

CHAPTER 13**SHELLFISH****Authority**

N.J.S.A. 24:2-1.

Source and Effective Date

R.2006 d.173, effective April 13, 2006.
See: 37 N.J.R. 3767(a), 3907(a), 38 N.J.R. 2153(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 13, Shellfish, expires on October 10, 2013. See: 43 N.J.R. 1231(b).

Chapter Historical Note

Chapter 13, Shellfish, was adopted as R.1974 d.185, effective July 9, 1974. See: 6 N.J.R. 233(b), 6 N.J.R. 310(b).

Subchapter 2, Depuration of Soft-shelled Clams, was adopted as R.1978 d.127, effective May 1, 1978. See: 10 N.J.R. 103(a), 10 N.J.R. 188(d).

Pursuant to Executive Order No. 66(1978), Chapter 13, Shellfish, was readopted as R.1987 d.362, effective September 8, 1987. See: 19 N.J.R. 1143(a), 19 N.J.R. 1642(a).

Subchapter 2, Depuration of Soft-shelled Clams, was repealed and Subchapter 2, Depuration of Hard Shell and Soft Shell Clams, was adopted as new rules by R.1990 d.542, effective November 19, 1990. See: 22 N.J.R. 109(a), 22 N.J.R. 3547(a).

Pursuant to Executive Order No. 66(1978), Chapter 13, Shellfish, was readopted as R.1992 d.384, effective September 8, 1992. See: 24 N.J.R. 2504(a), 24 N.J.R. 3532(a).

Pursuant to Executive Order No. 66(1978), Chapter 13, Shellfish, was readopted as R.1997 d.356, effective August 8, 1997. See: 29 N.J.R. 2608(a), 29 N.J.R. 3855(b).

Pursuant to Executive Order No. 66(1978), Subchapter 2, Depuration of Hard Shell and Soft Shell Clams, was readopted as R.2000 d.455, effective October 16, 2000, and Subchapter 1, Sanitation, Handling, Shipping and Shucking of Shellfish, was repealed and Subchapter 1, Sanitation, Handling, Shipping and Shucking of Shellfish, was adopted as new rules by R.2000 d.455, effective November 6, 2000. See: 32 N.J.R. 416(a), 32 N.J.R. 3982(b).

Chapter 13, Shellfish, was readopted as R.2006 d.173, effective April 13, 2006. See: Source and Effective Date. See, also, section annotations.

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 13, Shellfish, was scheduled to expire on April 13, 2013. See: 43 N.J.R. 1203(a).

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SUBCHAPTER 1. SANITATION, HANDLING, SHIPPING AND SHUCKING OF SHELLFISH**8:13-1.1 Purpose and scope**

(a) The purpose of this subchapter is to provide uniform sanitary standards based upon the National Shellfish Sanitation Program Model Ordinance, which was developed through a Memorandum of Understanding between the U.S. Food and Drug Administration and the Interstate Shellfish Sanitation Conference. A full text of the current edition of the Model Ordinance incorporated herein by reference is available by contacting the U.S. Food and Drug Administration, Baltimore District Office at 6000 Metro Drive, Baltimore, MD 21201-3215. Copies can also be obtained through the Interstate Shellfish Sanitation Conference web page at <http://www.issc.org>.

(b) The scope of this subchapter is to establish the minimum sanitation and recordkeeping requirements for the harvesting, shipping, reshipping of shellstock, and shucking and repacking of raw molluscan shellfish to include clams, oysters, mussels, and whole scallops shipped in both interstate and intrastate commerce.

Amended by R.2006 d.173, effective May 15, 2006.
See: 37 N.J.R. 3767(a), 3907(a), 38 N.J.R. 2153(a).

In (a), updated the U.S. Food and Drug Administration address.

8:13-1.2 Definitions

In addition to definitions contained in the "Definitions" section of the Model Ordinance, the following words and terms, when used in this chapter, shall have the following meaning unless the context clearly indicates otherwise.

“DEP” means the New Jersey Department of Environmental Protection.

“Department” means the New Jersey Department of Health and Senior Services.

“FDA” means the U.S. Food and Drug Administration.

“ISSC” means the Interstate Shellfish Sanitation Conference.

“Model Ordinance” means Chapter II of the National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish of the ISSC and the U.S. Department of Health and Human Services; Public Health Services; Food and Drug Administration, 2003 Revision, incorporated herein by reference as amended and supplemented, subject to N.J.A.C. 8:13-1.4, available by writing to the ISSC, 209-2 Dawson Road, Columbia, SC 29223-1740, and available for download at <http://www.cfsan.fda.gov/~ear/nss2-toc.html>.

“Person” means and includes an individual, firm, corporation, association, society, partnership, and their agents or employees.

“Retail” means a retail sale which is defined as any sale to the ultimate consumer or his/her family, or to a person who will not sell the product.

“Wholesale” means any sale to any other person than the ultimate consumer or his or her family.

Amended by R.2006 d.173, effective May 15, 2006.
See: 37 N.J.R. 3767(a), 3907(a), 38 N.J.R. 2153(a).

In introductory paragraph, substituted “Definitions” for “definition”; rewrote definition “Model Ordinance”; and deleted definition “NSSP”.

8:13-1.3 Prohibited acts

(a) No person shall sell, offer for sale or have in his or her possession with intent to sell without a permit from the DEP any shellfish which have been taken from a place classified as “Prohibited” or otherwise closed to harvesting by the DEP pursuant to N.J.A.C. 7:12 (N.J.S.A. 58:24-1) or from a place condemned by authorities having supervision at the point of origin of the shellfish without permission from such authorities and/or the DEP.

(b) No person shall engage in the wholesale handling of shellfish, operate or conduct an establishment for the shucking, repacking or wet storage of shellfish without a certificate issued by the Department, except that shellstock harvested by a harvester in accordance with the provisions of these rules may be transported and sold to a certified dealer.

(c) No person shall receive or accept any shipment of shellfish for shucking, repacking, shipping or sale unless the New Jersey dealer holds a current certificate issued pursuant to N.J.A.C. 8:13-1.5 and holds a current license issued pursuant to N.J.S.A. 24:15-13. Shellfish originating from out-of-State sources shall be received from states or countries that have received the endorsement of the FDA and the dealer shall be listed in the current Interstate Certified Shellfish Shippers List published by the FDA.

(d) No retailer may repack or shuck shellfish without a certificate from the Department unless it is done on order from the consumer.

8:13-1.4 Model Ordinance requirements

Persons engaged in the handling, shucking, repacking, depuration, wet storage, and shipping of shellfish shall comply with the provisions of the Model Ordinance, except Subchapters I through VI, VIII @ .01 and .02C, and XV which are not being adopted and incorporated herein by reference.

Amended by R.2006 d.173, effective May 15, 2006.

See: 37 N.J.R. 3767(a), 3907(a), 38 N.J.R. 2153(a).

Substituted “Subchapters I through VI” for chapter references and deleted “Chapter” following “.01 and .02C, and”.

8:13-1.5 Shellfish certificates

(a) Any person desiring to engage or continue to engage in the wholesale handling, shipping, shucking, repacking, wet storage, or depurating of shellfish shall make application in writing on forms supplied by the Department, entitled “Application for Certification to Handle Oysters, Clams or Mussels.” Applicants shall provide all identifying information required on the form including name, mailing address, and telephone number of the owner of the business, the location address of the establishment, trade name, name and address of corporate officers, name and county of registered agent if applicable, the type and source of shellfish to be handled, the type of operations to be carried out, and whether shellfish will be sold in interstate commerce.

(b) Upon receipt of such applications and upon approval of the facilities and sanitary condition of the establishment or area, and compliance by the applicant with other provisions of the law and regulations, a certificate shall be issued for such operation by the Department.

(c) All shellfish certificates shall expire on June 30 of each year. A renewal application entitled “Application for Certification to Handle Oysters, Clams or Mussels” shall be completed on forms supplied by the Department with the information required in (a) above and returned to the Department no later than June 30 of the application year. In no case shall a shellfish firm operate without a valid certificate issued by the Department. The certification shall not be transferable with respect to persons or locations. If the certificate operator has ceased operations, the discontinuance of operations statement shall be completed and returned to the Department.

(d) Current certificates shall be kept on file and open to inspection by representatives of the State or local health department.

8:13-1.6 Suspension, revocation or nonrenewal of certification

(a) Upon evidence duly ascertained by the Department or any local board of health that the holder of the certificate has, or is currently, violating any rule, regulation or statute

applicable to wholesale shellfish operations, the Department shall, upon hearing and proof of allegation, suspend, revoke or refuse to renew any such certificate. The hearing shall be conducted pursuant to the provisions of 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.

(b) When in its determination that the protection of the public health warrants such action, the Department may suspend any certification pending hearing. In no case shall a shellfish facility operate as such while suspended. Upon written request, the certificate holder will be granted an expedited hearing conducted pursuant to 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.

(c) A certificate to operate a shellfish facility shall not be renewed or restored until the Department determines that all requirements of this subchapter and any other applicable rules and regulations have been satisfied.

8:13-1.7 Oyster temperature control

(a) From June 1 through September 15 of each year, a harvester shall implement the following mechanism onboard a vessel to control the temperature of oysters immediately following harvest:

1. The vessel shall have tarping installed that shall be used on a constant basis when the harvesting of oysters begins until unloading begins at the dockside.
2. The tarping shall:
 - i. Remain in place and withstand typical operating and weather conditions;
 - ii. Provide a minimum of one foot clearance above oysters held in cages or other holding devices;
 - iii. Extend a minimum of one foot beyond the perimeter of oyster cages or other holding devices; and
 - iv. Be maintained in sanitary and operable condition.

(b) Harvesters may apply to the Commissioner in care of the Food and Drug Safety Program, Consumer and Environmental Health Services, Public Health Services Branch, New Jersey Department of Health and Senior Services, PO Box 369, Trenton, NJ 08625-0369, for authorization to use means other than the mechanism provided in (a) above to control the temperature of oysters on board a vessel after harvesting.

1. In evaluating applications for authorization to use means other than the mechanism provided in (a) above to control the temperature of oysters on board a vessel after harvesting, the Department will consider:
 - i. The ability of the proposed mechanism to retard temperature increase until the commencement of unloading begins; and
 - ii. The ability of the proposed mechanism to be maintained in a sanitary and operable condition.

New Rule, R.2006 d.173, effective May 15, 2006.
See: 37 N.J.R. 3767(a), 3907(a), 38 N.J.R. 2153(a).

SUBCHAPTER 2. DEPURATION OF HARD SHELL AND SOFT SHELL CLAMS

8:13-2.1 Definitions

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

“Certified depuration plant operator” (DPO) means a person who is responsible for maintaining complete and accurate records of all depuration processes and controls all critical activities of the depuration plant.

“Critical activities” means and includes all the critical parameters for depurating shellfish, including, but not limited to, the allocation of process containers, the procedures for harvesting and landing of shellfish, treatment of process water, HACCP Plan implementation, standard operating procedures for the depuration process, tank and equipment maintenance, process security and surveillance procedures and equipment, sanitation procedures, and required recordkeeping.

“Depuration” or “depurate” means the process of reducing the pathogenic organisms that may be present in shellstock by using a controlled aquatic environment as the treatment process.

“Depuration plant” means a premises or establishment in which clams obtained from waters officially sanctioned and classified by the Department of Environmental Protection as special restricted or seasonal special restricted are subject to a process of depuration with the proper controls approved by the Department which will render the depurated clams alive, and microbiologically acceptable within the meaning of State rules and regulations.

“Depuration Plant Operations Manual” means a written manual to include all depuration procedures and operations that will be conducted in a depuration plant including identifying individuals responsible for critical control activities and procedures to be employed by the depuration plant, when operations must be discontinued or when critical control activities are not being met.

“Depuration process” means the procedure and equipment by which shellfish harvested from waters officially sanctioned and classified by the Department of Environ-

mental Protection as Special Restricted or Seasonal Special Restricted are treated at a depuration plant for controlled purification.

“Depuration unit” means a tank or series of tanks supplied by a single process water system.

“DPO” means depuration plant operator.

“Fecal coliform” means that portion of the coliform group that will produce gas from lactose in an EC medium or an A-1 multiple-tube procedure liquid medium within 24 (+2) hours in a water bath maintained at 112 degrees Fahrenheit (44.5 degrees + 0.2 degrees Celsius).

“Hard shell clams” means the species *Mercenaria mercenaria*.

“Hazard Analysis Critical Control Point (HACCP) Plan” means a plan that meets the criteria as set forth in 21 CFR §123.6, as that term is augmented by 21 CFR §123.28, both of which are incorporated herein by reference, as amended and supplemented.

“Lot” means the number of bushels of clams which have been harvested on a particular day from the same area designated by the Department of Environmental Protection.

“MPN” (most probable number) means a statistical estimate of the number of bacteria per unit volume and is determined from the number of positive results in a series of fermentation tubes.

“Person” means an individual, or a firm, partnership, company, corporation, trustee, association, cooperative, or any public or private entity.

“Process batch” means the number of lots of clams and the identification of each lot used to fill each separate depuration unit. A process batch can be one lot or more but cannot exceed two consecutive days harvest, nor exceed the number of bushels of clams the process tanks are capable of handling.

“Process tank(s)” means the tanks in which the controlled purification process is carried out.

“Process water” means the water in depuration tanks during the time that shellfish are being depurated.

“Sanitize” means an effective bactericidal treatment of clean surfaces of equipment and utensils, to effectively destroy microorganisms, including pathogens.

“Shellfish Resource Recovery Steering Committee” (SRRSC) means designated representatives from the Department of Environmental Protection and the Department of Health and Senior Services who have regulatory responsibilities for resource recovery programs.

“Soft shell clams” means the species *Mya arenaria*.

“Total coliform” means all of the aerobic and facultative anaerobic, gram-negative, non-spore-forming, rod-shaped bacilli that ferment lactose broth with gas formation within 48 hours at 95 degrees Fahrenheit (35 + 0.5 degrees Celsius).

“Treated clams” means shellfish that have been depurated.

“Turbidity” means particles in water which reduce light transmittance as measured by a nephelometer. Units are usually given as Nephelometric turbidity units or as N.T.U.

“Ultraviolet light (“UV”)” means that portion of the light spectrum containing the bactericidal wave lengths centered around 254 nanometers.

“Untreated clams” means shellfish that have not been depurated.

“U.S. Standard Bushel” means United States dry measure of four pecks, or 2150.42 cubic inches.

“Zero hour” (“0 hour”) means the time at which a depuration unit becomes full with process water and the last container of the last lot of clams is placed into the tanks for depuration.

Amended by R.2000 d.455, effective November 6, 2000.
See: 32 N.J.R. 416(a), 32 N.J.R. 3982(b).

Rewrote the section.
Amended by R.2006 d.173, effective May 15, 2006.
See: 37 N.J.R. 3767(a), 3907(a), 38 N.J.R. 2153(a).

Deleted definition “Department”; in definition “Fecal coliform” made stylistic changes and substituted “Celsius” for “centigrade”; in definition “Hazard Analysis Critical Control Point (HACCP) Plan” added the language beginning “, as that term . . . and supplemented” at the end; and in definition “Total coliform” substituted “rod-shaped” for “red-shaped”, “Celsius” for “centigrade” and made stylistic changes.

8:13-2.2 General requirements

Any person engaged in the depuration of clams shall conform to the rules governing sanitation, handling, shipping and shucking of shellfish promulgated under this chapter, Title 24 of the Revised Statutes, and 21 CFR Part 123.

Amended by R.2000 d.455, effective November 6, 2000.
See: 32 N.J.R. 416(a), 32 N.J.R. 3982(b).

Inserted a CFR reference.
Amended by R.2006 d.173, effective May 15, 2006.
See: 37 N.J.R. 3767(a), 3907(a), 38 N.J.R. 2153(a).
Inserted “Part” following “CFR”.

8:13-2.3 Prohibited acts

No person shall distribute or sell, offer for sale or have in his or her possession with the intent to distribute or sell any clams which have been harvested from special restricted waters and have not been depurated for at least 48 hours and which do not meet the bacteriological standards set forth under N.J.A.C. 8:13-2.21. Clams shall be depurated for a minimum of 48 hours, but not longer than 72 hours. Depuration shall be restricted to clams of the species approved by the Department. Only clams harvested from waters approved for this purpose by the Department of

Environmental Protection pursuant to N.J.S.A. 58:24-1 et seq. may be depuration. Clams from other sources may not be stored on the premises of the depuration plant. The depuration plant shall be used for no purpose other than the depuration of clams.

8:13-2.4 Hard and Soft Shell Clam Depuration Program

(a) Any person(s) wishing to construct and/or operate a soft or hard shell clam depuration plant shall submit to the SRRSC a detailed proposal providing all pertinent information concerning the proposed plant on applications provided by the SRRSC.

1. A detailed set of construction plans shall accompany the application.
2. All depuration plant proposals shall be forwarded to:

Food and Drug Safety Program
Consumer and Environmental Health Services
Public Health Services Branch
New Jersey Department of Health and Senior Services
PO Box 369
Trenton, NJ 08625-0369

(b) The SRRSC shall only accept proposals for consideration which demonstrate that they will be in conformance with all local requirements, including zoning, building, and fire codes.

(c) The SRRSC will respond in writing to each proposal after all requested information has been submitted. Each response shall state the reason(s) for acceptance or denial of the proposal.

(d) If an applicant does not initiate construction within six months of its approval, the SRRSC reserves the right to withdraw its approval.

(e) The SRRSC shall have the right to limit the number of plant permits issued, based upon Department of Environmental Protection and Department of Health and Senior Services enforcement capabilities.

Amended by R.2000 d.455, effective November 6, 2000.

See: 32 N.J.R. 416(a), 32 N.J.R. 3982(b).

Deleted former (e), recodified former (f) as (e).

Amended by R.2006 d.173, effective May 15, 2006.

See: 37 N.J.R. 3767(a), 3907(a), 38 N.J.R. 2153(a).

Added (a)1 and 2 designations; and in (a)2 updated mailing address.

8:13-2.5 Provisional certificate requirements

(a) Upon approval by the SRRSC to initiate construction of a depuration plant, the issuance of a provisional shellfish certificate to operate a depuration plant on an interim basis until the final verification studies are completed is contingent upon the following:

1. Submission of a completed shellfish certificate application as required under N.J.A.C. 8:13-1.5 and a

food/cosmetic establishment license application with the applicable fee as required under N.J.S.A. 24:15-13 and N.J.A.C. 8:21-9;

2. Approval of construction plans;

3. Approval of the depuration system including the clam processing containers as specified under N.J.A.C. 8:13-2.14;

4. Completion of plant construction;

5. Completion of a preoperational inspection conducted by the Department indicating substantial compliance with all of the provisions of this subchapter;

6. Filing the necessary permit applications required under N.J.A.C. 7:12. The Department must receive verification from DEP that the applicant meets the DEP regulatory provisions;

7. A written HACCP plan and depuration plant operations manual, which includes the scheduled depuration process, shall be submitted for approval to the Department prior to issuance of a provisional depuration plant certification. The depuration plant operations manual shall be updated as changes occur in the depuration plant;

8. The plant capacity shall be filed by the firm and approved by the Department utilizing the criteria specified in N.J.A.C. 8:13-2.13 prior to provisional certification approval by the Department;

9. Each plant must have at least one employee designated a certified depuration plant operator. Applicants for DPO shall take a standard examination administered by the Department which demonstrates a comprehensive knowledge of the principles and procedures of the depuration process and the provisions of the rules at N.J.A.C. 8:13-2. Applicants must obtain a passing score of at least 70 in order to receive certification;

10. A plant verification study shall be conducted by the operator prior to receiving provisional certification. This verification study shall demonstrate to the Department that all critical parameters meet the specifications as set forth in this chapter and are adequate to insure sufficient physiological activity of the shellfish for purification to occur at any point in the tank under maximum loading conditions, and plant verification studies must include at least three consecutive process runs which meet all critical activities as well as the end point bacteriological standards set forth under N.J.A.C. 8:13-2.21 for each process batch.

Amended by R.2000 d.455, effective November 6, 2000.

See: 32 N.J.R. 416(a), 32 N.J.R. 3982(b).

Rewrote the section.

Amended by R.2006 d.173, effective May 15, 2006.

See: 37 N.J.R. 3767(a), 3907(a), 38 N.J.R. 2153(a).

Rewrote (a)1.

8:13-2.6 Final certificate requirements

(a) Considering the extremes of environmental conditions and physiological status of bivalves an acceptable process verification study shall be conducted during periods when extreme conditions are known to occur. Only after this additional process verification study is completed indicating that all critical activities have been met, including meeting the bacteriological standards set forth under N.J.A.C. 8:13-2.21, will final certification be considered by the Department.

(b) Final certification will be issued based upon a record of satisfactory compliance with the HACCP Plan and scheduled depuration process which is incorporated in the Depuration Plant Operations Manual and the requirements of (a) above.

(c) The certificate shall expire on June 30 of each year. Certificate renewal is required each year on forms supplied by the Department.

(d) Shellfish certification and food/cosmetic license are not transferable with respect to changes in location and/or ownership.

Amended by R.2000 d.455, effective November 6, 2000.
See: 32 N.J.R. 416(a), 32 N.J.R. 3982(b).
Rewrote (a) and (b).

8:13-2.7 Certification restrictions, suspensions, and revocations

(a) Depuration Plant (DP) certification is limited to the depuration and sale of depurated clams.

(b) The certificate issued by the Department pursuant to these rules may be suspended or revoked for any violation of Title 24 of the Revised Statutes or of any rule or regulation of the Department or when bacteriological data shows that the depuration process is not reducing fecal coliform levels to the standards set forth in these rules. Any violation of a special permit to possess shellfish harvested from special restricted waters issued by the Department of Environmental Protection is grounds for suspension or revocation of the certificate issued by the Department.

(c) The Department, when in its judgement has determined that any of the critical activities of the depuration rules are violated, may, before a hearing, suspend the certification pending the hearing. When the certification has been suspended, the person shall have the right to an expedited hearing. In all other cases, the person shall be afforded the opportunity for a hearing in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. and N.J.S.A. 52:14F-1 et seq., and the Uniform Administrative Rules of Practice, N.J.A.C. 1:1, prior to the suspension or revocation of the license. When the special permit issued by the Department of Environmental Protection under N.J.A.C. 7:12-9 is suspended or revoked, the shellfish certificate issued by the Department is no longer valid.

Amended by R.2000 d.455, effective November 6, 2000.

See: 32 N.J.R. 416(a), 32 N.J.R. 3982(b).

In (a), substituted "Depuration Plant (DP) certification" for "Certification".

8:13-2.8 Plant location and site specification

The depuration plant shall be located in such an area where seawater of proper quality and sufficient quantity is available for the process. The plant shall be located close enough to the harvest site to minimize travel time, to prevent excessive bacterial multiplication, and to reduce stress in the clams. The plant shall be so located that it will not be subject to flooding by high tides.

8:13-2.9 Plant design

The plant shall be designed in such a manner as to prevent cross-contamination of undepurated and depurated clams and in order that a video surveillance system can effectively monitor all critical activities. Washing and culling facilities, with a convenient supply of potable wash water which meets the requirements of N.J.A.C. 7:10 (Safe Drinking Water Act rules), shall be provided for untreated and treated clams. Three separate dry storage areas meeting the requirements of N.J.A.C. 8:13-2.11 shall be provided for undepurated clams, clams depurated pending laboratory approval, and depurated approved clams. The plant shall be provided with potable running water, electricity, and sewage disposal sufficient to meet all the specifications and carry out all the requirements set forth in these rules.

Amended by R.2000 d.455, effective November 6, 2000.
See: 32 N.J.R. 416(a), 32 N.J.R. 3982(b).

Substituted "depurated" for "treated" and "undepurated" for "untreated" throughout.

8:13-2.10 Transportation of clams

(a) The vessel(s) or vehicle(s) used in the transportation of clams shall be kept in a clean and sanitary condition. The clams stored and transported in the vessel(s) shall be protected from undue environmental stress such as freezing in winter and overheating in direct sunlight during the summer months. Clams shall be protected from contamination at all times during harvesting and transportation to the depuration plant.

(b) A waterproof serially numbered harvester-allocation tag approved by the Department shall be issued by the DPO and affixed to each harvest container in the plant as part of the daily harvest allocation, as specified in N.J.A.C. 8:13-2.24. The tags shall be accounted for or used that day only.

(c) Only serially numbered "U.S. Standard" bushel size containers shall be used in the harvesting, transportation, and receiving of hard shell and soft shell clams at the depuration plant unless written approval is given to use an alternate standard type of container. All reasonable measures shall be taken to assure that containers of clams received at the plant are filled to a level not to exceed one U.S. standard bushel.

Amended by R.2000 d.455, effective November 6, 2000.

See: 32 N.J.R. 416(a), 32 N.J.R. 3982(b).

Rewrote the section.

Amended by R.2006 d.173, effective May 15, 2006.

See: 37 N.J.R. 3767(a), 3907(a), 38 N.J.R. 2153(a).

Made a stylistic change in (a); added (b) and (c) designations; in (c)1, inserted "shipping"; rewrote (c)3; made stylistic change in (c)4; rewrote (c)5 and (c)6; and added (c)6i.

8:13-2.27 Depuration plant monitoring/surveillance equipment

(a) A video surveillance system shall be installed and operated to clearly monitor all critical control activities of the

depuration plant and shall be in working order and operating at all times. The plant shall provide two monitors for remote viewing via telephone lines in state offices. This system shall be approved by the SRRSC prior to provisional certification.

(b) A video cassette recorder shall be provided and shall operate to record all surveillance camera sequences.

(c) The plant shall have an audible alarm and a visible alarm in plain view of surveillance cameras which is triggered when the electrical service is interrupted during a process.