

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

Chapter 1E, Discharges of Petroleum and Other Hazardous Substances, expires on February 27, 2012.

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Chapter 1E, Discharges of Petroleum and Other Hazardous Substances, was repealed and Chapter 1E, Discharges of Petroleum and Other Hazardous Substances, was adopted as new rules by R.1991 d.465, effective September 3, 1991, operative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).

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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.