

7:1K-1.3 Jurisdiction

(a) This chapter shall apply, to the extent statutorily permissible, to the following Department management actions affecting industrial facilities:

1. Permits, certificates, registrations, or any other relevant Departmental approvals issued to the owner or operator of the industrial facility pursuant to N.J.S.A. 13:1E-1 et seq., 58:10A-1 et seq., or 26:2C-1 et seq.

(b) The pollution prevention concepts and requirements contained in this chapter shall be incorporated, to the extent statutorily permissible, in the Department's policies, procedures and permits.

7:1K-1.4 Relationship of Community Right-to-Know Reporting to Pollution Prevention Reporting

The Department may combine the reporting elements of this chapter with those required for Community Right-to-Know reporting pursuant to N.J.S.A. 34:5A-1 et seq. in order to allow a priority industrial facility to submit a combined reporting form to satisfy the requirements of N.J.A.C. 7:1G and 7:1K.

7:1K-1.5 Definitions

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

"Act" means the Pollution Prevention Act, N.J.S.A. 13:1D-35 et seq.

"Assertedly confidential information" means information for which a claimant has filed a confidentiality claim in accordance with N.J.A.C. 7:1K-8.2, but for which the Department has not made a final confidentiality determination pursuant to N.J.A.C. 7:1K-9.5.

"Assistant Commissioner" means the Assistant Commissioner for Environmental Regulation or his or her designated representative.

"Base year" means the calendar year prior to the year of the submittal of an industrial facility's Pollution Prevention Plan Summary to the Department.

"Board" means the Pollution Prevention Advisory Board established by N.J.S.A. 13:1D-39.

"Claimant" means any person who submits a confidentiality claim under this chapter.

"Class confidentiality determination" means a confidentiality determination made by the Department under N.J.A.C. 7:1K-9.9, for a class of information.

"Commissioner" means the Commissioner of the Department of Environmental Protection or his or her designated representative.

"Confidential copy" means a record (or copy thereof) submitted to or obtained by the Department, containing information which the claimant asserts is confidential information.

"Confidential information" means information, including trade secret information, which the Department determines to have satisfied all of the following substantive criteria:

1. The claimant has asserted a confidentiality claim with respect to the information, in compliance with the procedures required by N.J.A.C. 7:1K-8.2, and such confidentiality claim has not expired by its terms, been waived or withdrawn;

2. The claimant has shown that disclosure of the information would be likely to cause substantial damage either to the claimant's competitive position or to national security;

3. The claimant has taken reasonable measures to protect the confidentiality of the information, and intends to continue to take such measures;

4. The information is not, and has not been, available or otherwise 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 other persons, as long as the information has not been available to persons not involved in the proceeding);

5. 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;

6. The claimant has not waived the confidentiality claim for the information; and

7. No law, regulation, administrative rule (including, without limitation, N.J.A.C. 7:1K-10 or any other administrative rule 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.

"Confidentiality claim" or "claim" means, with respect to information that a person is required either to submit to the Department, or allow the Department to obtain, a written request by such person that the Department treat such information as confidential information.

"Confidentiality determination" means a determination by the Department that assertedly confidential information is or is not confidential information.

“Consume” means to change or alter the molecular structure of a hazardous substance within a production process.

“Contract” means an agreement between the Department and a contractor, for which the Department has determined that it is necessary for the contractor to have access to confidential information to enable the contractor to perform the duties required by such agreement.

“Contractor” means a person, other than an employee of the Department, who has entered into an agreement with the Department to perform services or to provide goods for the Department.

“Co-product” means one or more incidental result(s) of a production process that is not a primary product of the production process and that is sold in trade in the channels of commerce to the general public in the same form as it is produced, for any purpose except the purpose of energy recovery. A co-product is not considered nonproduct output. Increases in quantities of co-products do not count towards use reduction or nonproduct output reduction goals.

“Department” means the Department of Environmental Protection, its successors and assigns.

“Facility” means all buildings, equipment, structures, and other property that are located on a single site or on contiguous or adjacent sites and that are owned or operated by the same person.

“Facility-wide permit” means a single permit issued by the Department to the owner or operator of a priority industrial facility incorporating the permits, certificates, registrations, or any other relevant Department approvals previously issued to the owner or operator of the priority industrial facility pursuant to the Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq., the Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq., the Air Pollution Control Act, N.J.S.A. 26:2C-1 et seq., and the appropriate provisions of the Pollution Prevention Plan prepared by the owner or operator of the priority industrial facility pursuant to N.J.S.A. 13:1D-41 and 42.

“Form DEQ-114” means the Release and Pollution Prevention Report (RPPR) form issued by the Department which is used to fulfill the Environmental Release and Pollution Prevention reporting requirements of the environmental survey, Part II, pursuant to N.J.S.A. 34:5A-1 et seq.

“Hazardous substance” means any substance on the list established by the United States Environmental Protection Agency for reporting pursuant to 42 U.S.C. § 11023, and any other substance which the Department defines as a hazardous substance for the purposes of the Act pursuant to N.J.A.C. 7:1K-3.5.

“Hazardous waste” means any solid waste defined as hazardous waste by the Department pursuant to N.J.S.A. 13:1E-1 et seq.

“Industrial facility” means any facility having a North American Industry Classification System (NAICS) code listed in chapter Appendix D, incorporated herein by reference, dated and published in 2002 by the Executive Office of the President of the United States, Office of Management and Budget, ISBN 0-934213-87-9, NTIS PB2002-502024, subject to the specified exceptions and limitations, and which is subject to the regulatory requirements of the Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq., the Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq., or the Air Pollution Control Act, N.J.S.A. 26:2C-1 et seq.

“In-process recycling” means returning a hazardous substance to a production process using dedicated equipment that is directly connected to and physically integrated with a production process or production processes and is operated in a manner that reduces the generation of nonproduct output or the multi-media release of hazardous substances.

“Intermediate product” means one or more desired result(s) of a production process that is made into a product in a subsequent production process at the same industrial facility, without the need for pollution treatment prior to its being made into a product. An intermediate product is not considered nonproduct output.

“Manufacture” means to produce, prepare, import, or compound a hazardous substance.

“Multimedia release” means the release of a hazardous substance to any environmental medium, or any combination of media, including the air, water or land, and includes any release into workplaces.

“Nonproduct output” or “NPO” means all hazardous substances or hazardous wastes that are generated prior to storage, out-of-process recycling, treatment, control or disposal, and that are not intended for use as a product. Nonproduct output includes fugitive releases.

“Offense” means each individual violation of the Act or of any rule promulgated, or administrative order, operating certificate, registration requirement or permit issued pursuant thereto. Subsequent offenses are not conditioned upon a prior conviction, final order, or entry of judgment. In addition, a single administrative order and notice of civil administrative penalty assessment may relate to more than one offense.

“Office” means the Office of Pollution Prevention established in the Department pursuant to N.J.S.A. 13:1D-38.

“Operator” means any person in control of, or exercising responsibility for, the daily operation of an industrial facility or a priority industrial facility.

“Owner” means any person who owns an industrial facility or a priority industrial facility.

“Person” means any individual, partnership, company, corporation, society, firm, consortium, joint venture, or any commercial or other legal entity.

“Pilot facility” means a facility or designated area of a facility used for pilot-scale development of products or processes not primarily involved in the production of goods for commercial sale.

“Pollution prevention” means: changes in production technologies, raw materials or products, that result in the reduction of the demand for hazardous substances per unit of product manufactured and the creation of hazardous products or nonproduct outputs; or changes in the use of raw materials, products, or production technologies that result in the reduction of the input use of hazardous substances and the creation of hazardous by-products or destructive results; or on-site facility changes in production processes, products, or the use of substitute raw materials that result in the reduction of the amount of hazardous waste generated and disposed of on the land of hazardous substances discharged into the air or water per unit of product manufactured prior to treatment and that reduce or eliminate, without shifting, the risks that the use of hazardous substances at an industrial facility pose to employees, consumers, and the environment and human health. “Pollution prevention” includes, but is not limited to, raw material substitution, product reformulation, production process redesign or modification, in-process recycling, and improved operation and maintenance of production process equipment. “Pollution prevention” does not include any action or change entailing a substitution of one hazardous substance, product or nonproduct output for another that results in the creation of substantial new risk, and does not include treatment, increased pollution control, out-of-process recycling, or incineration.

“Pollution Prevention Assessment” means an assessment of potential pollution prevention opportunities for the use, generation and release of non-hazardous substances, prepared by an owner or operator of a priority industrial facility that is covered by an effective facility-wide permit issued by the Department, containing the same elements as those required for hazardous substances by N.J.A.C. 7:1K-4.3 and 4.5.

“Pollution Prevention Plan” means a plan required to be prepared by an industrial facility pursuant to N.J.S.A. 13:1D-41 and 42 and N.J.A.C. 7:1K-3 and 4.

“Pollution Prevention Plan Progress Report” or “Plan Progress Report” means a report required to be submitted

annually to the Department by the owner or operator of an industrial facility pursuant to N.J.S.A. 13:1D-41 and 42 and N.J.A.C. 7:1K-3 and 6.

“Pollution Prevention Plan Summary” or “Plan Summary” means a summary of a Pollution Prevention Plan required to be prepared by an industrial facility and submitted to the Department pursuant to N.J.S.A. 13:1D-41 and 42 and N.J.A.C. 7:1K-3 and 5.

“Pollution prevention planning” means the preparation by a priority industrial facility of a Pollution Prevention Plan, Plan Summary, and Plan Progress Report pursuant to this chapter, and includes any reporting of information to the Department required by this chapter as part of the preparation or submittal of pollution prevention planning documents.

“Pollution Prevention Planning Guidance Document” means a document prepared by the Department pursuant to N.J.S.A. 13:1D-40(b), setting forth the administrative and regulatory requirements for preparing Pollution Prevention Plans, Pollution Prevention Plan Summaries, and Pollution Prevention Plan Progress Reports, and providing additional information which may be used by industrial facilities for pollution prevention planning.

“Preliminary public copy” means a copy of a record held by the Department, identical to the confidential copy except that any assertedly confidential information has been blacked out; provided, however, that if the record is not in a form in which confidential information can be concealed by blacking out, the “preliminary public copy” shall be a copy of such record from which such confidential information has been deleted, containing notations stating where deletions have been made.

“Priority industrial facility” means:

1. Any industrial facility required to prepare and submit a toxic chemical release form pursuant to 42 U.S.C. § 11023; or
2. Any other industrial facility designated by the Department as a priority industrial facility pursuant to the criteria and procedure at N.J.A.C. 7:1K-3.2.

“Product” means one or more desired result(s) of a production process that is used as a commodity in trade in the channels of commerce by the general public in the same form as it is produced. Products include intermediate products transferred to a separate industrial facility owned or operated by the same owner or operator.

“Production process” means a process, line, method, activity or technique, or a series or combination of processes, lines, methods or techniques used to produce a product or reach a planned result.

“Raw Material Substitution Certification” means a list of individual hazardous substances used in specific targeted production processes at a priority industrial facility, for which the owner or operator of the industrial facility has determined through preparation and completion of a Pollution Prevention Plan and has certified to the Department that it is not technically or economically feasible to reduce the input-use of the hazardous substance below current levels by replacing the hazardous substance with a different raw material in the specific production process.

“Record” means any document, writing, photograph, sound or magnetic recording, drawing, or other similar thing by which information has been preserved and from which information can be retrieved and copied.

“Requester” means a person who has made a request to the Department to inspect or copy records which the Department possesses or controls.

“Research and development laboratory” means a facility or a specially designated area of a facility used primarily for research, development, and testing activity, and not primarily involved in the production of goods for commercial sale, in which hazardous substances are used by, or under, the direct supervision of a technically qualified person.

“Source” means a point or location in a production process at which a nonproduct output is generated or released, provided, however, that similar, related or identical kinds of sources may be considered a single source for the purposes of the Act pursuant to the criteria at N.J.A.C. 7:1K-4.2.

“Substantiation” means information which a claimant submits to the Department in support of a confidentiality claim pursuant to N.J.A.C. 7:1K-9.3.

“Targeted production process” means any production process which significantly contributes to the use or release of hazardous substances or the generation of nonproduct output, as determined by the owner or operator of a priority industrial facility pursuant to criteria established by the Department at N.J.A.C. 7:1K-4.4.

“Targeted source” means any source which significantly contributes to the generation of nonproduct output, as determined by the owner or operator of a priority industrial facility pursuant to criteria established by the Department at N.J.A.C. 7:1K-4.4.

“TRI list” means the Toxic Release Inventory (TRI) list established by the United States Environmental Protection Agency for reporting pursuant to 42 U.S.C. § 11023.

“Unit of product” means a unit used to measure the total quantity of product(s), co-product(s) and/or intermediate product(s) produced by a production process, and which is not changed by an industrial facility from year to year.

“U.S. EPA” means the United States Environmental Protection Agency.

“Violation” means a violation of any provision of the Act, or any rule or regulation, administrative order, or facility-wide permit adopted or issued pursuant to the Act.

Amended by R.1994 d.51, effective February 7, 1994.

See: 25 N.J.R. 1849(a), 26 N.J.R. 842(a).

Amended by R.2000 d.118, effective March 20, 2000.

See: 31 N.J.R. 4187(a), 32 N.J.R. 1001(a).

In “Form DEQ-114” substituted “Release and Pollution Prevention Report (RPPR)” for “reporting”; and inserted “Standard Industrial Classification (SIC)” and “U.S. EPA”.

Special amendment, R.2004 d.87, effective January 28, 2004 (to expire October 24, 2004).

See: 36 N.J.R. 1233(a).

Rewrote “Industrial facility”; deleted “Standard Industrial Classification (SIC)”.

7:1K-1.6 Construction

These rules shall be liberally construed to permit the Department to discharge its statutory functions under the Act.

7:1K-1.7 Severability

If any subchapter, section, subsection, paragraph, subparagraph, 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.

7:1K-1.8 Access to public information

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

Office of Pollution Prevention
Department of Environmental Protection and Energy
PO Box 423
Trenton, New Jersey 08625-0423
(609) 777-0518

7:1K-1.9 Revisions to North American Industry Classification System Codes for purposes of the definition of “industrial facility”

In the event that the Executive Office of the President, Office of Management and Budget, publishes new or revised North American Industry Classification System (NAICS) codes modifying the 2002 list of NAICS codes on which the definition of “industrial facility” and chapter Appendix D is based, the Department shall modify the NAICS codes as necessary to ensure that, as required by N.J.S.A. 13:1D-139, the generally equivalent universe of industrial facilities continue to be regulated under this chapter. Specifically, the Department shall provide limitations and/or exceptions to the NAICS codes as required to maintain the regulated universe as of August 15, 2003. The Department shall publish in the New Jersey Register a notice of the new or revised NAICS code(s) and the corresponding administrative change(s) to Appendix D.

Special New Rule, R.2004 d.87, effective January 28, 2004 (to expire October 24, 2004).
See: 36 N.J.R. 1233(a).

SUBCHAPTER 2. POLLUTION PREVENTION ADVISORY BOARD

7:1K-2.1 Pollution Prevention Advisory Board

(a) The Pollution Prevention Advisory Board shall advise the Department in matters related to the administration of the Act and shall monitor the expenditure of money in the Pollution Prevention Fund established by N.J.S.A. 13:1D-50.

(b) The appointment and membership of the Board shall be as provided at N.J.S.A. 13:1D-39. A majority of the membership of the Board shall constitute a quorum for the transaction of board business. Action may be taken and motions adopted by the Board at any meeting thereof by the affirmative vote of a majority of the members of the Board present and voting. Members of the Board shall serve without compensation but the Board may, within the limits of funds appropriated or otherwise made available to it for such purposes, reimburse its members for reasonable and necessary expenses incurred in the discharge of their official duties.

(c) The Board may:

1. Review any matters submitted to it by the Department concerning any aspect of the provisions or implementation of the Act and report its recommendations to the Department;

2. Conduct an ongoing review of the implementation of the Act and submit any recommendations for administrative or legislative changes it deems necessary to the Department;

3. Investigate techniques to develop standardized classifications of production processes employed by industrial facilities, and investigate the feasibility of utilizing such techniques in the development and implementation of Pollution Prevention Plans;

4. Advise the Department on the interpretation of information submitted in Pollution Prevention Plan Summaries and Pollution Prevention Plan Progress Reports and on the content of Pollution Prevention Plans, Plan Summaries, and Plan Progress Reports;

5. Review the scientific literature concerning the occupational, public health, and environmental risks presented by exposures to specific hazardous substances, evaluate scientific interpretations of these risks, and assess the risks of the discharge of these hazardous substances into different environmental media;

6. Review and evaluate the impact of reductions in the use or discharge of specific hazardous substances on employment levels;

7. Conduct periodic reviews of the criteria adopted by the Department for the preparation of Pollution Prevention Plans, Plan Summaries, and Plan Progress Reports and, if deemed necessary, make recommendations to the Department for administrative changes;

8. Study and evaluate the practicability and feasibility of achieving hazardous substance pollution prevention without reductions in employment levels through the use of substitute substances, alternative procedures or processes, or other means;

9. Conduct research, or hold public hearings concerning the continued use, production, manufacture, discharge, or disposal of any hazardous substance in the State and the threat that this use, production, manufacture, discharge, or disposal poses to human health or the environment, and, if warranted, make a written recommendation to the Governor and the Legislature concerning the prohibition of, or restrictions on, the continued use, production, manufacture, discharge, or disposal of the hazardous substance in the State, except that the Board shall not conduct research or hold public hearings concerning the siting of hazardous waste facilities; and

10. Review the expenditure by the Department of monies deposited in the Pollution Prevention Fund established pursuant to N.J.S.A. 13:1D-50.

SUBCHAPTER 3. POLLUTION PREVENTION PLANNING REQUIREMENTS

7:1K-3.1 Preparation and submission of pollution prevention planning documents by priority industrial facilities

(a) The owner or operator of a priority industrial facility required to prepare and submit a toxic chemical release form for calendar year 1993 pursuant to 42 U.S.C. § 11023 and having a North American Industry Classification System code, as designated by the Federal Office Management and Budget as listed in Table 3.1(a) of Appendix D, shall:

1. Prepare Parts IA and II of a Pollution Prevention Plan in accordance with N.J.A.C. 7:1K-4.3(b) and 4.5 and submit a Pollution Prevention Plan Summary to the Department in accordance with N.J.A.C. 7:1K-5.1 on or before July 1, 1994;

2. Prepare Part IB of a Pollution Prevention Plan in accordance with N.J.A.C. 7:1K-4.3(c) and submit a Pollution Prevention Plan Progress Report to the Department in accordance with N.J.A.C. 7:1K-6.1 by July 1, 1995;

3. Update Part IB of the Pollution Prevention Plan in accordance with N.J.A.C. 7:1K-3.7 and submit a Pollution Prevention Plan Progress Report to the Department in accordance with N.J.A.C. 7:1K-6.1 by each July 1 thereafter; and

4. Revise or modify the industrial facility's Pollution Prevention Plan or Plan Summary as required by N.J.A.C. 7:1K-3.6 and 3.8.

(b) The owner or operator of a priority industrial facility required to prepare and submit a toxic chemical release form for calendar year 1995 pursuant to 42 U.S.C. § 11023 and having a North American Industry Classification System code, as listed in Table 3.1(b) of Appendix D, shall:

1. Prepare Parts IA and II of a Pollution Prevention Plan in accordance with N.J.A.C. 7:1K-4.3(b) and 4.5 and submit a Pollution Prevention Plan Summary to the Department in accordance with N.J.A.C. 7:1K-5.1 on or before July 1, 1996;

2. Prepare Part IB of a Pollution Prevention Plan in accordance with N.J.A.C. 7:1K-4.3(c) and submit a Pollution Prevention Plan Progress Report to the Department in accordance with N.J.A.C. 7:1K-6.1 by July 1, 1997;

3. Update Part IB of the Pollution Prevention Plan in accordance with N.J.A.C. 7:1K-3.7 and submit a Pollution Prevention Plan Progress Report to the Department in accordance with N.J.A.C. 7:1K-6.1 by each July 1 thereafter; and

4. Revise or modify the industrial facility's Pollution Prevention Plan or Plan Summary as required by N.J.A.C. 7:1K-3.6 and 3.8.

(c) The owner or operator of an industrial facility that is not required to prepare and submit a toxic chemical release form pursuant to 42 U.S.C. § 11023, but which is designated as a priority industrial facility for pollution prevention planning purposes pursuant to N.J.A.C. 7:1K-3.2, shall:

1. Prepare Parts IA and II of a Pollution Prevention Plan in accordance with N.J.A.C. 7:1K-4.3(b) and 4.5 and submit a Pollution Prevention Plan Summary to the Department in accordance with N.J.A.C. 7:1K-5.1 within 18 months of receipt of the Department's final directive designating the industrial facility as a priority industrial facility;

2. Prepare Part IB of a Pollution Prevention Plan in accordance with N.J.A.C. 7:1K-4.3(c) and submit a Pollution Prevention Plan Progress Report to the Department in accordance with N.J.A.C. 7:1K-6.1 by July 1 of the year following the submittal of the industrial facility's first Pollution Prevention Plan Summary to the Department;

3. Update Part IB of the Pollution Prevention Plan in accordance with N.J.A.C. 7:1K-3.7 and submit a Pollution Prevention Plan Progress Report to the Department in accordance with N.J.A.C. 7:1K-6.1 by each July 1 thereafter; and

4. Revise or modify the industrial facility's Pollution Prevention Plan or Plan Summary as required by N.J.A.C. 7:1K-3.6 and 3.8.

(d) The owner or operator of a priority industrial facility who was not required to prepare and submit pollution prevention planning documents pursuant to (a) or (b) above, but who subsequently becomes subject to the filing of a toxic chemical release form pursuant to 42 U.S.C. § 11023, for example, by the U.S. EPA's addition of new hazardous substances or new North American Industry Classification System codes, shall:

1. Prepare Parts IA and II of a Pollution Prevention Plan in accordance with N.J.A.C. 7:1K-4.3(b) and 4.5 and submit a Pollution Prevention Plan Summary to the Department in accordance with N.J.A.C. 7:1K-5.1 within 12 months after the date set by the U.S. EPA for the submittal of a toxic chemical release form pursuant to 42 U.S.C. § 11023;

2. Prepare Part IB of a Pollution Prevention Plan in accordance with N.J.A.C. 7:1K-4.3(c) and submit a Pollution Prevention Plan Progress Report to the Department in accordance with N.J.A.C. 7:1K-6.1 by July 1 of the year following the submittal of the industrial facility's first Pollution Prevention Plan Summary to the Department;

3. Update Part IB of the Pollution Prevention Plan in accordance with N.J.A.C. 7:1K-3.7 and submit a Pollution Prevention Plan Progress Report to the Department in accordance with N.J.A.C. 7:1K-6.1 by each July 1 thereafter; and

4. Revise or modify the industrial facility's Pollution Prevention Plan or Plan Summary as required by N.J.A.C. 7:1K-3.6 and 3.8.

(e) The owner or operator of an industrial facility who was not required to prepare and submit pollution prevention planning documents pursuant to (a) or (b) above, but who subsequently manufactures or uses a hazardous substance in a quantity above the threshold quantity established at N.J.A.C. 7:1K-3.5, shall prepare a Pollution Prevention Plan and submit a Plan Summary to the Department within 12 months of the submittal to the Department of a Release and Pollution Prevention Report (RPPR), Form DEQ-114, Sections A and B.

(f) The owner or operator of a priority industrial facility who is no longer required to prepare and submit a toxic chemical release form pursuant to 42 U.S.C. § 11023 is no longer subject to the pollution prevention planning requirements of this chapter, unless designated as a priority industrial facility pursuant to N.J.A.C. 7:1K-3.2.

Amended by R.1994 d.51, effective February 7, 1994.
See: 25 N.J.R. 1849(a), 26 N.J.R. 842(a).
Amended by R.2000 d.118, effective March 20, 2000.
See: 31 N.J.R. 4187(a), 32 N.J.R. 1001(a).

In (d), inserted “, for example, by the U.S. EPA’s addition of new hazardous substances or new SIC codes,” following “§ 11023”; in (d)1, substituted “12 months after the date set by the U.S. EPA for the submittal” for “18 months of becoming subject to the filing” following “within”; inserted a new (e); and recodified former (e) as (f).
Special amendment, R.2004 d.87, effective January 28, 2004 (to expire October 24, 2004).

See: 36 N.J.R. 1233(a).

In (a), substituted “North American Industry Classification System code” for “Standard Industrial Classification” in the introductory paragraph; in (b), substituted “North American Industry Classification System code, as listed in Table 3.1(b) of Appendix D” for “Standard Industrial Classification other than those enumerated in (a) above” in the introductory paragraph; in (d), substituted “North American Industry Classification System” for “SIC” in the introductory paragraph.

7:1K-3.2 Designation of individual industrial facilities not subject to 42 U.S.C. § 11023 as priority industrial facilities

(a) The Department may issue a directive to an owner or operator of an individual industrial facility which is not

required to prepare and submit a toxic chemical release form pursuant to 42 U.S.C. § 11023 designating the industrial facility as a priority industrial facility for pollution prevention planning purposes in accordance with the criteria and procedures in this section.

(b) The Department may issue a directive designating an individual industrial facility which is not required to prepare and submit a toxic chemical release form pursuant to 42 U.S.C. § 11023 as a priority industrial facility for pollution prevention planning purposes if it determines that the industrial facility meets one or more of the following criteria:

9. For each targeted production process, the five-year numeric goal for reducing the use of each hazardous substance per unit of product, as defined in N.J.A.C. 7:1K-1.5 (Note: The process-level goals to be reported in (a)8 and 9 are the same goals reported in the Plan Summary pursuant to 7:1K-5.1(b)5ii and iii.);

10. For each targeted production process, the five-year numeric goal for reducing the generation of each hazardous substance as nonproduct output per unit of product, as defined in N.J.A.C. 7:1K-1.5;

11. A schedule for implementing the pollution prevention options identified in (a)5 above, including at a minimum:

i. Start date for construction or other activities which may require pre-approval from the Department through the issuance of permits or other approvals, if applicable; and

ii. Completion date for implementing the pollution prevention options identified under (a)5 above;

12. A quantitative description of the impact that the industrial facility's implementation of individual pollution prevention techniques is expected to have on post-treatment multimedia releases of hazardous substances by the industrial facility, reported by medium;

13. A description of the valuation methods used by the owner or operator of the industrial facility to determine not to install or utilize each option, identified under (a)4 above, that would have resulted in a greater percentage reduction in the use of hazardous substances per unit of product or the generation of nonproduct output per unit of product than the options identified at (a)5i above; and

14. For industrial facilities that have obtained prior written authorization from the Department to include out-of-process recycling in a Pollution Prevention Plan pursuant to N.J.A.C. 7:1K-4.7, an assessment and schedule for implementing on-site out-of-process recycling.

(b) An industrial facility is not required to include information on the product, co-product or intermediate product of a production process in developing the industrial facility's use reduction and NPO reduction goals pursuant to (a) above.

(c) An industrial facility filing a Raw Material Substitution Certification with the Department as part of the industrial facility's Pollution Prevention Plan Summary is not required to include information on hazardous substances listed on the Raw Material Substitution Certification in developing the industrial facility's use reduction goals pursuant to (a) above. See N.J.A.C. 7:1K-4.6.

Amended by R.1994 d.51, effective February 7, 1994.
See: 25 N.J.R. 1849(a), 26 N.J.R. 842(a).
Amended by R.2000 d.118, effective March 20, 2000.
See: 31 N.J.R. 4187(a), 32 N.J.R. 1001(a).

In (a), substituted "An estimate" for "A comprehensive financial analysis" at the beginning of 5ii, and made internal reference changes in 13.

7:1K-4.6 Procedure for development of a Raw Material Substitution Certification

(a) Following completion of a Parts I and II of a Pollution Prevention Plan, an owner or operator of a priority industrial facility may choose to file with the Department a Raw Material Substitution Certification listing the individual hazardous substances used in specific targeted production processes at the facility for which the owner or operator of the industrial facility has determined through preparation and completion of a Pollution Prevention Plan that it is not technically or economically feasible to reduce the input use of the hazardous substance below current levels by replacing the substance with a different raw material in the specific production process.

(b) The procedure for developing and filing a Raw Material Substitution Certification is as follows:

1. A Raw Material Substitution Certification shall consist of:

i. A list of the individual hazardous substances used in specific targeted production processes at the facility for which the owner or operator of the priority industrial facility has determined through preparation and completion of a Pollution Prevention Plan that it is not technically or economically feasible to reduce the input use of the hazardous substance below current levels by replacing the substance with a different raw material in the specific production process;

ii. A certification by the highest ranking corporate official with direct operating responsibility at the industrial facility that reads as follows:

"I certify that Parts I and II of the Pollution Prevention Plan have been completed for the specific combination of hazardous substances and production processes for which this Raw Material Substitution Certification is being claimed and that through completion of the Pollution Prevention Plan this industrial facility has determined that it is not technically or economically feasible to reduce the input use of the hazardous substance below current levels by replacing the substance with a different raw material in the specific production process.";

iii. A description of whether pollution prevention methods other than raw material substitution, have been considered for that specific combination of hazardous substances and production processes listed under (b)1i above. Examples of other pollution prevention methods include: product reformulation, production process redesign or modification, in-process recycling, and improved operation and maintenance; and

iv. A brief narrative summary of the technical and economic analysis conducted by the industrial facility in Part II of the Pollution Prevention Plan showing that the hazardous substances listed under (b)1i above cannot be substituted within the targeted production processes listed under (b)1i above; and

2. The owner or operator of the industrial facility shall file a Raw Material Substitution Certification with the Department as part of the industrial facility's Pollution Prevention Plan Summary.

(c) An industrial facility filing a Raw Material Substitution Certification with the Department as part of the industrial facility's Pollution Prevention Plan Summary is not required to include information on hazardous substances listed on the Raw Material Substitution Certification in developing the industrial facility's use reduction goals pursuant to N.J.A.C. 7:1K-4.5(a)6, 7 and 10.

7:1K-4.7 Out-of-process recycling

(a) The owner or operator of a priority industrial facility may include a description of on-site, out-of-process recycling activities in the industrial facility's Pollution Prevention Plan and Pollution Prevention Plan Summary if pollution prevention strategies are not reasonably available to the industrial facility for specific hazardous substance(s) in specific production process(es).

(b) The owner or operator of the industrial facility shall include in the industrial facility's Pollution Prevention Plan and Pollution Prevention Plan Summary a brief technical and economic analysis of whether pollution prevention strategies are reasonably available to the industrial facility for the specific hazardous substance(s) in specific production processes identified and a schedule for implementing on-site, out-of-process recycling activities for the specific hazardous substances in specific production process(es) covered by the out-of-process recycling. However, any out-of-process recycling activities reported by the industrial facility in its Pollution Prevention Plan or Pollution Prevention Plan Summary pursuant to this section shall not be included in the industrial facility's use reduction or nonproduct output reduction goals.

Amended by R.1994 d.51, effective February 7, 1994.
See: 25 N.J.R. 1849(a), 26 N.J.R. 842(a).
Amended by R.2000 d.118, effective March 20, 2000.
See: 31 N.J.R. 4187(a), 32 N.J.R. 1001(a).
Rewrote the section.

7:1K-4.8 Departmental access to Pollution Prevention Plans

The owner or operator of a priority industrial facility shall maintain a copy of the Pollution Prevention Plan for the industrial facility at the industrial facility, where it shall be available for inspection by the Department.

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

(a) An owner or operator of a priority industrial facility shall include in a Pollution Prevention Plan a Pollution Prevention Process-Level Data Worksheet, available from the Department (at the address in (a)1 below), for recording key process-level data elements required for each process in the Pollution Prevention Plan. These include type and units of product, process-level use and nonproduct output (NPO), and data components needed to compute use and NPO. The worksheet(s) shall include base year data and shall be annually updated and included in the Plan. At the discretion of the Department, an owner or operator may include in the Pollution Prevention Plan an alternate version of this worksheet, such as an electronic spreadsheet, as developed by the facility. The worksheet shall be included in the Pollution Prevention Plan by the next submittal to the Department of a Release and Pollution Prevention Report (RPPR), or by the next revision of the Plan, whichever occurs first.

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

Office of Pollution Prevention and Permit Coordination
Department of Environmental Protection
PO Box 423
Trenton, New Jersey 08625-0423
(609) 777-0518

New Rule, R.2000 d.118, effective March 20, 2000.
See: 31 N.J.R. 4187(a), 32 N.J.R. 1001(a).

SUBCHAPTER 5. POLLUTION PREVENTION PLAN SUMMARY

7:1K-5.1 Pollution Prevention Plan Summary reporting requirements

(a) The owner or operator of a priority industrial facility is required to:

1. Prepare and submit to the Department, on forms provided by the Department, by the deadline at N.J.A.C. 7:1K-3.1, a Pollution Prevention Plan Summary summarizing the industrial facility's Pollution Prevention Plan; and
2. Revise, update or modify the industrial facility's Pollution Prevention Plan Summary thereafter in accordance with N.J.A.C. 7:1K-3.6, 3.8 and 3.9.

(b) A Pollution Prevention Plan Summary shall consist, at a minimum, of the following:

1. Administrative information:
 - i. The name of the industrial facility;

- ii. The address of the industrial facility;
 - iii. The location of the industrial facility, using the industrial facility's centroid coordinate in New Jersey State Plane Feet;
 - iv. Relevant facility identification numbers assigned to the industrial facility by any State or Federal agency;
 - v. The name and business telephone number of the owner or operator of the industrial facility, and of the highest ranking corporate official at the industrial facility; and
 - vi. The name and business telephone number of the non-management employee representative at the industrial facility.
2. Certification:
- i. A written certification, signed by the owner or operator of the industrial facility that reads as follows:

"I certify under penalty of law that a Pollution Prevention Plan has been prepared for this industrial facility and that the Plan is available at the facility for inspection by the Department. I further certify that the information submitted in this Pollution Prevention Plan Summary is true, accurate and complete to the best of my knowledge.";
3. Facility-level information:
- i. Five-year numeric goals for reducing the use of each hazardous substance;
 - ii. Five-year numeric goals for reducing the generation of each hazardous substance as nonproduct output (Note: The facility-level goals to be reported in (b)3i and ii are the same as those to be included in the Pollution Prevention Plan pursuant to N.J.A.C. 7:1K-4.5(a)6 through 9.);
 - iii. A list of permits issued by the Department to the industrial facility for the use or multimedia release of hazardous substances, the discharge of pollutants, and the emission of pollutants or air contaminants including, but not limited to, permits issued pursuant to the Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq.; the Environmental Cleanup and Responsibility Act, N.J.S.A. 13:1K-6 et seq.; the Toxic Catastrophe Prevention Act, N.J.S.A. 13:1K-19 et seq.; the Air Pollution Control Act, N.J.S.A. 26:2C-1 et seq.; the Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq.; or the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11 et seq.;
 - iv. Optional: A priority industrial facility may include information on pollution prevention strategies implemented at the facility prior to 1987, provided that such strategies are consistent with the definition of pollution prevention at N.J.A.C. 7:1K-1.5; and
 - v. Optional: A priority industrial facility may include information on pollution prevention progress that occurred at the facility between 1987 and the base year for any hazardous substance;
4. Process-level information (Note: This is the same information contained in Part 1A of the Pollution Prevention Plan pursuant to N.J.A.C. 7:1K-4.3(b)3i and ii):
- i. An identification of each production process, using a unique identification number assigned by the facility, and indicating whether each process is a grouped process as authorized by N.J.A.C. 7:1K-4.2. The unique identification number assigned to a process cannot be assigned to any other production process;
 - ii. A description of each production process using the nomenclature provided by the Department in Appendix C, incorporated herein by reference; and
 - iii. A description of each product using a six-digit North American Industry Classification System (NAICS) code. A list of applicable six-digit NAICS codes is included in the tables in Appendix D; and
 - iv. (Reserved); and
5. Information on targeted production processes:
- i. An identification of each targeted production process, using a unique identification number assigned by the facility, and indicating whether each process is a grouped process as authorized by N.J.A.C. 7:1K-4.2. The unique identification number assigned to a targeted process cannot be assigned to any other process;
 - ii. Five-year numeric goals for reducing the use of each hazardous substance per unit of product, as defined by N.J.A.C. 7:1K-1.5, for each targeted production process;
 - iii. Five-year numeric goals for reducing the generation of nonproduct output per unit of product, as defined by N.J.A.C. 7:1K-1.5, for each hazardous substance in each targeted production process (Note: The process-level goals to be reported in ii. and iii. are the same goals to be included in the Pollution Prevention Plan pursuant to N.J.A.C. 7:1K-4.5(a)10 and 11.);
 - iv. A description of the pollution prevention techniques the owner or operator of the industrial facility intends to implement during the five-year planning period to achieve the five-year reduction goals listed under (c)5ii and iii above; and
 - v. A schedule for implementing the pollution prevention techniques identified in (c)5iv above, including:
 - (1) Start date for construction or other activities which may require pre-approval from the Department through the issuance of permits or other approvals, if applicable; and

(2) Completion date for implementing the pollution prevention techniques identified in (c)5v above;

vi. An indication, for each hazardous substance used in a targeted production process, of whether the hazardous substance is used by the facility on an annual basis in a quantity of zero to 5,000 pounds, 5,000 pounds to 10,000 pounds, 10,000 to 25,000 pounds, 25,000 to 50,000 pounds, or greater than 50,000 pounds;

vii. If applicable: A Raw Material Substitution Certification for individual hazardous substances used in specific targeted production processes at the facility, completed in accordance with N.J.A.C. 7:1K-4.6; and

viii. An indication of whether the facility's targeting decision was based on 90 percent or more of the total use of hazardous substances at the industrial facility; 90 percent or more of the total nonproduct output generated at the industrial facility; or 90 percent or more of the total multi-media environmental releases at the industrial facility (in accordance with N.J.A.C. 7:1K-4.4).

Amended by R.1994 d.51, effective February 7, 1994.

See: 25 N.J.R. 1849(a), 26 N.J.R. 842(a).

Special amendment, R.2004 d.87, effective January 28, 2004 (to expire October 24, 2004).

See: 36 N.J.R. 1233(a).

Rewrote (b)4iii.

7:1K-5.2 Optional submittal of Pollution Prevention Process-Level Data Worksheet with the Pollution Prevention Plan Summary

An owner or operator of a priority industrial facility may submit Pollution Prevention Process-Level Data Worksheet(s), as set forth at N.J.A.C. 7:1K-4.9, with the Pollution Prevention Plan Summary. In a worksheet for each process at the facility, base year data would be recorded.

New Rule, R.2000 d.118, effective March 20, 2000.

See: 31 N.J.R. 4187(a), 32 N.J.R. 1001(a).

SUBCHAPTER 6. POLLUTION PREVENTION PLAN PROGRESS REPORT

7:1K-6.1 Pollution Prevention Plan progress reporting requirements

(a) The owner or operator of a priority industrial facility is required to:

1. Prepare and submit to the Department, on forms provided by the Department, by July 1 of each year after the completion of the facility's initial Pollution Prevention Plan, a Pollution Prevention Plan Progress Report that indicates the progress made since the base year in achieving the use reduction and NPO reduction goals set forth in the facility's current Pollution Prevention Plan; and

2. Modify the facility's Pollution Prevention Plan Progress Report thereafter as required by N.J.A.C. 7:1K-3.9, 3.10, 3.11, 3.12 or 3.13.

(b) The Department may combine the reporting elements of this section with those required for Community Right-to-Know Reporting pursuant to N.J.S.A. 34:5A-1 et seq. in order to allow a priority industrial facility to submit a combined reporting form to satisfy the requirements of N.J.A.C. 7:1G and N.J.A.C. 7:1K.

(c) A Pollution Prevention Plan Progress Report shall consist, at a minimum, of the following:

1. Administrative information:

i. The name of the industrial facility;

ii. The address of the industrial facility;

iii. The Location of the industrial facility, using the industrial facility's centroid coordinate in New Jersey State Plane Feet; and

iv. Relevant facility identification numbers assigned to the industrial facility by any State or Federal agency;

2. Certification:

i. A written certification, signed by the owner or operator of the industrial facility, that reads as follows:

"I certify under penalty of law that the information submitted in this Pollution Prevention Plan Progress Report is true, accurate and complete to the best of my knowledge.";

3. Facility-level inventory and release data (Note: This information replaces information that was previously submitted on Form DEQ-114 and is the same information to be included in Part IA of the Pollution Prevention Plan pursuant to N.J.A.C. 7:1K-4.3(b)2.):

i. The chemical identity and Chemical Abstract Service (CAS) number of each hazardous substance manufactured, stored or used at the industrial facility;

ii. Inventory data, in pounds, for the annual inputs, either in pure form or contained in a mixture, determined by direct measurement or by calculations and estimates using best engineering judgment, of each hazardous substance:

(1) Stored at the industrial facility on the first day of the reporting year;

(2) Brought into the industrial facility as a non-recycled material during the reporting year;

(3) Manufactured as a product, co-product or non-product output at the industrial facility; and

(4) Recycled outside of a production process on-site or off-site and used as an input at the industrial facility;

iii. Inventory data, in pounds, for the annual output, either in pure form or contained in a mixture, deter-

mined by direct measurement or calculations, using best engineering judgment, of each hazardous substance:

3. For failure to comply with an administrative order issued pursuant to N.J.A.C. 7:1K-12.2, addressing administrative incompleteness of a Pollution Prevention Plan, Plan Summary, or Plan Progress Report, the civil administrative penalty shall be up to \$1,000 for the first offense, up to \$5,000 for the second offense, and up to \$10,000 for the third and each subsequent offense.

Repeal and New Rule, R.1994 d.51, effective February 7, 1994.
See: 25 N.J.R. 1849(a), 26 N.J.R. 842(a).

7:1K-12.9 Exemptions from civil administrative penalties

(a) The civil administrative penalty requirements of this subchapter do not apply to:

1. Failure of an industrial facility to meet the pollution prevention goals required by N.J.A.C. 7:1K-5.1(b)3 and 5 to be developed for the facility; and
2. Failure of an industrial facility to implement the improvements, including improvements related to the non-enforceable review criteria at N.J.A.C. 7:1K-3.10(c)2, outlined in an opinion letter issued pursuant to N.J.A.C. 7:1K-3.10.

New Rule, R.1994 d.51, effective February 7, 1994.
See: 25 N.J.R. 1849(a), 26 N.J.R. 842(a).

7:1K-12.10 Records of assessments

(a) In order to promote consistency in the application of this subchapter, the Department shall collect and maintain a record of each assessment made pursuant to this subchapter. Such record shall be a public record and shall be kept available for public inspection pursuant to N.J.S.A. 47:1A-1 et seq.

(b) The record shall, at a minimum, include a copy of each notice and all final orders issued pursuant to N.J.A.C. 7:1K-12.2, and the terms of any compromise agreed to pursuant to N.J.A.C. 7:1K-12.4.

Recodified from 7:1K-12.9 by R.1994 d.51, effective February 7, 1994.
See: 25 N.J.R. 1849(a), 26 N.J.R. 842(a).

7:1K-12.11 Pollution Prevention Fund

The Department shall deposit all penalties collected pursuant to this subchapter into the Pollution Prevention Fund established by N.J.S.A. 13:1D-50.

Recodified from 7:1K-12.10 by R.1994 d.51, effective February 7, 1994.
See: 25 N.J.R. 1849(a), 26 N.J.R. 842(a).

APPENDIX A

ADDITIONAL HAZARDOUS SUBSTANCES FOR WHICH POLLUTION PREVENTION PLANNING IS REQUIRED

(Reserved)

APPENDIX B

THRESHOLDS FOR POLLUTION PREVENTION PLANNING

(Reserved)

APPENDIX C

NOMENCLATURE

PROCESS DESCRIPTORS

AM-ARTICLE MANUFACTURING PROCESS

- Bleaching
- Cleaning—of metal
- Cleaning—paint stripping
- Cleaning—of equipment
- Cleaning—other
- Coating—adhesive application
- Coating—paint application
- Coating—other
- Degreasing
- Dyeing
- Electroless plating
- Electroplating
- Etching
- Metal casting
- Metal machining
- Metal treatment (other than plating)
- Painting
- Paper manufacturing
- Paper treatment
- Photographic film
- manufacturing & processing
- Plastics molding/casting/extrusion
- Printing
- Soldering
- Stripping
- Tanning
- Welding
- Wood pulping
- Wood treatment
- Similar to
- Other (list)

CP-CHEMICAL PROCESS

- Purification
- Separation
- Formulation/blending
- Chemical synthesis
- Chemical breakdown
- Chemical conversion
- Similar
- Other

SH-STORAGE AND HANDLING

- Above ground tank
- Below ground tank (steel)
- Below ground tank (fiberglass)
- Tank inside building
- Steel drum
- Plastic drum
- Fiber drum

SH-STORAGE AND HANDLING

Can
Carboy
Silo
Bag
Box
Cylinder
Bottles or jugs (glass)
Bottles or jugs (plastic)
Tote bin
Tank wagon
Rail car
Other (list)

DESCRIPTOR MODIFIERS

RT-REACTION TYPE

No reaction
Acylation
Alkylation
Amination
Ammonolysis
Aromatization
Calcination
Carboxylation
Causticization
Combustion
Condensation
Dehydration
Dehydrogenation
Desulfurization
Diazotination and Coupling
Double decomposition
Electrolysis
Esterification
Fermentation
Friedel-Crafts
Halogenation
Hydroformylation
Hydrogenation
Hydrolysis
Ion exchange
Isomerization
Neutralization
Nitration
Oxidation
Polymerization
Pyrolysis/cracking
Reduction
Silicate formation
Sulfonation
Other (list)

UO-UNIT OPERATIONS

Absorption/adsorption
Centrifugation
Classification
Cleaning/degreasing
Condensation
Crystallization
Desalting
Disintegration
Distillation
Drying
Dust Collection
Evaporation
Fermentation
Filtration
Grinding/Milling
Heat Exchange
Humidification
Ion Exchange
Melting
Mixing

UO-UNIT OPERATIONS

Packaging
Pressurizing
Reaction
Screening
Scrubbing
Sedimentation
Separation
Settling
Soaking/Wetting
Mixing Solidification/Stabilization
 Fixation
Solvent Extraction
Spraying/Coating
Stripping
Similar to
Other (List)
EQ-EQUIPMENT
Adsorption Column
Aerator Blower
Boiler
Centrifuge
Compressor
Condenser

Cooler
Crystalizer
Digester
Distillation Column
Dryer
Evaporator
Extraction Tower
Extruder
Filter
Flash Drum
Fractionating Tower
Furnace
Heat Exchanger
Holding Tank
Mill/Grinder
Mixer
Reactor Vessel
Refrigeration Unit
Rinse Tank
Scrubber
Separator
Settling Tank
Stripper
Other (List)

PF-PHASE/FORM

Gas
Liquid (Coherent)
Solid
Aqueous Solution
Organic Solution
Slurry
Sludge
Emulsion
Powder Fines
Aqueous Acid
Aqueous Base
Metal Product
Polymer Mixer
Crude Petroleum
Refined Fuel/Mixed
Hydrocarbon
Unrefined Ore/Minerals
Clay/Cement
Animal Byproducts
Vegetable Byproducts
Wood Chips/Pulp/Byproducts
Similar to
Other (List)

PF-PHASE/FORM
Metal Product

Sector Code or
Industry Code

Description

Exceptions and/or
Limitations

APPENDIX D

TABLES OF NORTH AMERICAN INDUSTRY CLASSIFICATION SYSTEM (NAICS) CODES FOR REGULATED FACILITIES BY BASE YEAR

Table 3.1(a)

North American Industry Classification System (NAICS) codes for purposes of N.J.A.C. 7:1K-3.1(a) (Initial base year 1993)

Sector Code or Industry Code	Description	Exceptions and/or Limitations
31-33	Manufacturing	
322	Paper Manufacturing	No exceptions or limitations
325	Chemical Manufacturing	Except 325998—Exception is limited to aerosol can filling on a job order or contract basis (aerosol packaging)
326	Plastic and Rubber Products Manufacturing	Except 326212—Exception is limited to tire retreading, recapping or rebuilding
331	Primary Metal Manufacturing	No exceptions or limitations
332	Fabricated Metal Product Manufacturing	No exceptions or limitations

Table 3.1(b)

North American Industry Classification System (NAICS) codes for purposes of N.J.A.C. 7:1K-3.1(b) (Initial base year 1995)

Sector Code or Industry Code	Description	Exceptions and/or Limitations
11	Agriculture, Forestry, Fishing and Hunting	
111998	All Other Miscellaneous Crop Farming	Limited to facilities that reduce maple sap to maple syrup
113310	Logging	No exceptions or limitations
21	Mining	
212324	Kaolin and Ball Clay Mining	Limited to facilities operating without a mine or quarry and that are primarily engaged in beneficiating kaolin and clay
212325	Clay and Ceramic and Refractory Minerals Mining	Limited to facilities operating without a mine or quarry and that are primarily engaged in beneficiating clay and ceramic and refractory minerals

212393

Other Chemical and Fertilizer Mineral Mining

Limited to facilities operating without a mine or quarry and that are primarily engaged in beneficiating chemical or fertilizer mineral raw materials

212399

All Other Nonmetallic Mineral Mining

Limited to facilities operating without a mine or quarry and that are primarily engaged in beneficiating nonmetallic minerals

31-33

Manufacturing

311

Food Manufacturing

Except 311119—Exception is limited to facilities engaged in custom grain grinding for animal feed;

Except 313330—Exceptions are limited to facilities engaged in the retail sale of chocolate candy, nuts, popcorn and other confections not for immediate consumption made on the premises;

Except 313340—Exceptions are limited to facilities engaged in the retail sale of nonchocolate candy, nuts, popcorn and other confections not for immediate consumption made on the premises;

Except 311611—Exception is limited to facilities engaged in custom slaughtering for individuals;

Except 311612—Exception is limited to facilities engaged in meat processing from carcasses;

Except 318111—Retail bakeries.

312

Beverage and Tobacco Product Manufacturing

Except 312229—Exception is limited to tobacco sheeting services

313

Textile Mills

Except 313311—Exception is limited to broadwoven piece goods converters and broadwoven converting textiles facilities, and facilities engaged in sponging fabric for tailors and dress-makers;

Except 313312—Exception is limited to narrow woven converting textiles facilities, and narrow woven piece goods converters.

Sector Code or Industry Code	Description	Exceptions and/or Limitations	Sector Code or Industry Code	Description	Exceptions and/or Limitations
314	Textile Product Mills	Except 314121—Exception is limited to custom drapery manufacturers for retail sale; Except 314129—Exception is limited to custom slip-cover manufacturers for retail sale; Except 314999—Exception is limited to binding carpets and rugs for the trade, carpet cutting and binding, and embroidering on textile products (except apparel) for the trade.	335	Electrical Equipment, Appliance and Component Manufacturing	Except 335312—Exception is limited to armature re-winding on a factory basis
			336	Transportation Equipment Manufacturing	No exceptions or limitations
			337	Furniture and Related Product Manufacturing	Except 337110—Exception is limited to wood kitchen cabinet and counter top manufacturing; Except 337121—Exception is limited to upholstered furniture, household type, custom manufacturing; Except 337122—Exception is limited to nonupholstered, household type, custom wood furniture manufacturing.
315	Apparel Manufacturing	Except 315222—Exception is limited to custom tailors, men's and boys' suits, cut and sewn from purchased fabric; Except 315223—Exception is limited to custom tailors, men's and boys' dress shirts, cut and sewn from purchased fabric; Except 315233—Exception is limited to bridal dresses or gowns, custom made, custom tailors, women's, misses' and girls' dresses cut and sewn from purchased fabric (except apparel contractors) (custom dressmakers);	339	Miscellaneous Manufacturing	Except 339115—Exception is limited to ophthalmic goods manufacturing, lens grinding; Except 339116—Dental laboratories.
			48-49	Transportation and Warehousing	
			488390	Other Support Activities for Water Transportation	Limited to drydocks, floating (that is, routine repair and maintenance of ships and boats)
			51	Information	
316	Leather and Allied Product Manufacturing	No exceptions or limitations	511110	Newspapers Publishers	No exceptions or limitations
321	Wood Product Manufacturing	No exceptions or limitations	511120	Periodical Publishers	No exceptions or limitations
323	Printed and Related Support Activities	Except 323114—Exception is limited to instant printing (that is, quick printing)	511130	Book Publishers	No exceptions or limitations
324	Petroleum and Coal Products Manufacturing	No exceptions or limitations	511140	Database and Directory Publishers	Except facilities primarily engaged in direct mailing advertising services, including address list compilers, address list publishers, address list publishers and printing combined, address list publishing, business directory publishers, catalog of collections publishers, catalog of collections publishers and printing combined, mailing list compilers, directory compilers, and mailing list compiling services
327	Nonmetallic Mineral Products Manufacturing	No exceptions or limitations			
333	Machinery Manufacturing	No exceptions or limitations			
334	Computer and Electronic Product Manufacturing	Except 334611—Exception is limited to software reproducing; Except 334612—Exception is limited to mass reproducing pre-recorded video cassettes, and mass reproducing video tape or disk.	511191	Greeting Card Publishers	No exceptions or limitations
			511199	Other Publishers	No exceptions or limitations

POLLUTION PREVENTION PROGRAM RULES

7:1K App. D

<u>Sector Code or Industry Code</u>	<u>Description</u>	<u>Exceptions and/or Limitations</u>	<u>Sector Code or Industry Code</u>	<u>Description</u>	<u>Exceptions and/or Limitations</u>
512220	Integrated Record Production/Distribution	No exceptions or limitations			opment, and guided missile and space vehicle parts (except engines) research and development
512230	Music Publishers	Except facilities primarily engaged in music copyright authorizing use, music copyright buying and licensing, music publishers	81	Other Services (Except Public Administration)	
54	Professional, Scientific and Technical Services		811490	Other Personal and Household Goods Repair and Maintenance	Limited to facilities that are primarily engaged in repairing and servicing pleasure and sailboats without retailing new boats
541710	Research and Development in the Physical, Engineering and Life Sciences	Limited to facilities primarily engaged in guided missile and space vehicle engine research and devel-			Special amendment, R.2004 d.87, effective January 28, 2004 (to expire October 24, 2004). See: 36 N.J.R. 1233(a).