
public agencies**

(a) The Department may disclose confidential information to any other state agency or to a Federal agency if:

1. The Department receives a written request for disclosure of the information from a duly authorized officer or employee of the requesting agency;

2. The Department notifies the other agency of any pending confidentiality claim concerning the requested information, or of any confidentiality determination regarding the requested information;

3. The other agency has furnished to the Department a written opinion from the agency's chief legal officer or counsel stating that under applicable law the agency has the authority to compel the person who submitted the information to the Department (or allowed the Department to obtain such information) to disclose such information to the requesting agency;

4. The other agency has adopted regulations or operates under statutory authority that will allow it to preserve confidential information from unauthorized disclosure, and agrees in writing to refrain from disclosure and to safeguard the information in accordance with the requirements of N.J.A.C. 7:1E-10.1 and 10.2, unless:

i. The requesting agency has statutory authority both to compel production of the information and to disclose it; or

ii. The claimant has consented to disclosure of the information by the requesting agency; and

5. The requesting agency agrees not to disclose the information further unless:

i. The requesting agency has statutory authority both to compel production of the information and to make the proposed disclosure; or

ii. The claimant has consented to disclosure of the information by the requesting agency.

7:1E-9.2 Disclosure of confidential information to contractors

(a) The Department may disclose confidential information to a contractor, if it complies with the procedure established under (b) below, and if:

1. The Department determines that such disclosure is necessary in order for the contractor to perform the work required by the contract;

2. The contract provides that the contractor and the contractor's employees shall use the confidential information only for the purpose of performing the duties required by the contract, shall refrain from disclosing the confidential information to anyone other than the Department, shall store all records containing the confidential information in locked cabinets in secure rooms, and shall return to the Department all originals and all copies of the information (and any abstracts or extracts therefrom, or any records containing any of the confidential information) when the confidential information is no longer necessary to enable the contractor to perform obligations

under the contract, or at any time upon the request of the Department; and

3. If the claimant so requests, the contractor contracts with the claimant to refrain from further disclosure of the confidential information.

(b) Before disclosing confidential information to a contractor under (a) above, the Department shall notify the claimant of the proposed disclosure in writing, delivered by certified mail, return receipt requested, at least 14 days before making the disclosure. The notice shall state the information to be provided, the identity of the contractor, and the scheduled date of disclosure. If, at least three working days before the scheduled date of disclosure, the claimant delivers to the Department information sufficient to establish that the proposed disclosure would be likely to cause more than nominal damage either to the claimant's competitive position or to national security, the Department shall refrain from making the disclosure.

7:1E-9.3 Disclosure to alleviate an imminent and substantial danger

(a) If the Department finds that disclosure of confidential information would serve to alleviate an imminent and substantial danger to public health, safety or the environment, the Department may, in its discretion, take one or more of the following actions:

1. Reduce the time allotted for providing substantiation pursuant to N.J.A.C. 7:1E-8.4, and notify the claimant of such reduction;

2. Advance the date on which the Department may disclose information which the Department has determined is not confidential information, pursuant to N.J.A.C. 7:1E-8.5(a), and notify the claimant of such advance; or

3. Immediately disclose the confidential information to any person whose role in alleviating the danger to public health and the environment makes such disclosure necessary. Any disclosure pursuant to this paragraph shall be limited to information necessary to enable the person to whom it is disclosed to carry out the activities in alleviating the danger. Any disclosure made pursuant to this paragraph shall not be deemed a waiver of a confidentiality claim and shall not be grounds for any determination that information is no longer confidential information.

7:1E-9.4 Notice to claimants of disclosure of confidential information

(a) Promptly after the Department discloses confidential information pursuant to N.J.A.C. 7:1E-9.1, 9.2 or 9.3, the Department shall notify any claimant from whom the Department has obtained confidential information of the disclosure. Such notice shall be in writing, and shall contain the following information:

1. The date on which disclosure was made;

2. The name of the agency or other person to which the Department disclosed the confidential information; and

3. A description of the confidential information disclosed.

7:1E-9.5 Disclosure by consent

(a) The Department may disclose confidential information in accordance with the written consent of the claimant.

(b) A claimant's consent to a particular disclosure shall not operate as a waiver of a confidentiality claim with regard to further disclosures, unless the authorized disclosure is of such nature that the disclosed information is no longer confidential information.

7:1E-9.6 Incorporation of confidential information into cumulations of data

Nothing in this chapter shall be construed as prohibiting the incorporation of confidential information into cumulations of data subject to disclosure as public records, provided that after consultation with the claimant, the Department has determined that such disclosure is not in a form that would foreseeably allow persons, not otherwise having knowledge of such confidential information, to deduce from it the confidential information or the identity of the person who supplied it to the Department.

7:1E-9.7 Disclosure of confidential information in rulemaking, permitting, and enforcement proceedings

(a) Notwithstanding any other provision of this subchapter, the Department may disclose confidential information in rulemaking, permitting and enforcement proceedings.

(b) The following procedures shall apply to the disclosure of confidential information by the Department in rulemaking, permitting and enforcement proceedings:

1. The Department may disclose confidential information in an adjudicatory hearing, subject to the protection from making the information available to the public which the administrative law judge may impose under the Uniform Administrative Procedure Rules, N.J.A.C. 1:1 including without limitation N.J.A.C. 1:1-14.1.

2. The Department may disclose confidential information in any enforcement, permitting, or rulemaking proceeding which does not involve an adjudicatory hearing, pursuant to the following procedure:

i. The Department shall inform the claimant that the Department is considering using the information in connection with the proceeding and shall afford the claimant a reasonable period for comment;

ii. The claimant shall submit comments to the Department within the time allotted pursuant to (b)2i

above, concerning the proposed uses of confidential information, including comments which may support a determination that the confidential information is not relevant to the proceeding, or that the disclosure of the confidential information in the proceeding is not necessary to serve the public interest;

iii. The Department may disclose the confidential information in the proceeding if, upon consideration of comments submitted pursuant to (b)2ii above, the Department determines that the information is relevant to the subject of the proceeding, that the use of the information in the proceeding will serve the public interest, and that it materially impairs such service of the public interest to limit the use of the information to a manner which preserves its confidentiality; and

iv. The Department shall give the affected person at least five days notice prior to using the information in the proceeding in a manner which may result in the information being made available to the public.

7:1E-9.8 Hearing before disclosure of information for which a confidentiality claim has been made

(a) A claimant may request an adjudicatory hearing to contest disclosure of any information for which a confidentiality claim has been made, at any time before disclosure. The request shall be in accordance with the requirements of N.J.A.C. 7:1E-6.4(b), and shall be delivered to the Department at the following address:

Department of Environmental Protection
Office of Legal Affairs
Attention: Adjudicatory Hearing Requests—
DPCC Confidentiality
401 East State Street
PO Box 402
Trenton, New Jersey 08625-0402

(b) The Department may deny a request for an adjudicatory hearing under (a) above if:

1. The claimant fails to provide all information required under N.J.A.C. 7:1E-6.4(b);

2. The Department receives the request after disclosure of the assertedly confidential information occurs;

3. The Department has been ordered to disclose the information by a court of competent jurisdiction, or by any other person or entity with the power and authority to compel disclosure; or

4. The Department determines that disclosure is necessary to alleviate an imminent danger to the environment or to public health or safety, as provided in N.J.A.C. 7:1E-9.3.

(c) All adjudicatory hearings shall be conducted in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

(d) At the adjudicatory hearing, the respondent shall have the burden of showing that the proposed disclosure is not in accordance with this chapter.

(e) Pending the completion of the adjudicatory hearing, the Department will refrain from disclosing the assertedly confidential information, unless:

1. The Department has been ordered to disclose the information by a court of competent jurisdiction, or by any other person or entity with the power and authority to compel disclosure; or

2. The Department determines that disclosure is necessary to alleviate an imminent danger to the environment or to public health or safety.

Amended by R.2000 d.352, effective August 21, 2000.

See: 31 N.J.R. 3561(a), 32 N.J.R. 3091(a).

Recodified (d) through (f) as (c) through (e).

SUBCHAPTER 10. TREATMENT OF CONFIDENTIAL INFORMATION

7:1E-10.1 Nondisclosure of confidential information

Unless specifically required by any Federal or State law, regulation or order, court order, or applicable court rule, the Department shall not disclose confidential information to any person other than as provided in N.J.A.C. 7:1E-9.

7:1E-10.2 Safeguarding of confidential information

(a) Submissions to the Department required under this chapter will be opened only by persons authorized by the Department to be engaged in administering this chapter.

(b) Only those Department employees whose activities necessitate access to information for which a confidentiality claim has been made may open any envelope which is marked "CONFIDENTIAL".

(c) The Department shall store any records containing confidential information only in locked cabinets in secure rooms; provided, however, that if such records are in a form which is not amenable to such storage, the Department shall store such records in a manner which similarly restricts access by persons to whom disclosure of the confidential information in question is restricted.

(d) Any records made, possessed, or controlled by the Department or its contractors, and containing confidential information, shall contain indicators identifying the confidential information.

(e) Every Department employee, representative, and contractor who has custody or possession of confidential information shall take appropriate measures to safeguard such information and to protect against its improper disclosure.

7:1E-10.3 Confidentiality agreements

The provisions of this chapter shall supersede the provisions of any agreement imposing any duties of confidentiality or nondisclosure upon the Department or any employee, contractor or agent thereof. Such provisions imposing confidentiality or nondisclosure duties upon the Department of any employee, contractor or agent thereof shall be of no force or effect.

7:1E-10.4 Wrongful access or disclosure; penalties

(a) No person shall disclose, obtain or have possession of any confidential information, except as authorized by this chapter.

(b) Except in accordance with this chapter, no Department employee, representative, or contractor shall disclose any confidential information which came into his or her possession, or to which he or she gained access, by virtue of his or her official position of employment or contractual relationship with the Department. No such person shall use any such information for his or her private gain or advantage, except as permitted by a contract between such person and the Department. If a contractor discloses confidential information in violation of this chapter or of contractual provisions restricting disclosure, such disclosure shall constitute grounds for debarment or suspension as provided in N.J.A.C. 7:1D-2, Debarment, Suspension and Disqualification from Department Contracting.

(c) If the Department finds that any person has violated the provisions of this subchapter, it may:

1. Commence civil action in Superior Court for a restraining order and an injunction barring that person from further disclosing confidential information; and/or

2. Pursue any other remedy available at law or equity.

(d) In addition to any other penalty that may be sought by the Department, violation of this subchapter by a Department employee shall constitute grounds for dismissal, suspension, fine or other adverse personnel action.

(e) Use of any of the remedies specified under this section shall not preclude the use of any other remedy.

Administrative change.
See: 32 N.J.R. 1796(a).

APPENDIX A

LIST OF HAZARDOUS SUBSTANCES

(Alphabetical Order)

<u>Name</u>	<u>CAS Number</u>
Abamectin	71751-41-2
Acenaphthene	83-32-9
Acenaphthylene	208-96-8
Acephate	30560-19-1
Acetaldehyde	75-07-0

Name	CAS Number	Name	CAS Number
Acetamide	60-35-5	Ammonium oxalate	14258-49-2
Acetic acid	64-19-7	Ammonium oxalate, monohydrate	6009-70-7
Acetic anhydride	108-24-7	Ammonium oxalate, unspecified hydrate	5972-73-6
Acetone	67-64-1	Ammonium perchlorate	7790-98-9
Acetone cyanohydrin	75-86-5	Ammonium picrate	131-74-8
Acetone thiosemicarbazide	1752-30-3	Ammonium silicofluoride	16919-19-0
Acetonitrile	75-05-8	Ammonium sulfamate	7773-06-0
Acetophenone	98-86-2	Ammonium sulfide	12135-76-1
Acetoxytriphenylstannane	900-95-8	Ammonium sulfite	10196-04-0
2-Acetylaminofluorene	53-96-3	Ammonium tartrate, diammonium salt	3164-29-2
Acetyl bromide	506-96-7	Ammonium tartrate	14307-43-8
Acetyl chloride	75-36-5	Ammonium thiocyanate	1762-95-4
Acetylene*	74-86-2	Ammonium vanadate	7803-55-6
1-Acetyl-2-thiourea	591-08-2	Amphetamine	300-62-9
Acifluorfen, sodium salt	62476-59-9	n-Amyl acetate	628-63-7
Acrolein	107-02-8	iso-Amyl acetate	123-92-2
Acrylamide	79-06-1	sec-Amyl acetate	626-38-0
Acrylic acid	79-10-7	tert-Amyl acetate	625-16-1
Acrylonitrile	107-13-1	Anilazine	101-05-3
Acrylyl chloride	814-68-6	Aniline (and salts)	62-53-3
Adipic acid	124-04-9	o-Anisidine	90-04-0
Adiponitrile	111-69-3	p-Anisidine	104-94-9
Alachlor	15972-60-8	o-Anisidine hydrochloride	134-29-2
Aldicarb	116-06-3	Anthracene	120-12-7
Aldicarb sulfone	1646-88-4	Antimony	7440-36-0
Aldrin	309-00-2	Antimony compounds	*****
d-trans-Allethrin	28057-48-9	Antimony pentachloride	7647-18-9
Allyl alcohol	107-18-6	Antimony pentafluoride	7783-70-2
Allyl amine	107-11-9	Antimony potassium tartrate	28300-74-5
Allyl chloride	107-05-1	Antimony tribromide	7789-61-9
Aluminum (fume or dust)	7429-90-5	Antimony trichloride	10025-91-9
Aluminum oxide (fibrous forms)	1344-28-1	Antimony trifluoride	7783-56-4
Aluminum phosphide	20859-73-8	Antimony trioxide	1309-64-4
Aluminum sulfate	10043-01-3	Antimycin A	1397-94-0
Ametryn	834-12-8	ANTU (concentrations above 4%)	86-88-4
2-Aminoanthraquinone	117-79-3	Aroclor 1016	12674-11-2
4-Aminoazobenzene	60-09-3	Aroclor 1221	11104-28-2
4-Aminobiphenyl	92-67-1	Aroclor 1232	11141-16-5
(4-Aminobutyl)diethoxymethylsilane	3037-72-7	Aroclor 1242	53469-21-9
1-Amino-2-methylantraquinone	82-28-0	Aroclor 1248	12672-29-6
p-Aminopropiophenone	70-69-9	Aroclor 1254	11097-69-1
Aminopterin	54-62-6	Aroclor 1260	11096-82-5
4-Aminopyridine	504-24-5	Aroclor 5442	12642-23-8
Amiton	78-53-5	Arsenic	7440-38-2
Amiton oxalate	3734-97-2	Arsenic acid	1327-52-2
Amitraz	33089-61-1	Arsenic compounds	7778-39-4
Amitrole	61-82-5	Arsenic disulfide	*****
Ammonia	7664-41-7	Arsenic pentoxide	1303-32-8
Ammonium acetate	631-61-8	Arsenic trioxide (concentrations above 1.5%)	1303-28-2
Ammonium benzoate	1863-63-4	Arsenic trisulfide	1327-53-3
Ammonium bicarbonate	1066-33-7	Arsenous trichloride	1303-33-9
Ammonium bichromate	7789-09-5	Arsine	7784-34-1
Ammonium bifluoride	1341-49-7	Asbestos (friable)	7784-42-1
Ammonium bisulfite	10192-30-0	Atrazine	1332-21-4
Ammonium carbamate	1111-78-0	Auramine	1912-24-9
Ammonium carbonate	506-87-6	Azaserine	492-80-8
Ammonium chloride	12125-02-9	Azinphos-ethyl	115-02-6
Ammonium chromate	7788-98-9	Azinphos-methyl	2642-71-9
Ammonium citrate dibasic	3012-65-5	Barban	86-50-0
Ammonium fluoborate	13826-83-0	Barium	101-27-9
Ammonium fluoride	12125-01-8	Barium compounds (except Barium sulfate)	7440-39-3
Ammonium hydroxide	1336-21-6		*****

<u>Name</u>	<u>CAS Number</u>	<u>Name</u>	<u>CAS Number</u>
Barium cyanide	542-62-1	Bromotrifluoromethane (Halon 1301)*	75-63-8
Bendiocarb (conc. above 15%)	22781-23-3	Bromoxynil	1689-84-5
Bendiocarb phenol	22961-82-6	Bromoxynil octanoate	1689-99-2
Benfluralin	1861-40-1	Brucine	357-57-3
Benomyl	17804-35-2	1,3-Butadiene	106-99-0
Benzacridine	225-51-4	Butane*	106-97-8
Benzal chloride	98-87-3	iso-Butane*	75-28-5
Benzamide	55-21-0	Butene*	25167-67-3
Benzanthracene	56-55-3	1-Butene*	106-98-9
Benzene	71-43-2	2-Butene*	107-01-7
Benzeneearsonic acid	98-05-5	2-Butene-cis*	590-18-1
Benzenesulfonyl chloride	98-09-9	2-Butene-trans*	624-64-6
Benzenethiol	108-98-5	n-Butyl acetate	123-86-4
Benzidine	92-87-5	iso-Butyl acetate	110-19-0
Benzo(b)fluoranthene	205-99-2	sec-Butyl acetate	105-46-4
Benzo(j)fluoranthene	205-82-3	tert-Butyl acetate	540-88-5
Benzo(k)fluoranthene	207-08-9	Butyl acrylate	141-32-2
Benzoic acid	65-85-0	n-Butyl alcohol	71-36-3
Benzonitrile	100-47-0	iso-Butyl alcohol	78-83-1
Benzoperylene	191-24-2	sec-Butyl alcohol	78-92-2
Benzopyrene	50-32-8	tert-Butyl alcohol	75-65-0
Benzotrichloride	98-07-7	Butylamine	109-73-9
Benzoyl chloride	98-88-4	iso-Butylamine	78-81-9
Benzoyl peroxide	94-36-0	sec-Butylamine	513-49-5
Benzyl chloride	100-44-7	tert-Butylamine	75-64-9
Benzyl cyanide	140-29-4	Butyl benzyl phthalate	85-68-7
Beryllium powder	7440-41-7		13952-84-6
Beryllium chloride	7787-47-5	1,2-Butylene oxide	106-88-7
Beryllium compounds	*****	Butyraldehyde	123-72-8
Beryllium fluoride	7787-49-7	iso-Butyraldehyde	78-84-2
Beryllium nitrate	7787-55-5	Butyric acid	107-92-6
	13597-99-4	iso-Butyric acid	79-31-2
alpha-BHC	319-84-6	C.I. Acid Blue 1, sodium salt	129-17-9
beta-BHC	319-85-7	C.I. Acid Blue 9, diammonium salt	2650-18-2
delta-BHC	319-86-8	C.I. Acid Green 3	4680-78-8
Bifenthrin	82657-04-3	C.I. Acid Green 5	5141-20-8
Biphenyl	92-52-4	C.I. Acid Red 114	6459-94-5
Bis(2-chloroethoxy)methane	111-91-1	C.I. Basic Green 4	569-64-2
Bis(2-chloroisopropyl)ether	108-60-1	C.I. Basic Red 1	989-38-8
Bis(chloromethyl)ether	542-88-1	C.I. Direct Black 38	1937-37-7
Bis(chloromethyl)ketone	534-07-6	C.I. Direct Blue 6	2602-46-2
3,3-Bis(chloromethyl)oxetane	78-71-7	C.I. Direct Blue 218	28407-37-6
1,3-Bis(methylisocyanate)cyclohexane	38661-72-2	C.I. Direct Brown 95	16071-86-6
1,4-Bis(methylisocyanate)cyclohexane	10347-54-3	C.I. Disperse Yellow 3	2832-40-8
Bisphenol A	80-05-7	C.I. Food Red 5	3761-53-3
Bis(tributyltin) oxide	56-35-9	C.I. Food Red 15	81-88-9
Bitoscanate	4044-65-9	C.I. Food Red 6	3564-09-8
Boron trichloride	10294-34-5	C.I. Solvent Orange 7	3118-97-6
Boron trifluoride	7637-07-2	C.I. Solvent Orange 2	2646-17-5
Boron trifluoride compound with methyl ether (1:1) (conc. above 0.0005%)	353-42-4	C.I. Solvent Red 80	6358-53-8
Bromacil	314-40-9	C.I. Solvent Yellow 3	97-56-3
Bromacil, lithium salt	53404-19-6	C.I. Solvent Yellow 14	842-07-9
Bromadiolone (concentrations above 0.01%)	28772-56-7	C.I. Vat Yellow 4	128-66-5
Bromine	7726-95-6	Cacodylic acid	75-60-5
Bromoacetone	598-31-2	Cadmium	7440-43-9
1-Bromo-1-(bromomethyl)-1,3-propanedicarbonitrile	35691-65-7	Cadmium acetate	543-90-8
Bromochlorodifluoromethane (Halon 1211)*	353-59-3	Cadmium bromide	7789-42-6
Bromoform	75-25-2	Cadmium chloride	10108-64-2
4-Bromophenyl phenyl ether	101-55-3	Cadmium compounds	*****
Bromotrifluoroethylene*	598-73-2	Cadmium oxide	1306-19-0
		Cadmium stearate	2223-93-0
		Calcium arsenate	7778-44-1

Name	CAS Number	Name	CAS Number
Calcium arsenite	52740-16-6	Chloromethyl methyl ether	107-30-2
Calcium carbide	75-20-7	1-Chloromethyl-4-nitrobenzene	100-14-1
Calcium chromate	13765-19-0	3-Chloro-2-methyl-1-propene	563-47-3
Calcium cyanamide	156-62-7	2-Chloronaphthalene	91-58-7
Calcium cyanide	592-01-8	Chloropentafluoroethane (CFC-115)*	76-15-3
Calcium dodecylbenzenesulfonate	26264-06-2	Chlorophacinone (concentrations 0.2% and above)	3691-35-8
Calcium hypochlorite	7778-54-3	o-Chlorophenol	95-57-8
Cantharidin	56-25-7	Chlorophenols	*****
Captan	133-06-2	p-Chlorophenyl isocyanate	104-12-1
Carbachol chloride	51-83-2	4-Chlorophenyl phenyl ether	7005-72-3
Carbamimidoseleonic acid	630-10-4	1-(o-Chlorophenyl)thiourea	5344-82-1
Carbaryl	63-25-2	Chloropicrin	76-06-2
Carbendazim	10605-21-7	Chloroprene	126-99-8
Carbofuran	1563-66-2	3-Chloropropionitrile	542-76-7
Carbofuran phenol	1563-38-8	1-Chloropropylene*	590-21-6
Carbon disulfide	75-15-0	2-Chloropropylene*	557-98-2
Carbon tetrachloride	56-23-5	3-Chloropropyl octyl sulfide	3569-57-1
Carbonyl fluoride	353-50-4	Chlorosulfonic acid	7790-94-5
Carbonyl sulfide	463-58-1	Chlorotetrafluoroethane*	63938-10-3
Carbophenothion	786-19-6	1-Chloro-1,1,2,2-tetrafluoroethane (HCFC-124a)*	354-25-6
Carbosulfan	55285-14-8	2-Chloro-1,1,1,2-tetrafluoroethane (HCFC-124)*	2837-89-0
Carboxin	5234-68-4	Chlorothalonil	1897-45-6
Catechol	120-80-9	4-Chloro-o-toluidine hydrochloride	3165-93-3
Chinomethionat	2349-01-2	p-Chloro-o-toluidine	95-69-2
Chloramben	133-90-4	2-Chloro-1,1,1-trifluoroethane (HCFC-133a)*	75-88-7
Chlorambucil	305-03-3	Chlorotrifluoromethane (CFC-13)*	75-72-9
Chlordane	57-74-9	3-Chloro-1,1,1-trifluoropropane (HCFC-253fb)*	460-35-5
Chlordane metabolites	*****	Chloroxuron	1982-47-4
Chlorendic acid	115-28-6	Chlorpyrifos (concentrations above 15%)	2921-88-2
Chlorfenvinfos	470-90-6	Chlorpyrifos methyl	5598-13-0
Chlorimuron ethyl	90982-32-4	Chlorsulfuron	64902-72-3
Chlorinated benzenes	*****	Chlorthiophos	21923-23-9
Chlorinated ethanes	*****	Chromic acetate	1066-30-4
Chlorinated naphthalene	*****	Chromic acid	1115-74-5
Chlorinated phenols	*****	Chromic acid (H ₂ CrO ₄)	1115-74-5
Chlorine	7782-50-5	Chromic chloride	7738-94-5
Chlorine dioxide	10049-04-4	Chromic(II) chloride	10025-73-7
Chlorine monoxide*	7791-21-1	Chromic sulfate	10049-05-5
Chlormephos	24934-91-6	Chromium	10101-53-8
Chlormequat chloride	999-81-5	Chromium compounds	7440-47-3
Chlornaphazine	494-03-1	Chrysene	*****
Chloroacetaldehyde	107-20-0	Cobalt	218-01-9
Chloroacetic acid	79-11-8	Cobalt carbonyl	7440-48-4
2-Chloroacetophenone	532-27-4	Cobalt compounds	10210-68-1
Chloroalkyl ethers	*****	Cobaltous bromide	*****
1-(3-Chloroallyl)-3,5,7-triaza-1-azoniaadamantane chloride	4080-31-3	Cobaltous formate	7789-43-7
p-Chloroaniline	106-47-8	Cobaltous sulfamate	544-18-3
Chlorobenzene	108-90-7	Coke oven emissions	14017-41-5
Chlorobenzilate	510-15-6	Colchicine	*****
4-Chloro-m-cresol	59-50-7	Copper	64-86-8
3-Chloro-6-cyano-2-norbornanone-o-(methycarbamoyl)oxime	5271-41-7	Copper compounds	7440-50-8
Chlorodibromomethane	24-48-1	Copper cyanide	*****
1-Chloro-1,1-difluoroethane (HCFC-142b)*	75-68-3	Coumaphos (concentrations above 5%)	544-92-3
Chlorodifluoromethane (HCFC-22)*	75-45-6	Coumatetralyl	56-72-4
Chloroethane	75-00-3	Creosote	5836-29-3
2-Chloroethanesulfonyl chloride	75-00-3	p-Cresidine	8001-58-9
Chloroethanol	1622-32-8	Cresol (mixed isomers)	120-71-8
Chloroethyl chloroformate	107-07-3	m-Cresol	1319-77-3
2-Chloroethyl vinyl ether	627-11-2	o-Cresol	108-39-4
Chloroform	110-75-8	p-Cresol	95-48-7
	67-66-3		106-44-5

Name	CAS Number	Name	CAS Number
Crimidine	535-89-7	Dibenzo(a,h)pyrene	189-64-0
Crotonaldehyde, (E)-	123-73-9	Dibenzopyrene	189-55-9
Crotonaldehyde	4170-30-3	Dibenzo(a,l)pyrene	191-30-0
Cumene	98-82-8	Diborane	19287-45-7
Cumene hydroperoxide	80-15-9	1,2-Dibromo-3-chloropropane	96-12-8
Cupferron	135-20-6	Dibromotetrafluoroethane (Halon 2402)	124-73-2
Cupric acetate	142-71-2	N,N'-Dibutylhexamethylenediamine	4835-11-4
Cupric acetoarsenite	12002-03-8	Dibutyl phthalate	84-74-2
Cupric chloride	7447-39-4	Dicamba	1918-00-9
Cupric nitrate	3251-23-8	Dichlobenil	94-65-6
Cupric oxalate	5893-66-3	Dichlone	117-80-6
Cupric sulfate	7758-98-7	Dichloran	99-30-9
Cupric sulfate, ammoniated	10380-29-7	p,p'-Dichlorodiphenylethane	3547-04-4
Cupric tartrate	815-82-7	Dichlorobenzene (mixed isomers)	25321-22-6
Cyanazine (concentrations above 30%)	21725-46-2	m-Dichlorobenzene	541-73-1
Cyanide	57-12-5	o-Dichlorobenzene	95-50-1
Cyanide compounds	*****	p-Dichlorobenzene	106-46-7
Cyanogen	460-19-5	3,3'-Dichlorobenzidine	91-94-1
Cyanogen bromide	506-68-3	3,3'-Dichlorobenzidine dihydrochloride	612-83-9
Cyanogen chloride	506-77-4	3,3'-Dichlorobenzidine sulfate	64969-34-2
Cyanogen iodide	506-78-5	1,1-Dichloro-2,2-bis(p-chlorophenyl)ethylene (DDE)	72-55-9
Cyanophos	2636-26-2	Dichlorobromomethane	75-27-4
Cyanuric fluoride	675-14-9	1,4-Dichloro-2-butene	764-41-0
Cycloate	1134-23-2	trans-1,4-Dichlorobutene	110-57-6
Cyclohexane	110-82-7	1,2-Dichloro-1,1-difluoroethane (HCFC-132b)*	1649-08-7
1,4-Cyclohexane diisocyanate	2556-36-7	Dichlorofluoromethane (HCFC-21)*	75-43-4
Cyclohexanol	108-93-0	(trans-4)-Dichloro(4,4-dimethylzinc 5(((methylamino)carbonyl)oxy)imino)pentane-nitrile)	58270-08-9
Cyclohexanone	108-94-1	Dichlorodiphenyldichloroethane (DDD)	72-54-8
Cycloheximide	66-81-9	Dichlorodiphenyltrichloroethane (DDT)	50-29-3
Cyclohexylamine	108-91-8	DDT metabolites	*****
2-Cyclohexyl-4,6-dinitrophenol	131-89-5	1,1-Dichloroethane	75-34-3
Cyclopropane*	75-19-4	1,2-Dichloroethanol acetate	10140-87-1
Cyfluthrin	68359-37-5	1,2-Dichloroethylene	540-59-0
Cyclophosphamide	50-18-0	1,2-trans-Dichloroethylene	156-60-5
Cyhalothrin	68085-85-8	Dichloroethylenes (1,1-, and 1,2-Dichloroethylene)	*****
2,4-D 2-ethyl-4-methylpentyl ester	53404-37-8	Dichloroethyl ether	111-44-4
Daunomycin	20830-81-3	1,1-Dichloro-1-fluoroethane (HCFC-141b)*	1717-00-6
Dazomet	533-74-4	Dichlorofluoromethane*	75-43-4
Dazomet, sodium salt	53404-60-7	Dichloromethylphenylsilane	149-74-6
Decaborane(14)	17702-41-9	Dichloropentafluoropropane*	127564-92-5
Decabromodiphenyl oxide	1163-19-5	1,1-Dichloro-1,2,2,3,3-pentafluoropropane (HCFC-225cc)*	13474-88-9
Demeton	65-48-3	1,1-Dichloro-1,2,3,3,3-pentafluoropropane (HCFC-225eb)*	111512-56-2
Desmedipham	13684-56-5	1,2-Dichloro-1,1,2,3,3-pentafluoropropane (HCFC-225bb)*	422-44-6
Dialifor	10311-84-9	1,2-Dichloro-1,1,3,3,3-pentafluoropropane (HCFC-225da)*	431-86-7
Diallate	2303-16-4	1,3-Dichloro-1,1,2,2,3-pentafluoropropane (HCFC-225cb)*	507-55-1
2,4-Diaminoanisole	615-05-4	1,3-Dichloro-1,1,2,3,3-pentafluoropropane (HCFC-225ea)*	136013-79-1
2,4-Diaminoanisole sulfate	39156-41-7	2,2-Dichloro-1,1,1,3,3-pentafluoropropane (HCFC-225aa)*	128903-21-9
4,4'-Diaminodiphenyl ether	101-80-4	2,3-Dichloro-1,1,1,2,3-pentafluoropropane (HCFC-225ba)*	422-48-0
Diaminotoluene (mixed isomers)	25376-45-8	3,3-Dichloro-1,1,1,2,2-pentafluoropropane (HCFC-225ca)*	422-56-0
2,4-Diaminotoluene	95-80-7		
2,6-Diaminotoluene	823-40-5		
3,4-Diaminotoluene	496-72-0		
Diazinon (concentrations above 25%)	333-41-5		
Diazomethane	334-88-3		
Dibasic lead stearate	56189-09-4		
Dibenz(a,h)acridine	226-36-8		
Dibenz(a,j)acridine	224-42-0		
Dibenzanthracene	53-70-3		
7H-Dibenzo(c,g)carbazole	194-59-2		
Dibenzo(a,e)fluoranthene	5385-75-1		
Dibenzofuran	132-64-9		
Dibenzo(a,e)pyrene	192-65-4		

Name	CAS Number	Name	CAS Number
Dichlorophene	97-23-4	1,2-Diethylhydrazine	1615-80-1
2,4-Dichlorophenol	120-83-2	O,O-Diethyl S-methyl dithiophosphate	3288-58-2
2,6-Dichlorophenol	87-65-0	Diethyl-p-nitrophenyl phosphate	311-45-5
2,4-Dichlorophenoxyacetic acid (2,4-D) (concentrations above 20%)	94-75-7	Diethyl phthalate	84-66-2
2,4-Dichlorophenoxyacetic acid butoxyethanol ester (conc. above 20%)	1929-73-3	Diethylene glycol dicarbamate	5952-26-1
2,4-Dichlorophenoxyacetic acid n-butyl ester	94-80-4	Di(2-ethylhexyl)phthalate (DEHP)	117-81-7
2,4-Dichlorophenoxyacetic acid sec-butyl ester	94-79-1	Diethylstilbestrol	56-53-1
2,4-Dichlorophenoxyacetic acid chlorocrotyl ester	2971-38-2	Diethyl sulfate	64-67-5
2,4-D Esters	53467-11-1	Diflubenzuron	35367-38-5
2,4-Dichlorophenoxyacetic acid 2-ethylhexyl ester (concentrations above 20%)	1928-43-4	Difluoroethane	75-37-6
2,4-Dichlorophenoxyacetic acid isooctyl ester (conc. above 20%)	25168-26-7	Digitoxin	71-63-6
2,4-Dichlorophenoxyacetic acid isopropyl ester	94-11-1	Diglycidyl ether	2238-07-5
2,4-Dichlorophenoxyacetic acid methyl ester	1928-38-7	Diglycidyl resorcinol ether	101-90-6
2,4-Dichlorophenoxyacetic acid propyl ester	1928-61-6	Digoxin	20830-75-5
2,4-Dichlorophenoxyacetic acid propylene glycol butyl ether ester	1320-18-9	Dihydrosafrole	94-58-6
2,4-Dichlorophenoxyacetic acid sodium salt (conc. above 20%)	2702-72-9	4,4'-Diisocyanatodiphenyl ether	4128-73-8
4-(2,4-Dichlorophenoxy)butyric acid	94-82-6	2,4'-Diisocyanatodiphenyl sulfide	75790-87-3
2-(2,4-Dichlorophenoxy)propionic acid	120-36-5	Dimefox	115-26-4
Dichlorophenylarsine	696-28-6	Dimethipin	55290-64-7
Dichloropropane	26638-19-7	Dimethoate (concentrations above 25%)	60-51-5
1,1-Dichloropropane	78-99-9	3,3'-Dimethoxybenzidine	119-90-4
1,2-Dichloropropane	78-87-5	3,3'-Dimethoxybenzidine dihydrochloride	20325-40-0
1,3-Dichloropropane	142-28-9	3,3'-Dimethoxybenzidine-4,4'-diisocyanate	91-93-0
trans-1,3-Dichloropropane	10061-02-6	3,3'-Dimethoxybenzidine hydrochloride	111984-09-9
Dichloropropane-Dichloropropene (mixture)	8003-19-8	Dimethylamine	124-40-3
Dichloropropene(s) (mixtures)	26952-23-8	Dimethylamine dicamba	2300-66-5
1,3-Dichloropropene	542-75-6	4-Dimethylaminoazobenzene	60-11-7
2,3-Dichloropropene	78-88-6	2-(Dimethylamino-N-hydroxy-2- oxo)ethanimidothioic acid, methyl ester	30558-43-1
2,2-Dichloropropionic acid	75-99-0	Dimethylaniline	121-69-7
Dichlorotetrafluoroethane (CFC-114)	76-14-2	7,12-Dimethylbenzanthracene	57-97-6
Dichlorotrifluoroethane*	34077-87-7	3,3'-Dimethylbenzidine	119-93-7
1,1-Dichloro-1,2,2-trifluoroethane (HCFC- 123b)*	812-04-4	Dimethylcarbaryl chloride	79-44-7
Dichloro-1,1,2-trifluoroethane*	90454-18-5	Dimethyldichlorosilane	75-78-5
1,2-Dichloro-1,1,2-trifluoroethane (HCFC- 123a)*	354-23-4	3,3'-Dimethyl-4,4'-diphenylene diisocyanate	91-97-4
2,2-Dichloro-1,1,1-trifluoroethane (HCFC-123)*	306-83-2	3,3'-Dimethyldiphenylmethane-4,4'-diisocyanate	139-25-3
4,5-Dichloro-2-(trifluoromethyl)benzimidazole	3615-21-2	O-((2,4-Dimethyl-1,3-dithiolan-2- yl)methylene)amino)methyl carbamic acid	26419-73-8
Dichlorosilane	4109-96-0	N,N-Dimethylformamide	68-12-2
Dichlorotetrafluoroethane (CFC-114) *	76-14-2	1,1-Dimethylhydrazine	57-14-7
Dichlorvos (concentrations above 3%)	62-73-7	1,2-Dimethylhydrazine	540-73-8
Diclofop methyl	51338-27-3	alpha,alpha-Dimethylphenethylamine	122-09-8
Dicofol	115-32-2	2,4 Dimethylphenol	105-67-9
Dicrotophos	141-66-2	Dimethyl-p-phenylenediamine	99-98-9
Dicyclopentadiene	77-73-6	Dimethyl phosphorochloridothioate	2524-03-0
Dieldrin	60-57-1	Dimethyl phthalate	131-11-3
Diepoxybutane	1464-53-5	2,2-Dimethylpropane*	463-82-1
Diesel/Fuel or #2 heating oil	68476-34-6	Dimethyl sulfate	77-78-1
Diethanolamine	111-42-2	Dimetilan	644-64-4
Diethatyl ethyl	38727-55-8	Dinitrobenzene (mixed isomers)	25154-54-5
Diethylamine	109-89-7	m-Dinitrobenzene	99-65-0
N,N-Diethylaniline	91-66-7	o-Dinitrobenzene	528-29-0
Diethylarsine	692-42-2	p-Dinitrobenzene	100-25-4
Diethyl chlorophosphate	814-49-3	4,6-Dinitro-o-cresol, and salts	534-52-1
Diethyldiisocyanatobenzene	134190-37-7	Dinitrophenol (mixed isomers)	25550-58-7
		2,4 Dinitrophenol	51-28-5
		2,5 Dinitrophenol	329-71-5
		2,6 Dinitrophenol	573-56-8
		Dinitrotoluene (mixed isomers)	25321-14-6
		2,4-Dinitrotoluene	121-14-2
		2,6-Dinitrotoluene	606-20-2

Name	CAS Number	Name	CAS Number
3,4-Dinitrotoluene	610-39-9	Ethylene dibromide*	106-93-4
Dinocap	39300-45-3	Ethylene dichloride	107-06-2
Dinoseb	88-85-7	Ethylene fluorohydrin	371-62-0
Dinoterb	1420-07-1	Ethylene glycol	107-21-1
Di-n-octyl phthalate	117-84-0	Ethylene oxide	75-21-8
1,4-Dioxane	123-91-1	Ethylenimine	151-56-4
Dioxathion	78-34-2	Ethyl ether*	60-29-7
Dioxin and dioxin-like compounds	*****	Ethyl mercaptan	75-08-1
Diphacinone (concentrations above 3%)	82-66-6	Ethyl methacrylate	97-63-2
Diphenamid	957-51-7	Ethyl methanesulfonate	62-50-0
Diphenylamine	122-39-4	Ethyl nitrite*	109-95-5
1,2-Diphenylhydrazine	122-66-7	Ethylthiocyanate	542-90-5
Dipotassium endothall	2164-07-0	F001: The following spent halogenated solvents used in degreasing; all spent solvent mixtures/blends used in degreasing containing, before use, a total of ten percent or more (by volume) of one or more of the halogenated solvents listed below or those solvents listed in F002, F004, and F005; and still bottoms from the recovery of these spent solvents and spent solvent mixtures: (a) tetrachloroethylene; (b) trichloroethylene; (c) methylene chloride; (d) 1,1,1-trichloroethane; (e) carbon tetrachloride; (f) chlorinated fluorocarbons	*****
Dipropylamine	142-84-7	F002: The following spent halogenated solvents; all spent solvent mixtures/blends containing, before use, a total of ten percent or more (by volume) of one or more of the halogenated solvents listed below or those solvents listed in F001, F004, or F005; and still bottoms from the recovery of these spent solvents and spent solvent mixtures: (a) tetrachloroethylene; (b) methylene chloride; (c) trichloroethylene; (d) 1,1,1-trichloroethane; (e) chlorobenzene; (f) 1,1,2-trichloro-1,2,2-trifluoroethane; (g) o-dichlorobenzene; (h) trichlorofluoromethane; (i) 1,1,2-trichloroethane	*****
Dipropyl isocinchomeronate	136-45-8	F003: The following spent non-halogenated solvents and the still bottoms from the recovery of these solvents: (a) xylene; (b) acetone; (c) ethyl acetate; (d) ethylbenzene; (e) ethyl ether; (f) methyl isobutyl ketone; (g) n-butyl alcohol; (h) cyclohexanone; (i) methanol	*****
Diquat	2764-72-9	F004: The following spent non-halogenated solvents and the still bottoms from the recovery of these solvents: (a) cresols/cresylic acid; (b) nitrobenzene	*****
Diquat bromide	85-00-7	F005: The following spent non-halogenated solvents and the still bottoms from the recovery of these solvents: (a) toluene; (b) methyl ethyl ketone; (c) carbon disulfide; (d) isobutanol; (e) pyridine	*****
Disodium cyanodithioimidocarbonate	138-93-2	F006: Wastewater treatment sludges from electroplating operations except from the following processes: (1) sulfuric acid anodizing of aluminum; (2) tin plating on carbon steel; (3) zinc plating (segregated basis) on carbon steel; (4) aluminum or zinc-aluminum plating on carbon steel; (5) cleaning/stripping associated with tin, zinc and aluminum plating on carbon steel; and (6) chemical etching and milling of aluminum.	*****
Disulfoton (concentrations above 2%)	298-04-4		
Dithiazanine iodide	514-73-8		
Dithiobiuret	541-53-7		
Diuron	330-54-1		
Dodecylbenzenesulfonic acid	27176-87-0		
Dodine	2439-10-3		
Emetine dihydrochloride	316-42-7		
Endosulfan	115-29-7		
alpha-Endosulfan	959-98-8		
beta-Endosulfan	33213-65-9		
Endosulfan metabolites	*****		
Endosulfan sulfate	1031-07-8		
Endothall	145-73-3		
Endothion	2778-04-3		
Endrin	72-20-8		
Endrin aldehyde	7421-93-4		
Endrin metabolites	*****		
Epichlorohydrin	106-89-8		
Epinephrine	51-43-4		
EPN	2104-64-5		
Ergocalciferol	50-14-6		
Ergotamine tartrate	379-79-3		
Ethane*	74-84-0		
1,2-Ethanedithiolbiscarbamodithioic acid	111-54-6		
Ethion (concentrations above 6% granular and 3% other formulations)	563-12-2		
Ethoprophos	13194-48-4		
2-Ethoxyethanol	110-80-5		
Ethyl acetate	141-78-6		
Ethyl acetylene*	107-00-6		
Ethyl acrylate	140-88-5		
Ethylamine	75-04-7		
Ethylbenzene	100-41-4		
Ethylbis(2-chloroethyl)amine	538-07-8		
Ethyl chloroformate	541-41-3		
Ethyl-S-dimethylaminoethyl methylphosphonothiolate	50782-69-9		
Ethyl dipropylthiocarbamate (EPTC)	759-94-4		
Ethylene*	74-85-1		
Ethylenebisdithiocarbamic acid, salts and esters	*****		
N,N'-Ethylene bis(3-fluorosalicilideneiminato)cobalt(II)	62207-76-5		
Ethylenediamine	107-15-3		
Ethylenediamine-tetraacetic acid (EDTA)	60-00-4		

<u>Name</u>	<u>CAS Number</u>	<u>Name</u>	<u>CAS Number</u>
Potassium chromate	7789-00-6	Semicarbazide hydrochloride	563-41-7
Potassium cyanide	151-50-8	Sethoxydim	74051-80-2
Potassium dimethyldithiocarbamate	128-03-0	Silane*	7803-62-5
Potassium hydroxide	1310-58-3	Silver	7440-22-4
Potassium N-methyldithiocarbamate	137-41-7	Silver compounds	*****
Potassium perchlorate	7778-74-7	Silver cyanide	506-64-9
Potassium permanganate	7722-64-7	Silver nitrate	7761-88-8
Potassium silver cyanide	506-61-6	Silvex	93-72-1
Profenofos	41198-08-7	Simazine	122-34-9
Promecarb	2631-37-0	Sodium	7440-23-5
Prometryn	7287-19-6	Sodium arsenate	7631-89-2
Pronamide	23950-58-5	Sodium arsenite	7784-46-5
Propachlor	1918-16-7	Sodium azide (concentrations above 0.5%)	26628-22-8
Propadiene*	463-49-0	Sodium bichromate	10588-01-9
2-Propanamine	75-31-0	Sodium bifluoride	1333-83-1
1-Propanamine	107-10-8	Sodium bisulfite	7631-90-5
Propane*	74-98-6	Sodium cacodylate	124-65-2
1,3-Propane sultone	1120-71-4	Sodium chromate	7775-11-3
Propanil	709-98-8	Sodium cyanide	143-33-9
Propargite	2312-35-8	Sodium dicamba	1982-69-0
Propargyl alcohol	107-19-7	Sodium dimethyldithiocarbamate	128-04-1
Propargyl bromide	106-96-7	Sodium dodecylbenzenesulfonate	25155-30-0
Propetamphos	31218-83-4	Sodium fluoride	7681-49-4
Propham	122-49-9	Sodium fluoroacetate	62-74-8
Propiconazole	60207-90-1	Sodium hexametaphosphate	10124-56-8
beta-Propiolactone	57-57-8	Sodium hydrosulfide	16721-80-5
Propionaldehyde	123-38-6	Sodium hydroxide	1310-73-2
Propionic acid	79-09-4	Sodium hypochlorite	7681-52-9
Propionic anhydride	123-62-6	Sodium hypochlorite, pentahydrate	10022-70-5
Propionitrile	107-12-0	Sodium methylate	124-41-4
Propoxur (concentrations above 2%)	114-26-1	Sodium nitrite	7632-00-0
Propyl chloroformate	109-61-5	Sodium pentachlorophenate	131-52-2
Propylene*	115-07-1	Sodium perchlorate	7601-89-0
Propyleneimine	75-55-8	Sodium o-phenylphenoxide	132-27-4
Propylene oxide	75-56-9	Sodium phosphate dibasic	7558-79-4
Propyne*	74-99-7		10028-24-7
Prosulfocarb	52888-80-9	Sodium selenate	13410-01-0
Prothoate	2275-18-5	Sodium selenite	7782-82-3
Pyrene	129-00-0		10102-18-8
Pyrethrin I	121-21-1	Sodium tellurite	10102-20-2
Pyrethrin II	121-29-9	Streptozotocin	18883-66-4
Pyrethrum	8003-34-7	Strobane	8001-50-1
Pyridine	110-86-1	Strontium chromate	7789-06-2
Pyriminil	53558-25-1	Strychnine	57-24-9
Quinoline	91-22-5	Strychnine salts	*****
Quinone	106-51-4	Strychnine, sulfate	60-41-3
Quizalofop-ethyl	76578-14-8	Styrene	100-42-5
Radionuclides	*****	Styrene oxide	96-09-3
Reserpine	50-55-5	Sulfotep	3689-24-5
Resmethrin	10453-86-8	Sulfur chloride	12771-08-3
Resorcinol	108-46-3	Sulfur dioxide	7446-09-5
Saccharin	81-07-2	Sulfuric acid	7664-93-9
Saccharin salts	*****		8014-95-7
Safrole	94-59-7	Sulfur tetrafluoride	7783-60-0
Salcomine	14167-18-1	Sulfur trioxide	7446-11-9
Sarin	107-44-8	Sulfuryl fluoride	2699-79-8
Selenium	7782-49-2	Sulprofos	35400-43-2
Selenium compounds	*****	2,4,5-T amines	1319-72-8
Selenium dioxide	7446-08-4		2008-46-0
Selenium oxychloride	7791-23-3		3813-14-7
Selenium sulfide	7488-56-4		6369-96-6
Selenous acid	7783-00-8		6369-97-7

Name	CAS Number	Name	CAS Number
2,4,5-T sodium salt	13560-99-1	p-Toluidine	106-49-0
Tabun	77-81-6	o-Toluidine hydrochloride	636-21-5
Tebuthiuron	34014-18-1	Toxaphene	8001-35-2
Tellurium hexafluoride	7783-80-4	Triadimefon	43121-43-3
Temephos	3383-96-8	Triallate	2303-17-5
Terbacil	902-51-2	Triamiphos	1031-47-6
Terbufos	13071-79-9	Triaziquone	68-76-8
Tetrabromobisphenol A	79-94-7	Triazofos	24017-47-8
1,2,4,5-Tetrachlorobenzene	95-94-3	Tribasic sodium phosphate dodecahydrate	10101-89-0
2,3,7,8-Tetrachlorodibenzo-p-dioxin (TCDD)	1746-01-6	Tribenuron methyl	101200-48-0
1,1,1,2-Tetrachloroethane	630-20-6	Tributyltin fluoride	1983-10-4
1,1,2,2-Tetrachloroethane	79-34-5	Tributyltin methacrylate	2155-70-6
Tetrachloroethylene	127-18-4	S,S,S-Tributyltrithiophosphate	78-48-8
1,1,1,2-Tetrachloro-2-fluoroethane (HCFC-121a)*	354-11-0	Trichlorfon (concentrations above 15%)	52-68-6
1,1,2,2-Tetrachloro-1-fluoroethane (HCFC-121)*	354-14-3	Trichloroacetaldehyde	75-87-6
2,3,4,6-Tetrachlorophenol	58-90-2	Trichloroacetyl chloride	76-02-8
Tetrachlorvinphos	961-11-5	1,2,4-Trichlorobenzene	120-82-1
Tetracycline hydrochloride	64-75-5	Trichloro(chloromethyl)silane	1558-25-4
Tetraethyllead	78-00-2	Trichloro(dichlorophenyl)silane	27137-85-5
Tetraethylpyrophosphate (TEPP)	107-49-3	1,1,1-Trichloroethane	71-55-6
Tetraethyltin	597-64-8	1,1,2-Trichloroethane	79-00-5
Tetrafluoroethylene*	116-14-3	Trichloroethylene	79-01-6
Tetrahydrofuran	109-99-9	Trichloroethylsilane	115-21-9
Tetramethrin	7696-12-0	Trichlorofluoromethane (CFC-11)*	76-69-4
Tetramethyllead	75-74-1	Trichlorofluoromethane (CFC-11)	75-69-4
Tetramethylsilane*	75-76-3	Trichloronate	327-98-0
Tetranitromethane	509-14-8	Trichlorophenol	25167-82-2
Thallic oxide	1314-32-5	2,3,4-Trichlorophenol	15950-66-0
Thallium	7440-28-0	2,3,5-Trichlorophenol	933-78-8
Thallium(I) acetate	563-68-8	2,3,6-Trichlorophenol	933-75-5
Thallium compounds	*****	2,4,5-Trichlorophenol	95-95-4
Thallium(I) nitrate	10102-45-1	2,4,6-Trichlorophenol	88-06-2
Thallium(I) selenide	12039-52-0	3,4,5-Trichlorophenol	609-19-8
Thallium sulfate	10031-59-1	2,4,5-Trichlorophenoxyacetic acid (2,4,5-T)	93-76-5
Thallos carbonate	6533-73-9	2,4,5-Trichlorophenoxyacetic acid butyl ester	93-79-8
Thallos chloride	7791-12-0	2,4,5-Trichlorophenoxyacetic acid 2-butyloxyethyl ester	2545-59-7
Thallos malonate	2757-18-8	2,4,5-Trichlorophenoxyacetic acid 2-ethylhexyl ester	1928-47-8
Thallos sulfate	7446-18-6	2,4,5-Trichlorophenoxyacetic acid isooctyl ester	25168-15-4
Thiabendazole	148-79-8	2,4,5-Trichlorophenoxyacetic acid 1-methyl propyl ester	61792-07-2
Thioacetamide	62-55-5	2-(2,4,5-Trichlorophenoxy)propanoic acid isooctyl ester	32534-95-5
Thiobencarb	28249-77-6	Trichlorophenylsilane	98-13-5
2,2'-Thiobis(4-chloro-6-methyl)phenol	4418-66-0	1,2,3-Trichloropropane	96-18-4
Thiocarbazine	2231-57-4	Trichlorosilane	10025-78-2
4,4'-Thiodianiline	139-65-1	Triclopyr triethylammonium salt	57213-69-1
Thiodicarb	59669-26-0	Triethanolamine dodecylbenzene sulfonate	27323-41-7
Thiofanox	39196-18-4	Triethoxysilane	998-30-1
Thionazin	297-97-2	Triethylamine	121-44-8
Thiophanate ethyl	23564-06-9	Trifluoroethoxyethylene	79-38-9
Thiophanate methyl	23564-05-8	3-(Trifluoromethyl)benzenamine	98-16-8
Thiosemicarbazide	79-19-6	Trifluralin	1582-09-8
Thiourea	62-56-6	Triforine	26644-46-2
Thiram	137-26-8	Trimethylamine	75-50-3
Thorium dioxide	1314-20-1	2,4,6-Trimethylaniline	88-05-1
Titanium tetrachloride	7550-45-0	1,2,4-Trimethylbenzene	95-63-6
o-Tolidine dihydrochloride	612-82-2	Trimethylchlorosilane	75-77-4
o-Tolidine dihydrofluoride	41766-75-0	2,2,4-Trimethylhexamethylene diisocyanate	16938-22-0
Toluene	108-88-3	2,4,4-Trimethylhexamethylene diisocyanate	15646-96-5
Toluene diisocyanate (mixed isomers)	26471-62-5	Trimethylolpropane phosphite	824-11-3
Toluene-2,4-diisocyanate	584-84-9		
Toluene-2,6-diisocyanate	91-08-7		
o-Toluidine	95-53-4		

CAS Number	Name	CAS Number	Name
*****	Strychnine salts	60-41-3	Strychnine, sulfate
*****	Thallium compounds	60-51-5	Dimethoate (concentrations above 25%)
*****	Used Petroleum oil	60-57-1	Dieldrin
*****	Vanadium compounds	61-82-5	Amitrole
*****	Warfarin salts (concentrations above 3%)	62-38-4	Phenylmercuric acetate
*****	Zinc compounds	62-44-2	Phenacetin
50-00-0	Formaldehyde	62-50-0	Ethyl methanesulfonate
50-07-7	Mitomycin C	62-53-3	Aniline (and salts)
50-14-6	Ergocalciferol	62-55-5	Thioacetamide
50-18-0	Cyclophosphamide	62-56-6	Thiourea
50-29-3	Dichlorodiphenyltrichloroethane (DDT)	62-73-7	Dichlorvos (concentrations above 3%)
50-32-8	Benzopyrene	62-74-8	Sodium fluoroacetate
50-55-5	Reserpine	62-75-9	N-Nitrosodimethylamine
51-03-6	Piperonyl butoxide	63-25-2	Carbaryl
51-21-8	Fluorouracil	64-00-6	3-(1-Methylethyl)phenol methylcarbamate
51-28-5	2,4-Dinitrophenol	64-18-6	Formic acid
51-43-4	Epinephrine	64-19-7	Acetic acid
51-75-2	Nitrogen mustard	64-67-5	Diethyl sulfate
51-79-6	Urethane	64-75-5	Tetracycline hydrochloride
51-83-2	Carbachol chloride	64-86-8	Colchicine
52-68-6	Trichlorfon (concentrations above 15%)	65-30-5	Nicotine sulfate
52-85-7	Famphur	65-85-0	Benzoic acid
53-70-3	Dibenzanthracene	66-75-1	Uracil mustard
53-96-3	2-Acetylaminofluorene	66-81-9	Cycloheximide
54-11-5	Nicotine	67-56-1	Methanol
54-62-6	Aminopterin	67-63-0	Isopropyl alcohol
55-18-5	N-Nitrosodiethylamine	67-64-1	Acetone
55-21-0	Benzamide	67-66-3	Chloroform
55-38-9	Fenthion (conc. above 0.5%)	67-72-1	Hexachloroethane
55-63-0	Nitroglycerin	68-12-2	N,N-Dimethylformamide
55-91-4	Isoflurphate	68-76-8	Triaziquone
56-04-2	Methylthiouracil	70-25-7	N-Methyl-N'-nitro-N-nitrosoguanidine
56-23-5	Carbon tetrachloride	70-30-4	Hexachlorophene
56-25-7	Cantharidin	70-69-9	p-Aminopropiophenone
56-35-9	Bis(tributyltin) oxide	71-36-3	n-Butyl alcohol
56-38-2	Parathion	71-43-2	Benzene
56-49-5	3-Methylcholanthrene	71-55-6	1,1,1-Trichloroethane
56-53-1	Diethylstilbestrol	71-63-6	Digitoxin
56-55-3	Benzanthracene	72-20-8	Endrin
56-72-4	Coumaphos (concentrations above 5%)	72-43-5	Methoxychlor
57-12-5	Cyanide	72-54-8	Dichlorodipenyldichloroethane (DDD)
57-14-7	1,1-Dimethylhydrazine	72-55-9	1,1-Dichloro-2,2-bis(p-chlorophenyl)ethylene (DDE)
57-24-9	Strychnine	72-57-1	Trypan blue
57-33-0	Pentobarbital sodium	74-45-6	Chlorodifluoromethane (HCFC-22)*
57-41-0	Phenytoin	74-82-8	Methane*
57-47-6	Physostigmine	74-83-9	Methyl bromide
57-57-8	beta-Propiolactone	74-84-0	Ethane*
57-64-7	Physostigmine salicylate (1:1)	74-85-1	Ethylene*
57-74-9	Chlordane	74-86-2	Acetylene*
57-97-6	7,12-Dimethylbenzanthracene	74-87-3	Methyl chloride
58-36-6	10,10'-Oxybisphenoxarsine	74-88-4	Methyl iodide
58-89-9	Lindane (concentrations above 20%)	74-89-5	Methylamine
58-90-2	2,3,4,6-Tetrachlorophenol	74-90-8	Hydrogen cyanide
59-50-7	4-Chloro-m-cresol	74-93-1	Methyl mercaptan
59-88-1	Phenylhydrazine hydrochloride	74-95-3	Methylene bromide
59-89-2	N-Nitrosomorpholine	74-98-6	Propane*
60-00-4	Ethylenediamine-tetraacetic acid (EDTA)	74-99-7	Propyne*
60-09-3	4-Aminoazobenzene	75-00-3	Chloroethane
60-11-7	4-Dimethylaminoazobenzene	75-01-4	Vinyl chloride*
60-29-7	Ethyl ether*	75-02-5	Vinyl fluoride*
60-34-4	Methyl hydrazine	75-04-7	Ethylamine
60-35-5	Acetamide		

<u>CAS Number</u>	<u>Name</u>	<u>CAS Number</u>	<u>Name</u>
75-05-8	Acetonitrile	78-83-1	iso-Butyl alcohol
75-07-0	Acetaldehyde	78-84-2	iso-Butyraldehyde
75-08-1	Ethyl mercaptan	78-87-5	1,2-Dichloropropane
75-09-2	Methylene chloride	78-88-6	2,3-Dichloropropene
75-15-0	Carbon disulfide	78-92-2	sec-Butyl alcohol
75-19-4	Cyclopropane*	78-93-3	Methyl ethyl ketone
75-20-7	Calcium carbide	78-94-4	Methyl vinyl ketone
75-21-8	Ethylene oxide	78-97-7	Lactonitrile
75-25-2	Bromoform	78-99-9	1,1-Dichloropropane
75-27-4	Dichlorobromomethane	79-00-5	1,1,2-Trichloroethane
75-28-5	iso-Butane*	79-01-6	Trichloroethylene
75-29-6	Isopropyl chloride*	79-06-1	Acrylamide
75-31-0	2-Propanamine	79-09-4	Propionic acid
75-34-3	1,1-Dichloroethane	79-10-7	Acrylic acid
75-35-4	Vinylidene chloride*	79-11-8	Chloroacetic acid
75-36-5	Acetyl chloride	79-19-6	Thiosemicarbazide
75-37-6	Difluoroethane	79-21-0	Peroxyacetic acid
75-38-7	Vinylidene fluoride*	79-22-1	Methyl chloroformate
75-43-4	Dichlorofluoromethane (HCFC-21)*	79-31-2	iso-Butyric acid
75-44-5	Phosgene	79-34-5	1,1,2,2-Tetrachloroethane
75-50-3	Trimethylamine	79-38-9	Trifluorochloethylene
75-55-8	Propyleneimine	79-44-7	Dimethylcarbanyl chloride
75-56-9	Propylene oxide	79-46-9	2 Nitropropane
75-60-5	Cacodylic acid	79-94-7	Tetrabromobisphenol A
75-63-8	Bromotrifluoromethane (Halon 1301)*	80-05-7	Bisphenol A
75-64-9	tert-Butylamine	80-15-9	Cumene hydroperoxide
75-65-0	tert-Butyl alcohol	80-62-6	Methyl methacrylate
75-68-3	1-Chloro-1,1-difluoroethane (HCFC-142b)*	80-63-7	Methyl 2-chloroacrylate
75-69-4	Trichlorofluoromethane (CFC-11)*	81-07-2	Saccharin
75-71-8	Dichlorodifluoromethane (CFC-12)*	81-81-2	Warfarin (concentrations above 3%)
75-72-9	Chlorotrifluoromethane (CFC-13)*	81-88-9	C.I. Food Red 15
75-74-1	Tetramethyllead	82-28-0	1-Amino-2-methylantraquinone
75-76-3	Tetramethylsilane*	82-66-6	Diphacinone (concentrations above 3%)
75-77-4	Trimethylchlorosilane	82-68-8	Pentachloronitrobenzene
75-78-5	Dimethyldichlorosilane	83-32-9	Acenaphthene
75-79-6	Methyltrichlorosilane	84-66-2	Diethyl phthalate
75-86-5	Acetone cyanohydrin	84-74-2	Dibutyl phthalate
75-87-6	Trichloroacetaldehyde	85-00-7	Diquat bromide
75-88-7	2-Chloro-1,1,1-trifluoroethane (HCFC-133a)*	85-01-8	Phenanthrene
75-99-0	2,2-Dichloropropionic acid	85-44-9	Phthalic anhydride
76-01-7	Pentachloroethane	85-68-7	Butyl benzyl phthalate
76-02-8	Trichloroacetyl chloride	86-30-6	N-Nitrosodiphenylamine
76-06-2	Chloropicrin	86-50-0	Azinphos-methyl
76-13-1	Freon 113	86-73-7	Fluorene
76-14-2	Dichlorotetrafluoroethane (CFC-114)*	86-88-4	ANTU (concentrations above 4%)
76-15-3	Chloropentafluoroethane (CFC-115)*	87-62-7	2,6 Xylidine
76-44-8	Heptachlor	87-65-0	2,6-Dichlorophenol
76-87-9	Triphenyltin hydroxide (conc. above 10%)	87-68-3	Hexachlorobutadiene
77-47-4	Hexachlorocyclopentadiene	87-86-5	Pentachlorophenol (concentrations above 5%)
77-73-6	Dicyclopentadiene	88-05-1	2,4,6-Trimethylaniline
77-78-1	Dimethyl sulfate	88-06-2	2,4,6-Trichlorophenol
77-81-6	Tabun	88-72-2	o-Nitrotoluene
78-00-2	Tetraethyllead	88-75-5	o-Nitrophenol
78-34-2	Dioxathion	88-85-7	Dinoseb
78-48-8	S,S,S-Tributyltrithiophosphate	88-89-1	Picric acid, dry or wetted with less than 30% water by mass
78-53-5	Amiton	90-04-0	o-Anisidine
78-59-1	Isophorone	90-43-7	2-Phenylphenol
78-71-7	3,3-Bis(chloromethyl)oxetane	90-94-8	Michler's ketone
78-78-4	iso-Pentane*	91-08-7	Toluene-2,6-diisocyanate
78-79-5	Isoprene*	91-20-3	Naphthalene
78-81-9	iso-Butylamine	91-22-5	Quinoline
78-82-0	Isobutyronitrile		

CAS Number	Name	CAS Number	Name
91-58-7	2-Chloronaphthalene	99-99-0	p-Nitrotoluene
91-59-8	2-Naphthylamine	100-01-6	p-Nitroaniline
91-66-7	N,N-Diethylaniline	100-02-7	p-Nitrophenol
91-80-5	Methapyrilene	100-14-1	1-Chloromethyl-4-nitrobenzene
91-93-0	3,3'-Dimethoxybenzidine-4,4'-diisocyanate	100-25-4	p-Dinitrobenzene
91-94-1	3,3'-Dichlorobenzidine	100-41-4	Ethylbenzene
91-97-4	3,3'-Dimethyl-4,4'-diphenylene diisocyanate	100-42-5	Styrene
92-52-4	Biphenyl	100-44-7	Benzyl chloride
92-67-1	4-Aminobiphenyl	100-47-0	Benzonitrile
92-87-5	Benzidine	100-75-4	N-Nitrosopiperidine
92-93-3	4-Nitrobiphenyl	101-05-3	Anilazine
93-65-2	Mecoprop	101-14-4	4,4'-Methylenebis(2-chloroaniline)
93-72-1	Silvex	101-27-9	Barban
93-76-5	2,4,5-Trichlorophenoxyacetic acid (2,4,5-T)	101-55-3	4-Bromophenyl phenyl ether
93-79-8	2,4,5-Trichlorophenoxyacetic acid butyl ester	101-61-1	4,4'-Methylenebis(N,N-dimethyl)benzenamine
94-11-1	2,4-Dichlorophenoxyacetic acid isopropyl ester	101-68-8	Methylenebis(phenylisocyanate)
94-36-0	Benzoyl peroxide	101-77-9	4,4'-Methylenedianiline
94-58-6	Dihydrosafrole	101-80-4	4,4'-Diaminodiphenyl ether
94-59-7	Safrole	101-90-6	Diglycidyl resorcinol ether
94-74-6	Methoxone	102-36-3	Isocyanic acid, 3,4-dichlorophenyl ester
94-75-7	2,4-Dichlorophenoxyacetic acid (2,4-D) (concentrations above 20%)	103-85-5	Phenylthiourea
94-79-1	2,4-Dichlorophenoxyacetic acid sec-butyl ester	104-12-1	p-Chlorophenyl isocyanate
94-80-4	2,4-Dichlorophenoxyacetic acid n-butyl ester	104-49-4	1,4-Phenylene diisocyanate
94-82-6	4-(2,4-Dichlorophenoxy)butyric acid	104-94-9	p-Anisidine
95-47-6	o-Xylene	105-46-4	sec-Butyl acetate
95-48-7	o-Cresol	105-67-9	2,4-Dimethylphenol
95-50-1	o-Dichlorobenzene	106-42-3	p-Xylene
95-53-4	o-Toluidine	106-44-5	p-Cresol
95-54-5	1,2-Phenylenediamine	106-46-7	p-Dichlorobenzene
95-57-8	o-Chlorophenol	106-47-8	p-Chloroaniline
95-63-6	1,2,4-Trimethylbenzene	106-49-0	p-Toluidine
95-69-2	p-Chloro-o-toluidine	106-50-3	p-Phenylenediamine
95-80-7	2,4-Diaminotoluene	106-51-4	Quinone
95-94-3	1,2,4,5-Tetrachlorobenzene	106-88-7	1,2-Butylene oxide
95-95-4	2,4,5-Trichlorophenol	106-89-8	Epichlorohydrin
96-09-3	Styrene oxide	106-93-4	Ethylene dibromide*
96-12-8	1,2-Dibromo-3-chloropropane	106-96-7	Propargyl bromide
96-18-4	1,2,3-Trichloropropane	106-97-8	Butane*
96-33-3	Methyl acrylate	106-98-9	1-Butene*
96-45-7	2 Imidazolidinethione	106-99-0	1,3-Butadiene
97-23-4	Dichlorophene	107-00-6	Ethyl acetylene*
97-56-3	C.I. Solvent Yellow 3	107-01-7	2-Butene*
97-63-2	Ethyl methacrylate	107-02-8	Acrolein
98-01-1	Furfural	107-05-1	Allyl chloride
98-05-5	Benzenearsonic acid	107-06-2	Ethylene dichloride
98-07-7	Benzotrithloride	107-07-3	Chloroethanol
98-09-9	Benzenesulfonyl chloride	107-10-8	1-Propanamine
98-13-5	Trichlorophenylsilane	107-11-9	Allyl amine
98-16-8	3-(Trifluoromethyl)benzenamine	107-12-0	Propionitrile
98-82-8	Cumene	107-13-1	Acrylonitrile
98-86-2	Acetophenone	107-15-3	Ethylenediamine
98-87-3	Benzal chloride	107-16-4	Formaldehyde cyanohydrin
98-88-4	Benzoyl chloride	107-18-6	Allyl alcohol
98-95-3	Nitrobenzene	107-19-7	Propargyl alcohol
99-08-1	m-Nitrotoluene	107-20-0	Chloroacetaldehyde
99-30-9	Dichloran	107-21-1	Ethylene glycol
99-35-4	1,3,5-Trinitrobenzene	107-25-5	Vinyl methyl ether*
99-55-8	5-Nitro-o-toluidine	107-30-2	Chloromethyl methyl ether
99-59-2	5-Nitro-o-anisidine	107-31-3	Methyl formate*
99-65-0	m-Dinitrobenzene	107-44-8	Sarin
99-98-9	Dimethyl-p-phenylenediamine	107-49-3	Tetraethylpyrophosphate (TEPP)
		107-92-6	Butyric acid

CAS Number	Name	CAS Number	Name
108-05-4	Vinyl acetate	119-38-0	Isopropylmethylpyrazolyl dimethylcarbamate
108-10-1	Methyl isobutyl ketone	119-90-4	3,3'-Dimethoxybenzidine
108-23-6	Isopropyl chloroformate	119-93-7	3,3'-Dimethylbenzidine
108-24-7	Acetic anhydride	120-12-7	Anthracene
108-31-6	Maleic anhydride	120-36-5	2-(2,4-Dichlorophenoxy)propionic acid
108-38-3	m-Xylene	120-58-1	Isosafrole
108-39-4	m-Cresol	120-71-8	p-Cresidine
108-45-2	1,3-Phenylenediamine	120-80-9	Catechol
108-46-3	Resorcinol	120-82-1	1,2,4-Trichlorobenzene
108-60-1	Bis(2-chloroisopropyl)ether	120-83-2	2,4-Dichlorophenol
108-88-3	Toluene	121-14-2	2,4-Dinitrotoluene
108-90-7	Chlorobenzene	121-21-1	Pyrethrin I
108-91-8	Cyclohexylamine	121-29-9	Pyrethrin II
108-93-0	Cyclohexanol	121-44-8	Triethylamine
108-94-1	Cyclohexanone	121-69-7	Dimethylaniline
108-95-2	Phenol	121-75-5	Malathion
108-98-5	Benzenethiol	122-09-8	alpha,alpha-Dimethylphenethylamine
109-06-8	2-Picoline	122-34-9	Simazine
109-61-5	Propyl chloroformate	122-39-4	Diphenylamine
109-66-0	Pentane*	122-49-9	Propham
109-67-1	1-Pentene*	122-66-7	1,2-Diphenylhydrazine
109-73-9	Butylamine	123-31-9	Hydroquinone
109-77-3	Malononitrile	123-33-1	Maleic hydrazide
109-86-4	2-Methoxyethanol	123-38-6	Propionaldehyde
109-89-7	Diethylamine	123-61-5	1,3-Phenylene diisocyanate
109-92-2	Vinyl ethyl ether*	123-62-6	Propionic anhydride
109-95-5	Ethyl nitrite*	123-63-7	Paraldehyde
109-99-9	Tetrahydrofuran	123-72-8	Butyraldehyde
110-00-9	Furan	123-73-9	Crotonaldehyde, (E)-
110-16-7	Maleic acid	123-86-4	n-Butyl acetate
110-17-8	Fumaric acid	123-91-1	1,4-Dioxane
110-19-0	iso-Butyl acetate	123-92-2	iso-Amyl acetate
110-54-3	n-Hexane	124-04-9	Adipic acid
110-57-6	trans-1,4-Dichlorobutene	124-40-3	Dimethylamine
110-75-8	2-Chloroethyl vinyl ether	124-41-4	Sodium methylate
110-80-5	2-Ethoxyethanol	124-48-1	Chlorodibromomethane
110-82-7	Cyclohexane	124-65-2	Sodium cacodylate
110-86-1	Pyridine	124-73-2	Dibromotetrafluoroethane (Halon 2402)
110-89-4	Piperidine	124-87-8	Picrotoxin
111-42-2	Diethanolamine	126-72-7	Tris(2,3-dibromopropyl) phosphate
111-44-4	Dichloroethyl ether	126-98-7	Methylacrylonitrile
111-54-6	1,2-Ethanediyldibiscarbamodithioic acid	126-99-8	Chloroprene
111-69-3	Adiponitrile	127-18-4	Tetrachloroethylene
111-91-1	Bis(2-chloroethoxy) methane	127-82-2	Zinc phenolsulfonate
114-26-1	Propoxur (concentrations above 2%)	128-03-0	Potassium dimethyldithiocarbamate
115-02-6	Azaserine	128-04-1	Sodium dimethyldithiocarbamate
115-07-1	Propylene*	128-66-5	C.I. Vat Yellow 4
115-10-6	Methyl ether*	129-00-0	Pyrene
115-11-7	Methylpropene*	129-06-6	Warfarin sodium
115-21-9	Trichloroethylsilane	129-17-9	C.I. Acid Blue 1, sodium salt
115-26-4	Dimefox	130-15-4	1,4-Naphthalenedione
115-28-6	Chlorendic acid	131-11-3	Dimethyl phthalate
115-29-7	Endosulfan	131-52-2	Sodium pentachlorophenate
115-32-2	Dicofol	131-74-8	Ammonium picrate
115-90-2	Fensulfothion	131-89-5	2-Cyclohexyl-4,6-dinitrophenol
116-06-3	Aldicarb	132-27-4	Sodium o-phenylphenoxide
116-14-3	Tetrafluoroethylene*	132-64-9	Dibenzofuran
117-79-3	2-Aminoanthraquinone	133-06-2	Captan
117-80-6	Dichlone	133-07-3	Folpet
117-81-7	Di(2-ethylhexyl)phthalate (DEHP)	133-90-4	Chloramben
117-84-0	Di-n-octyl phthalate	134-29-2	o-Anisidine hydrochloride
118-74-1	Hexachlorobenzene	134-32-7	1-Naphthylamine

<u>CAS Number</u>	<u>Name</u>	<u>CAS Number</u>	<u>Name</u>
135-20-6	Cupferron	301-04-2	Lead acetate
136-45-8	Dipropyl isocinchomeronate	301-12-2	Oxydemeton methyl
137-26-8	Thiram	302-01-2	Hydrazine
137-30-4	Ziram	303-34-4	Lasiocarpine
137-41-7	Potassium N-methyldithiocarbamat	305-03-3	Chlorambucil
137-42-8	Metham sodium	306-83-2	2,2-Dichloro-1,1,1-trifluoroethane (HCFC-123)*
138-89-6	p-Nitrosodimethylaniline	309-00-2	Aldrin
138-93-2	Disodium cyanodithioimidocarbonate	311-45-5	Diethyl-p-nitrophenyl phosphate
139-13-9	Nitrilotriacetic acid	314-40-9	Bromacil
139-25-3	3,3'-Dimethyldiphenylmethane-4,4'-diisocyanate	315-18-4	Mexacarbate (concentrations above 2%)
139-65-1	4,4'-Thiodianiline	316-42-7	Emetine dihydrochloride
140-29-4	Benzyl cyanide	319-84-6	alpha-BHC
140-76-1	2-Methyl-5-vinylpyridine	319-85-7	beta-BHC
140-88-5	Ethyl acrylate	319-86-8	delta-BHC
141-32-2	Butyl acrylate	327-98-0	Trichloronate
141-66-2	Dicrotophos	329-71-5	2,5-Dinitrophenol
141-78-6	Ethyl acetate	330-54-1	Diuron
142-28-9	1,3-Dichloropropane	330-55-2	Linuron
142-59-6	Nabam	333-41-5	Diazinon (concentrations above 25%)
142-71-2	Cupric acetate	334-88-3	Diazomethane
142-84-7	Dipropylamine	353-42-4	Boron trifluoride compound with methyl ether (1:1) (conc. above 0.0005%)
143-33-9	Sodium cyanide	353-50-4	Carbonyl fluoride
143-50-0	Kepone	353-59-3	Bromochlorodifluoromethane (Halon 1211)*
144-49-0	Fluoroacetic acid	354-11-0	1,1,1,2-Tetrachloro-2-fluoroethane (HCFC-121a)*
145-73-3	Endothall	354-14-3	1,1,2,2-Tetrachloro-1-fluoroethane (HCFC-121)*
148-79-8	Thiabendazole	354-23-4	1,2-Dichloro-1,1,2-trifluoroethane (HCFC-123a)*
148-82-3	Melphalan	354-25-6	1-Chloro-1,1,2,2-tetrafluoroethane (HCFC-124a)*
149-30-4	2-Mercaptobenzothiazole	357-57-3	Brucine
149-74-6	Dichloromethylphenylsilane	359-06-8	Fluoroacetyl chloride
150-50-5	Merphos	371-62-0	Ethylene fluorohydrin
150-68-5	Monuron	379-79-3	Ergotamine tartrate
151-38-2	Methoxyethylmercuric acetate	422-44-6	1,2-Dichloro-1,1,2,3,3-pentafluoropropane (HCFC-225bb)*
151-50-8	Potassium cyanide	422-48-0	2,3-Dichloro-1,1,1,2,3-pentafluoropropane (HCFC-225ba)*
151-56-4	Ethylenimine	422-56-0	3,3-Dichloro-1,1,1,2,2-pentafluoropropane (HCFC-225ca)*
152-16-9	Octamethyl pyrophosphoramidate	431-86-7	1,2-Dichloro-1,1,3,3,3-pentafluoropropane (HCFC-225da)*
156-10-5	p-Nitrosodiphenylamine	460-19-5	Cyanogen
156-60-5	1,2-trans-Dichloroethylene	460-35-5	3-Chloro-1,1,1-trifluoropropane (HCFC-253fb)*
156-62-7	Calcium cyanamide	463-49-0	Propadiene*
189-55-9	Dibenzopyrene	463-58-1	Carbonyl sulfide
189-64-0	Dibenzo(a,h)pyrene	463-82-1	2,2-Dimethylpropane*
191-24-2	Benzoperylene	465-73-6	Isodrin
191-30-0	Dibenzo(a,l)pyrene	470-90-6	Chlorfenvinfos
192-65-4	Dibenzo(a,e)pyrene	492-80-8	Auramine
193-39-5	Indeno(1,2,3-cd)pyrene	494-03-1	Chlornaphazine
194-59-2	7H-Dibenzo(c,g)carbazole	496-72-0	3,4-Diaminotoluene
203-65-7	Mercaptodimethur	502-39-6	Methylmercuric dicyanamide
205-82-3	Benzo(j)fluoranthene	504-24-5	4-Aminopyridine
205-99-2	Benzo(b)fluoranthene	504-60-9	1-Methylbutadiene
206-44-0	Fluoranthene	505-60-2	Mustard gas
207-08-9	Benzo(k)fluoranthene	506-61-6	Potassium silver cyanide
208-96-8	Acenaphthylene	506-64-9	Silver cyanide
218-01-9	Chrysene	506-68-3	Cyanogen bromide
224-42-0	Dibenz(a,j)acridine	506-77-4	Cyanogen chloride
225-51-4	Benzacridine	506-78-5	Cyanogen iodide
226-36-8	Dibenz(a,h)acridine		
297-78-9	Isobenzan		
297-97-2	Thionazin		
298-00-0	Methyl parathion		
298-02-2	Phorate		
298-04-4	Disulfoton (concentrations above 2%)		
300-62-9	Amphetamine		
300-76-5	Naled		

<u>CAS Number</u>	<u>Name</u>	<u>CAS Number</u>	<u>Name</u>
506-87-6	Ammonium carbonate	597-64-8	Tetraethyltin
506-96-7	Acetyl bromide	598-31-2	Bromoacetone
507-55-1	1,3-Dichloro-1,1,2,2,3-pentafluoropropane (HCFC-225cb)*	598-73-2	Bromotrifluorethylene*
509-14-8	Tetranitromethane	606-20-2	2,6-Dinitrotoluene
510-15-6	Chlorobenzilate	608-73-1	Hexachlorocyclohexane (mixed isomers)
513-49-5	sec-Butylamine	608-93-5	Pentachlorobenzene
514-73-8	Dithiazanine iodide	609-19-8	3,4,5-Trichlorophenol
528-29-0	o-Dinitrobenzene	610-39-9	3,4-Dinitrotoluene
532-27-4	2-Chloroacetophenone	612-82-2	o-Tolidine dihydrochloride
533-74-4	Dazomet	612-83-9	3,3'-Dichlorobenzidine dihydrochloride
534-07-6	Bis(chloromethyl) ketone	614-78-8	(2-Methylphenyl)thiourea
534-52-1	4,6-Dinitro-o-cresol, and salts	615-05-4	2,4-Diaminoanisole
535-89-7	Crimidine	615-28-1	1,2-Phenylenediamine dihydrochloride
538-07-8	Ethylbis(2-chloroethyl)amine	615-53-2	N-Nitroso-N-methylurethane
540-59-0	1,2-Dichloroethylene	621-64-7	N-Nitrosodi-n-propylamine
540-73-8	1,2-Dimethylhydrazine	624-18-0	1,4-Phenylenediamine dihydrochloride
540-84-1	2,2,4-Trimethylpentane	624-64-6	2-Butene-trans*
540-88-5	tert-Butyl acetate	624-83-9	Methyl isocyanate
541-09-3	Uranyl acetate	625-16-1	tert-Amyl acetate
541-25-3	Lewisite	626-38-0	sec-Amyl acetate
541-41-3	Ethyl chloroformate	627-11-2	Chloroethyl chloroformate
541-53-7	Dithiobiuret	627-20-3	2-Pentene, (Z)-*
541-73-1	m-Dichlorobenzene	628-63-7	n-Amyl acetate
542-62-1	Barium cyanide	628-86-4	Mercury fulminate
542-75-6	1,3-Dichloropropene	630-10-4	Carbamimidoseleonic acid
542-76-7	3-Chloropropionitrile	630-20-6	1,1,1,2-Tetrachloroethane
542-88-1	Bis(chloromethyl) ether	630-60-4	Ouabain
542-90-5	Ethylthiocyanate	631-61-8	Ammonium acetate
543-90-8	Cadmium acetate	636-21-5	o-Toluidine hydrochloride
544-18-3	Cobaltous formate	639-58-7	Triphenyltin chloride
544-92-3	Copper cyanide	640-19-7	Fluoroacetamide
554-13-2	Lithium carbonate	644-64-4	Dimetilan
554-84-7	m-Nitrophenol	646-04-8	2-Pentene, (E)-*
555-77-1	Tris(2-chloroethyl)amine	675-14-9	Cyanuric fluoride
556-61-6	Methyl isothiocyanate	676-97-1	Methyl phosphonic dichloride
556-64-9	Methyl thiocyanate	680-31-9	Hexamethylphosphoramide
557-19-7	Nickel cyanide	684-93-5	N-Nitroso-N-methylurea
557-21-1	Zinc cyanide	689-97-4	Vinyl acetylene*
557-34-6	Zinc acetate	692-42-2	Diethylarsine
557-41-5	Zinc formate	696-28-6	Dichlorophenylarsine
557-98-2	2-Chloropropylene*	709-98-8	Propanil
558-25-8	Methanesulfonyl fluoride	757-58-4	Hexaethyl tetraphosphate
563-12-2	Ethion (concentrations above 6% granular and 3% other formulations)	759-73-9	N-Nitroso-N-ethylurea
563-41-7	Semicarbazide hydrochloride	759-94-4	Ethyl dipropylthiocarbamate (EPTC)
563-45-1	3-Methyl-1-butene*	760-93-0	Methacrylic anhydride
563-46-2	2-Methyl-1-butene*	764-41-0	1,4-Dichloro-2-butene
563-47-3	3-Chloro-2-methyl-1-propene	765-34-4	Glycidylaldehyde
563-68-8	Thallium(I) acetate	786-19-6	Carbophenothion
569-64-2	C.I. Basic Green 4	812-04-4	1,1-Dichloro-1,2,2-trifluoroethane (HCFC- 123b)*
573-56-8	2,6-Dinitrophenol	814-49-3	Diethyl chlorophosphate
584-84-9	Toluene-2,4-diisocyanate	814-68-6	Acrylyl chloride
590-18-1	2-Butene-cis*	815-82-7	Cupric tartrate
590-21-6	1-Chloropropylene*	822-06-0	Hexamethylene-1,6-diisocyanate
591-08-2	1-Acetyl-2-thiourea	823-40-5	2,6-Diaminotoluene
592-01-8	Calcium cyanide	824-11-3	Trimethylolpropane phosphite
592-04-1	Mercuric cyanide	834-12-8	Ametryn
592-85-8	Mercuric thiocyanate	842-07-9	C.I. Solvent Yellow 14
592-87-0	Lead thiocyanate	872-50-4	N-Methyl-2-pyrrolidone
593-60-2	Vinyl bromide	900-95-8	Acetoxytriphenylstannane
594-42-3	Perchloromethylmercaptan	919-86-8	Methyl demeton (concentrations above 7%)
		920-46-7	Methacryloyl chloride

CAS Number	Name	CAS Number	Name
924-16-3	N-Nitrosodi-n-butylamine	1335-87-1	Hexachloronaphthalene
924-42-5	N-Methylolacrylamide	1336-21-6	Ammonium hydroxide
930-55-2	N-Nitrosopyrrolidine	1336-36-3	Polychlorinated biphenyls (PCBs)
933-75-5	2,3,6-Trichlorophenol	1338-23-4	Methyl ethyl ketone peroxide
933-78-8	2,3,5-Trichlorophenol	1338-24-5	Naphthenic acid
944-22-9	Fonofos	1341-49-7	Ammonium bifluoride
947-02-4	Phosfolan	1344-28-1	Aluminum oxide (fibrous forms)
950-10-7	Mephosfolan	1397-94-0	Antimycin A
950-37-8	Methidathion	1420-07-1	Dinoterb
957-51-7	Diphenamid	1464-53-5	Diepoxybutane
959-98-8	alpha-Endosulfan	1558-25-4	Trichloro(chloromethyl)silane
961-11-5	Tetrachlorvinphos	1563-38-8	Carbofuran phenol
989-38-8	C.I. Basic Red 1	1563-66-2	Carbofuran
991-42-4	Norbormide	1582-09-8	Trifluralin
998-30-1	Triethoxysilane	1600-27-7	Mercuric acetate
999-81-5	Chlormequat chloride	1615-80-1	1,2-Diethylhydrazine
1024-57-3	Heptachlor epoxide	1622-32-8	2-Chloroethanesulfonyl chloride
1031-07-8	Endosulfan sulfate	1634-04-4	Methyl tert-butyl ether
1031-47-6	Triamiphos	1646-88-4	Aldicarb sulfone
1066-30-4	Chromic acetate	1649-08-7	1,2-Dichloro-1,1-difluoroethane (HCFC-132b)*
1066-33-7	Ammonium bicarbonate	1689-84-5	Bromoxynil
1066-45-1	Trimethyltin chloride	1689-99-2	Bromoxynil octanoate
1072-35-1	Lead stearate (stearic acid, lead(2+) salt)	1717-00-6	1,1-Dichloro-1-fluoroethane (HCFC-141b)*
1111-78-0	Ammonium carbamate	1746-01-6	2,3,7,8-Tetrachlorodibenzo-p-dioxin (TCDD)
1114-71-2	Pebulate	1752-30-3	Acetone thiosemicarbazide
1116-54-7	N-Nitrosodiethanolamine	1762-95-4	Ammonium thiocyanate
1120-71-4	1,3-Propane sultone	1836-75-5	Nitrofen
1122-60-7	Nitrocyclohexane	1861-40-1	Benfluralin
1124-33-0	4-Nitropyridine 1-oxide	1863-63-4	Ammonium benzoate
1129-41-5	Metolcarb	1888-71-7	Hexachloropropene
1134-23-2	Cycloate	1897-45-6	Chlorothalonil
1163-19-5	Decabromodiphenyl oxide	1910-42-5	Paraquat
1185-57-5	Ferric ammonium citrate	1912-24-9	Atrazine
1194-65-6	Dichlobenil	1918-00-9	Dicamba
1300-71-6	Xylenol	1918-02-1	Picloram
1303-28-2	Arsenic pentoxide	1918-16-7	Propachlor
1303-32-8	Arsenic disulfide	1928-38-7	2,4-Dichlorophenoxyacetic acid methyl ester
1303-33-9	Arsenic trisulfide	1928-43-4	2,4-Dichlorophenoxyacetic acid 2-ethylhexyl ester (concentrations above 20%)
1306-19-0	Cadmium oxide	1928-47-8	2,4,5-Trichlorophenoxyacetic acid 2-ethylhexyl ester
1309-64-4	Antimony trioxide	1928-61-6	2,4-Dichlorophenoxyacetic acid propyl ester
1310-58-3	Potassium hydroxide	1929-73-3	2,4-Dichlorophenoxyacetic acid butoxyethanol ester (conc. above 20%)
1310-73-2	Sodium hydroxide	1929-82-4	Nitrapyrin
1313-27-5	Molybdenum trioxide	1937-37-7	C.I. Direct Black 38
1314-20-1	Thorium dioxide	1982-47-4	Chloroxuron
1314-32-5	Thallic oxide	1982-69-0	Sodium dicamba
1314-62-1	Vanadium pentoxide	1983-10-4	Tributyltin fluoride
1314-80-3	Phosphorus pentasulfide	2001-95-8	Valinomycin
1314-84-7	Zinc phosphide (concentrations greater than 10%)	2008-46-0	2,4,5-T amines
1314-87-0	Lead sulfide	2032-65-7	Methiocarb (concentrations above 2%)
1319-72-8	2,4,5-T amines	2074-50-2	Paraquat methosulfate
1319-77-3	Cresol (mixed isomers)	2097-19-0	Phenylsilatrane
1320-18-9	2,4-Dichlorophenoxyacetic acid propylene glycol butyl ether ester	2104-64-5	EPN
1321-12-6	Nitrotoluene (mixed isomers)	2155-70-6	Tributyltin methacrylate
1327-52-2	Arsenic acid	2164-07-0	Dipotassium endothall
1327-53-3	Arsenic trioxide (concentrations above 1.5%)	2164-17-2	Fluometuron
1330-20-7	Xylene (mixed isomers)	2212-67-1	Molinate
1332-07-6	Zinc borate	2223-93-0	Cadmium stearate
1332-21-4	Asbestos (friable)	2231-57-4	Thiocarbazine
1333-74-0	Hydrogen*	2234-13-1	Octachloronaphthalene
1333-83-1	Sodium bifluoride		
1335-32-6	Lead subacetate		

<u>CAS Number</u>	<u>Name</u>	<u>CAS Number</u>	<u>Name</u>
2238-07-5	Diglycidyl ether	3761-53-3	C.I. Food Red 5
2275-18-5	Prothoate	3813-14-7	2,4,5-T amines
2300-66-5	Dimethylamine dicamba	3878-19-1	Fuberidazole
2303-16-4	Diallate	4044-65-9	Bitoscanate
2303-17-5	Triallate	4080-31-3	1-(3-Chloroallyl)-3,5,7-triaza-1-azoniaadamantane chloride
2312-35-8	Propargite	4098-71-9	Isophorone diisocyanate
2349-01-2	Chinomethionat	4104-14-7	Phosacetim
2385-85-5	Mirex	4109-96-0	Dichlorosilane
2439-10-3	Dodine	4128-73-8	4,4'-Diisocyanatodiphenyl ether
2497-07-6	Oxydisulfoton	4170-30-3	Crotonaldehyde
2524-03-0	Dimethyl phosphorochloridithioate	4301-50-2	Fluental
2540-82-1	Formothion	4418-66-0	2,2'-Thiobis(4-chloro-6-methyl)phenol
2545-59-7	2,4,5-Trichlorophenoxyacetic acid 2-butyoxyethyl ester	4549-40-0	N-Nitrosomethylvinylamine
2556-36-7	1,4-Cyclohexane diisocyanate	4680-78-8	C.I. Acid Green 3
2570-26-5	Pentadecylamine	4835-11-4	N,N'-Dibutylhexamethylenediamine
2587-90-8	Methyl demeton methyl	5124-30-1	1,1-Methylene bis(4-isocyanatocyclohexane)
2602-46-2	C.I. Direct Blue 6	5141-20-8	C.I. Acid Green 5
2631-37-0	Promecarb	5234-68-4	Carboxin
2636-26-2	Cyanophos	5344-82-1	1-(o-Chlorophenyl)thiourea
2642-71-9	Azinphos-ethyl	5385-75-1	Dibenzo(a,e)fluoranthene
2646-17-5	C.I. Solvent orange 2	5522-43-0	1-Nitropyrene
2650-18-2	C.I. Acid Blue 9, diammonium salt	5598-13-0	Chlorpyrifos methyl
2655-15-4	2,3,5-Trimethylphenyl methylcarbamate	5836-29-3	Coumatetralyl
2665-30-7	Methylphosphonothioic acid-O-(4-nitrophenyl)-O-phenyl ester	5893-66-3	Cupric oxalate
2699-79-8	Sulfuryl fluoride	5902-51-2	Terbacil
2702-72-9	2,4-Dichlorophenoxyacetic acid sodium salt (conc. above 20%)	5952-26-1	Diethylene glycol dicarbamate
2703-13-1	Methylphosphonothioic acid-O-ethyl O-(p-(methylthio)phenyl)ester	5972-73-6	Ammonium oxalate, unspecified hydrate
2757-18-8	Thallos malonate	6009-70-7	Ammonium oxalate, monohydrate
2763-96-4	Muscimol	6358-53-8	C.I. Solvent Red 80
2764-72-9	Diquat	6369-96-6	2,4,5-T amines
2778-04-3	Endothion	6369-97-7	2,4,5-T amines
2832-40-8	C.I. Disperse Yellow 3	6459-94-5	C.I. Acid Red 114
2837-89-0	2-Chloro-1,1,1,2-tetrafluoroethane (HCFC-124)*	6533-73-9	Thallos carbonate
2921-88-2	Chlorpyrifos (concentrations above 15%)	6923-22-4	Monocrotophos
2944-67-4	Ferric ammonium oxalate	7005-72-3	4-Chlorophenyl phenyl ether
2971-38-2	2,4-Dichlorophenoxyacetic acid chlorocrotyl ester	7287-19-6	Prometryn
3012-65-5	Ammonium citrate dibasic	7421-93-4	Endrin aldehyde
3037-72-7	(4-Aminobutyl)diethoxymethylsilane	7428-48-0	Lead stearate
3118-97-6	C.I. Solvent Orange 7	7429-90-5	Aluminum (fume or dust)
3164-29-2	Ammonium tartrate, diammonium salt	7439-92-1	Lead
3165-93-3	4-Chloro-o-toluidine hydrochloride	7439-96-5	Manganese
3173-72-6	1,5-Naphthalene diisocyanate	7439-97-6	Mercury
3251-23-8	Cupric nitrate	7440-02-0	Nickel
3254-63-5	Phosphoric acid, dimethyl 4-(methylthio)phenyl ester	7440-22-4	Silver
3288-58-2	O,O-Diethyl S-methyl dithiophosphate	7440-23-5	Sodium
3383-96-8	Temephos	7440-28-0	Thallium
3486-35-9	Zinc carbonate	7440-36-0	Antimony
3547-04-4	p,p'-Dichlorodiphenylethane	7440-38-2	Arsenic
3564-09-8	C.I. Food Red 6	7440-39-3	Barium
3569-57-1	3-Chloropropylsulfoxide	7440-41-7	Beryllium powder
3615-21-2	4,5-Dichloro-2-(trifluoromethyl)benzimidazole	7440-43-9	Cadmium
3653-48-3	Methoxone sodium salt	7440-47-3	Chromium
3689-24-5	Sulfotep	7440-48-4	Cobalt
3691-35-8	Chlorophacinone (concentrations 0.2% and above)	7440-50-8	Copper
3697-24-3	5-Methylchrysen	7440-62-2	Vanadium (except when contained in an alloy)
3734-97-2	Amiton oxalate	7440-66-6	Zinc (fume or dust)
3735-23-7	Methyl phenkapton	7446-08-4	Selenium dioxide
		7446-09-5	Sulfur dioxide
		7446-11-9	Sulfur trioxide
		7446-14-2	Lead sulfate
		7446-18-6	Thallos sulfate

<u>CAS Number</u>	<u>Name</u>	<u>CAS Number</u>	<u>Name</u>
7446-27-7	Lead phosphate	7783-49-5	Zinc fluoride
7447-39-4	Cupric chloride	7783-50-8	Ferric fluoride
7487-94-7	Mercuric chloride	7783-56-4	Antimony trifluoride
7488-56-4	Selenium sulfide	7783-60-0	Sulfur tetrafluoride
7550-45-0	Titanium tetrachloride	7783-70-2	Antimony pentafluoride
7558-79-4	Sodium phosphate dibasic	7783-80-4	Tellurium hexafluoride
7580-67-8	Lithium hydride	7784-34-1	Arsenous trichloride
7601-54-9	Trisodium phosphate	7784-40-9	Lead arsenate
7601-89-0	Sodium perchlorate	7784-41-0	Potassium arsenate
7631-89-2	Sodium arsenate	7784-42-1	Arsine
7631-90-5	Sodium bisulfite	7784-46-5	Sodium arsenite
7632-00-0	Sodium nitrite	7785-84-4	Metaphosphoric acid, trisodium salt
7637-07-2	Boron trifluoride	7786-34-7	Mevinphos
7645-25-2	Lead arsenate, unspecified	7786-81-4	Nickel sulfate
7646-85-7	Zinc chloride	7787-47-5	Beryllium chloride
7647-01-0	Hydrogen chloride	7787-49-7	Beryllium fluoride
7647-18-9	Antimony pentachloride	7787-55-5	Beryllium nitrate
7664-38-2	Phosphoric acid	7788-98-9	Ammonium chromate
7664-39-3	Hydrogen fluoride	7789-00-6	Potassium chromate
7664-41-7	Ammonia	7789-06-2	Strontium chromate
7664-93-9	Sulfuric acid	7789-09-5	Ammonium bichromate
7681-49-4	Sodium fluoride	7789-42-6	Cadmium bromide
7681-52-9	Sodium hypochlorite	7789-43-7	Cobaltous bromide
7696-12-0	Tetramethrin	7789-61-9	Antimony tribromide
7697-37-2	Nitric acid	7790-94-5	Chlorosulfonic acid
7699-45-8	Zinc bromide	7790-98-9	Ammonium perchlorate
7705-08-0	Ferric chloride	7791-03-9	Lithium perchlorate
7718-54-9	Nickel(II) chloride	7791-12-0	Thallos chloride
7719-12-2	Phosphorus trichloride	7791-21-1	Chlorine monoxide*
7720-78-7	Ferrous sulfate	7791-23-3	Selenium oxychloride
7722-64-7	Potassium permanganate	7803-51-2	Phosphine
7722-84-1	Hydrogen peroxide (Conc. > 52%)	7803-55-6	Ammonium vanadate
7723-14-0	Phosphorus	7803-62-5	Silane*
7726-95-6	Bromine	8001-35-2	Toxaphene
7733-02-0	Zinc sulfate	8001-50-1	Strobane
7738-94-5	Chromic acid (H ₂ CrO ₄)	8001-58-9	Creosote
7758-01-2	Potassium bromate	8003-19-8	Dichloropropane-Dichloropropene (mixture)
7758-29-4	Pentasodium triphosphate	8003-34-7	Pyrethrum
7758-94-3	Ferrous chloride	8006-61-9	Gasoline
7758-95-4	Lead chloride	8008-20-6	Kerosene
7758-98-7	Cupric sulfate	8014-95-7	Sulfuric acid
7761-88-8	Silver nitrate	8065-48-3	Demeton
7773-06-0	Ammonium sulfamate	9006-42-2	Metiram
7775-11-3	Sodium chromate	9016-87-9	Polymeric diphenylmethane diisocyanate
7778-39-4	Arsenic acid	10022-70-5	Sodium hypochlorite, pentahydrate
7778-44-1	Calcium arsenate	10025-73-7	Chromic chloride
7778-50-9	Potassium bichromate	10025-78-2	Trichlorosilane
7778-54-3	Calcium hypochlorite	10025-87-3	Phosphorus oxychloride
7778-74-7	Potassium perchlorate	10025-91-9	Antimony trichloride
7779-86-4	Zinc hydrosulfite	10026-11-6	Zirconium tetrachloride
7779-88-6	Zinc nitrate	10026-13-8	Phosphorus pentach
7782-41-4	Fluorine	10028-15-6	Ozone
7782-49-2	Selenium	10028-22-5	Ferric sulfate
7782-50-5	Chlorine	10028-24-7	Sodium phosphate dibasic
7782-63-0	Ferrous sulfate heptahydrate	10031-59-1	Thallium sulfate
7782-82-3	Sodium selenite	10034-93-2	Hydrazine sulfate
7782-86-7	Mercurous nitrate	10039-32-4	Phosphoric acid, disodium salt, dodecahydrate
7783-00-8	Selenous acid	10043-01-3	Aluminum sulfate
7783-06-4	Hydrogen sulfide	10045-89-3	Ferrous ammonium sulfate
7783-07-5	Hydrogen selenide	10045-94-0	Mercuric nitrate
7783-35-9	Mercuric sulfate	10049-04-4	Chlorine dioxide
7783-46-2	Lead fluoride	10049-05-5	Chromic(II) chloride

CAS Number	Name	CAS Number	Name
10061-02-6	trans-1,3-Dichloropropane	13597-99-4	Beryllium nitrate
10099-74-8	Lead nitrate	13684-56-5	Desmedipham
10101-53-8	Chromic sulfate	13746-89-9	Zirconium nitrate
10101-63-0	Lead iodide	13765-19-0	Calcium chromate
10101-89-0	Tribasic sodium phosphate dodecahydrate	13814-96-5	Lead fluoborate
10102-06-4	Uranyl nitrate	13826-83-0	Ammonium fluoborate
10102-18-8	Sodium selenite	13952-84-6	sec-Butylamine
10102-20-2	Sodium tellurite	14017-41-5	Cobaltous sulfamate
10102-43-9	Nitric oxide	14167-18-1	Salcomine
10102-44-0	Nitrogen dioxide	14216-75-2	Nickel nitrate
10102-45-1	Thallium(I) nitrate	14258-49-2	Ammonium oxalate
10102-48-4	Lead arsenate	14307-35-8	Lithium chromate
10108-64-2	Cadmium chloride	14307-43-8	Ammonium tartrate
10124-50-2	Potassium arsenite	14484-64-1	Ferbam
10124-56-8	Sodium hexametaphosphate	14639-97-5	Zinc ammonium chloride (Zn.Cl4.2H4-N)
10140-65-5	Phosphoric acid, disodium salt, hydrate	14639-98-6	Zinc ammonium chloride (Zn.Cl5.3H4-N)
10140-87-1	1,2-Dichloroethanol acetate	14644-61-2	Zirconium sulfate
10192-30-0	Ammonium bisulfite	14797-73-0	Perchlorate ion
10196-04-0	Ammonium sulfite	15271-41-7	3-Chloro-6-cyano-2-norbornanone-o-(methycarbamoyl)oxime
10210-68-1	Cobalt carbonyl	15339-36-3	Manganese dimethyldithiocarbamate
10265-92-6	Methamidophos	15646-96-5	2,4,4-Trimethylhexamethylene diisocyanate
10294-34-5	Boron trichloride	15699-18-0	Nickel ammonium sulfate
10311-84-9	Dialifor	15739-80-7	Lead sulfate
10347-54-3	1,4-Bis(methylisocyanate)cyclohexane	15950-66-0	2,3,4-Trichlorophenol
10361-89-4	Phosphoric acid, trisodium salt, decahydrate	15972-60-8	Alachlor
10380-29-7	Cupric sulfate, ammoniated	16071-86-6	C.I. Direct Brown 95
10415-75-5	Mercurous nitrate	16543-55-8	N-Nitrosornicotine
10421-48-4	Ferric nitrate	16721-80-5	Sodium hydrosulfide
10453-86-8	Resmethrin	16752-77-5	Methomyl
10476-95-6	Methacrolein diacetate	16871-71-9	Zinc silicofluoride
10544-72-6	Nitrogen tetroxide	16919-19-0	Ammonium silicofluoride
10588-01-9	Sodium bichromate	16923-95-8	Zirconium potassium fluoride
10605-21-7	Carbendazim	16938-22-0	2,2,4-Trimethylhexamethylene diisocyanate
11096-82-5	Aroclor 1260	17702-41-9	Decaborane(14)
11097-69-1	Aroclor 1254	17702-57-7	Formparanate
11104-28-2	Aroclor 1221	17804-35-2	Benomyl
11115-74-5	Chromic acid	18883-66-4	Streptozotocin
11141-16-5	Aroclor 1232	19044-88-3	Oryzalin
12002-03-8	Cupric acetoarsenite	19287-45-7	Diborane
12039-52-0	Thallium(I) selenide	19624-22-7	Pentaborane
12054-48-7	Nickel hydroxide	19666-30-9	Oxydiazon
12108-13-3	Methylcyclopentadienylmanganese tricarbonyl	20325-40-0	3,3'-Dimethoxybenzidine dihydrochloride
12122-67-7	Zineb	20354-26-1	Methazole
12125-01-8	Ammonium fluoride	20816-12-0	Osmium tetroxide
12125-02-9	Ammonium chloride	20830-75-5	Digoxin
12135-76-1	Ammonium sulfide	20830-81-3	Daunomycin
12427-38-2	Maneb	20859-73-8	Aluminum phosphide
12642-23-8	Aroclor 5442	21087-64-9	Metribuzin
12672-29-6	Aroclor 1248	21548-32-3	Fosthietan
12674-11-2	Aroclor 1016	21609-90-5	Leptophos
12771-08-3	Sulfur chloride	21725-46-2	Cyanazine (concentrations above 30%)
13071-79-9	Terbufos	21908-53-2	Mercuric oxide
13171-21-6	Phosphamidon	21923-23-9	Chlorthiophos
13194-48-4	Ethoprophos	22224-92-6	Fenamiphos
13356-08-6	Fenbutatin oxide	22781-23-3	Bendiocarb (conc. above 15%)
13410-01-0	Sodium selenate	22961-82-6	Bendiocarb phenol
13450-90-3	Gallium trichloride	23135-22-0	Oxamyl
13463-39-3	Nickel carbonyl	23422-53-9	Formetanate hydrochloride
13463-40-6	Iron pentacarbonyl	23505-41-1	Pirimifos-ethyl (concentrations above 20%)
13474-88-9	1,1-Dichloro-1,2,2,3,3-pentafluoropropane (HCFC-225cc)*	23564-05-8	Thiophanate methyl
13560-99-1	2,4,5-T sodium salt	23564-06-9	Thiophanate ethyl

<u>CAS Number</u>	<u>Name</u>	<u>CAS Number</u>	<u>Name</u>
23950-58-5	Pronamide	39515-41-8	Fenpropathrin
24017-47-8	Triazofos	40487-42-1	Pendimethalin
24934-91-6	Chlormephos	41198-08-7	Profenofos
25154-54-5	Dinitrobenzene (mixed isomers)	41766-75-0	o-Tolidine dihydrofluoride
25154-55-6	Nitrophenol (mixed isomers)	42504-46-1	Isopropanolamine dodecylbenzene sulfonate
25155-30-0	Sodium dodecylbenzenesulfonate	42874-03-3	Oxyfluorfen
25167-67-3	Butene*	43121-43-3	Triadimefon
25167-82-2	Trichlorophenol	50471-44-8	Vinclozolin
25168-15-4	2,4,5-Trichlorophenoxyacetic acid isooctyl ester	50782-69-9	Ethyl-S-dimethylaminoethyl methylphosphonothiolate
25168-26-7	2,4-Dichlorophenoxyacetic acid isooctyl ester (conc. above 20%)	51235-04-2	Hexazinone
25311-71-1	Isofenphos	51338-27-3	Diclofop methyl
25321-14-6	Dinitrotoluene (mixed isomers)	51630-58-1	Fenvalerate
25321-22-6	Dichlorobenzene (mixed isomers)	52628-25-8	Zinc ammonium chloride
25376-45-8	Diaminotoluene (mixed isomers)	52645-53-1	Permethrin
25550-58-7	Dinitrophenol (mixed isomers)	52652-59-2	Lead stearate dibasic
26002-80-2	Phenothrin	52740-16-6	Calcium arsenite
26264-06-2	Calcium dodecylbenzenesulfonate	52888-80-9	Prosulfocarb
26419-73-8	O-(((2,4-Dimethyl-1,3-dithiolan-2-yl)methylene)amino)methyl carbamic acid	53404-19-6	Bromacil, lithium salt
26471-62-5	Toluene diisocyanate (mixed isomers)	53404-37-8	2,4-D 2-ethyl-4-methylpentyl ester
26628-22-8	Sodium azide (concentrations above 0.5%)	53404-60-7	Dazomet, sodium salt
26638-19-7	Dichloropropane	53467-11-1	2,4-D Esters
26644-46-2	Triforine	53469-21-9	Aroclor 1242
26952-23-8	Dichloropropene(s) (mixtures)	53558-25-1	Pyriminil
27137-85-5	Trichloro(dichlorophenyl)silane	55285-14-8	Carbosulfan
27176-87-0	Dodecylbenzenesulfonic acid	55290-64-7	Dimethipin
27314-13-2	Norflurazon	55406-53-6	3-Iodo-2-propynyl n-butylcarbamate
27323-41-7	Triethanolamine dodecylbenzene sulfonate	55488-87-4	Ferric ammonium oxalate, unspecified hydrate
27774-13-6	Vanadyl sulfate	56189-09-4	Dibasic lead stearate
28057-48-9	d-trans-Allethrin	57213-69-1	Triclopyr triethylammonium salt
28249-77-6	Thiobencarb	58270-08-9	(trans-4)-Dichloro(4,4-dimethylzinc5(((methylamino)carbonyloxy)imino o)pentanenitrile)
28300-74-5	Antimony potassium tartrate	59669-26-0	Thiodicarb
28347-13-9	Xylylene dichloride	60168-88-9	Fenarimol
28407-37-6	C.I. Direct Blue 218	60207-90-1	Propiconazole
28772-56-7	Bromadiolone (concentrations above 0.01%)	61792-07-2	2,4,5-Trichlorophenoxyacetic acid 1-methyl propyl ester
29082-74-4	Octachlorostyrene	62207-76-5	N,N'-Ethylene bis(3-fluorosalicilideneiminato)cobalt(II)
29232-93-7	Pirimiphos methyl	62476-59-9	Acifluorfen, sodium salt
30525-89-4	Paraformaldehyde	63938-10-3	Chlorotetrafluoroethane*
30558-43-1	2-(Dimethylamino-N-hydroxy-2-oxo)ethanimidothioic acid, methyl ester	64902-72-3	Chlorsulfuron
30560-19-1	Acephate	64969-34-2	3,3'-Dichlorobenzidine sulfate
30674-80-7	Methacryloyloxyethyl isocyanate	66441-23-4	Fenoxaprop ethyl
31218-83-4	Propetamphos	67485-29-4	Hydamethylnon
32534-95-5	2-(2,4,5-Trichlorophenoxy)propanoic acid isooctyl ester	68085-85-8	Cyhalothrin
33089-61-1	Amitraz	68359-37-5	Cyfluthrin
33213-65-9	beta-Endosulfan	68476-34-6	Diesel/Fuel or #2 heating oil
34014-18-1	Tebuthiuron	69409-94-5	Fluvalinate
34077-87-7	Dichlorotrifluoroethane*	69806-50-4	Fluazifop butyl
35367-38-5	Diflubenzuron	71751-41-2	Abamectin
35400-43-2	Sulprofos	72178-02-0	Fomesafen
35554-44-0	Imazalil	72490-01-8	Fenoxycarb
35691-65-7	1-Bromo-1-(bromomethyl)-1,3-propanedicarbonitrile	74051-80-2	Sethoxydim
36478-76-9	Uranyl nitrate	75790-84-0	4-Methyldiphenylmethane-3,4-diisocyanate
37211-05-5	Nickel chloride	75790-87-3	2,4'-Diisocyanatodiphenyl sulfide
38661-72-2	1,3-Bis(methylisocyanate)cyclohexane	76578-14-8	Quizalofop-ethyl
38727-55-8	Diethatyl ethyl	77501-63-4	Lactofen
39156-41-7	2,4-Diaminoanisoole sulfate	82657-04-3	Bifenthrin
39196-18-4	Thiofanox	88671-89-0	Myclobutanil
39300-45-3	Dinocap	90454-18-5	Dichloro-1,1,2-trifluoroethane*

CAS Number	Name
90982-32-4	Chlorimuron ethyl
101200-48-0	Tribenuron methyl
111512-56-2	1,1-Dichloro-1,2,3,3,3-pentafluoropropane (HCFC-225eb)*
111984-09-9	3,3'-Dimethoxybenzidine hydrochloride
127564-92-5	Dichloropentafluoropropane*
128903-21-9	2,2-Dichloro-1,1,1,3,3-pentafluoropropane (HCFC-225aa)*
134190-37-7	Diethyldiisocyanatobenzene
136013-79-1	1,3-Dichloro-1,1,2,3,3-pentafluoropropane (HCFC-225ea)*

*In accordance with N.J.A.C. 7:1E-1.7(b)2, this substance is not considered a hazardous substance for purposes of this chapter.

Repeal and New Rule, R.1996 d.462, effective October 7, 1996.

See: 28 N.J.R. 2730(a), 28 N.J.R. 4424(b).

Section was "List of Hazardous Substances".

Amended by R.2001 d.355, effective October 1, 2001.

See: 33 N.J.R. 1255(a), 33 N.J.R. 3518(a).

Amended by R.2007 d.93, effective April 2, 2007.

See: 38 N.J.R. 4285(a), 39 N.J.R. 1253(a).

Amended Lists of Hazardous Substances.

APPENDIX B

FINANCIAL FORMS

B.1 Letter from chief financial officer:

To demonstrate that it meets the financial test under N.J.A.C. 7:1E-4.4(g)1 or 2, the chief financial officer of the major facility or guarantor shall prepare and sign a letter worded exactly as follows, except that the instructions in brackets are to be replaced by the relevant information and the brackets deleted.

(1) Non-government entities

LETTER FROM CHIEF FINANCIAL OFFICER

I am the chief financial officer of [insert: name and address of the owner or operator, or guarantor]. This letter is in support of the use of [insert: "the financial test of self-insurance" and/or "guarantee"] to demonstrate financial responsibility for cleanup and removal activities arising from operating [insert: name(s) and address(es) of facility(ies)] in the amount of at least [insert: dollar amount] per occurrence [insert: "per facility" if multiple facilities are covered by this one document] and [insert: dollar amount] annual aggregate [insert: "per facility" if multiple facilities are covered by this one document].

A [insert: "financial test" and/or "guarantee"] is also used by this [insert: "owner or operator" or "guarantor"] to demonstrate evidence of financial responsibility in the following amounts under the following EPA or State rules or regulations (i.e. RCRA, ECRA, UST, etc.):

[insert: applicable rules or regulations and amounts, if none so state]

This [insert: "owner or operator" or "guarantor"] has not received an adverse opinion, a disclaimer of opinion, or a "going

concern" qualification from an independent auditor on his or her financial statements for the latest completed fiscal year.

[Fill in the information for Alternative I if the criteria of N.J.A.C. 7:1E-4.4(g)1 based on tangible net worth are being used to demonstrate compliance with the financial test requirements. Fill in the information for Alternative II if the criteria based on bond rating or net working capital of N.J.A.C. 7:1E-4.4(g)2 are being used to demonstrate compliance with the financial test requirements.]

ALTERNATIVE I

1. Amount of annual DCR aggregate coverage being assured by a financial test and/or guarantee \$ _____
 2. Amount of annual aggregate coverage for all other Federal or State regulatory costs (i.e. RCRA, ECRA, UST, etc.) covered by a financial test, and/or guarantee \$ _____
 3. Sum of lines 1 and 2 \$ _____
 4. Total tangible assets \$ _____
 5. Total liabilities [if any of the amount reported on line 3 is included in total liabilities, you may deduct that amount from this line and add that amount to line 6] \$ _____
 6. Tangible net worth [subtract line 5 from line 4] \$ _____
- YES NO
7. Is line 6 at least \$10 million? _____
 8. Is line 6 at least 10 times line 3? _____
 9. Have financial statements for the latest fiscal year been filed with the Securities and Exchange Commission? _____
 10. Have financial statements for the latest fiscal year been filed with the Energy Information Administration? _____
 11. Have financial statements for the latest fiscal year been filed with the Rural Utilities Services or the Board of Public Utilities? _____
 12. Has financial information been provided to Dun and Bradstreet, and has Dun and Bradstreet provided a financial strength rating of 4A or 5A? [Answer "Yes" only if both criteria have been met] _____

ALTERNATIVE II

1. Amount of annual DCR aggregate coverage being assured by a financial test and/or guarantee \$ _____
2. Amount of annual aggregate coverage for all other Federal or State regulatory cost (i.e. RCRA, ECRA, UST, etc.) covered by a financial test, and/or guarantee \$ _____
3. Sum of lines 1 and 2 \$ _____
4. Total tangible assets \$ _____
5. Total liabilities [if any of the amount reported on line 3 is included in total liabilities, you may deduct that amount from this line and add that amount to line 6] \$ _____