

**CHAPTER 1K**

**POLLUTION PREVENTION PROGRAM RULES**

**Authority**

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

**Source and Effective Date**

R.2000 d.118, effective February 25, 2000.  
See: 31 N.J.R. 4187(a), 32 N.J.R. 1001(a).

**Executive Order No. 66(1978) Expiration Date**

Chapter 1K, Pollution Prevention Program Rules, expires on February 25, 2005.

**Chapter Historical Note**

Chapter 1K, Pollution Prevention Program Rules, was adopted as R.1993 d.108, effective March 1, 1993. See: 24 N.J.R. 3609(a), 25 N.J.R. 930(a), 25 N.J.R. 1549(a).

The expiration date for Chapter 1K, Pollution Prevention Program Rules, was extended by gubernatorial directive from March 1, 1998 to March 1, 1999. See: 30 N.J.R. 1039(a).

The expiration date of Chapter 1K, Pollution Prevention Program Rules, was extended by gubernatorial directive from March 1, 1999 to March 1, 2000. See: 31 N.J.R. 871(a).

Pursuant to Executive Order No. 66(1978), Chapter 1K, Pollution Prevention Program Rules, was readopted as R.2000 d.118, effective February 25, 2000. See: Source and Effective Date. See, also, section annotations.

**CHAPTER TABLE OF CONTENTS**

**SUBCHAPTER 1. GENERAL PROVISIONS**

- 7:1K-1.1 Scope
- 7:1K-1.2 Purpose
- 7:1K-1.3 Jurisdiction
- 7:1K-1.4 Relationship of Community Right-to-Know Reporting to Pollution Prevention Reporting
- 7:1K-1.5 Definitions
- 7:1K-1.6 Construction
- 7:1K-1.7 Severability
- 7:1K-1.8 Access to public information

**SUBCHAPTER 2. POLLUTION PREVENTION ADVISORY BOARD**

- 7:1K-2.1 Pollution Prevention Advisory Board

**SUBCHAPTER 3. POLLUTION PREVENTION PLANNING REQUIREMENTS**

- 7:1K-3.1 Preparation and submission of pollution prevention planning documents by priority industrial facilities
- 7:1K-3.2 Designation of individual industrial facilities not subject to 42 U.S.C. § 11023 as priority industrial facilities
- 7:1K-3.3 Designation of SIC Code(s) as priority industrial facilities (Reserved)
- 7:1K-3.4 Scope of pollution prevention planning documents
- 7:1K-3.5 Threshold quantities for pollution prevention planning
- 7:1K-3.6 Additional hazardous substances for which pollution prevention planning is required
- 7:1K-3.7 Five-year revision of Pollution Prevention Plans and Pollution Prevention Plan Summaries

- 7:1K-3.8 Annual Pollution Prevention Plan updates
- 7:1K-3.9 Pollution Prevention Plan, Pollution Prevention Plan Summary and Pollution Prevention Plan Progress Report modifications resulting from production changes or grouping or targeting changes
- 7:1K-3.10 Pollution Prevention Plan Summary and Pollution Prevention Plan Progress Report modifications resulting from change in hazardous substance quantity relative to threshold quantity
- 7:1K-3.11 Pollution Prevention Plan Summary and Pollution Prevention Plan Progress Report modifications resulting from addition or deletion of a hazardous substance on the TRI list or in Appendix A
- 7:1K-3.12 Pollution Prevention Plan Summary and Pollution Prevention Plan Progress Report modifications resulting from change in planning threshold
- 7:1K-3.13 Pollution Prevention Plan Summary and Pollution Prevention Plan Progress Report modifications due to improvements in pollution prevention for a production process established after January 1, 1992
- 7:1K-3.14 Department review of Pollution Prevention Plans, Plan Summaries and Plan Progress Reports
- 7:1K-3.15 Submittal of Pollution Prevention Plans

**SUBCHAPTER 4. POLLUTION PREVENTION PLANS**

- 7:1K-4.1 Sequence of pollution prevention planning
- 7:1K-4.2 Grouping of production processes or sources for pollution prevention planning purposes
- 7:1K-4.3 Contents of Part I of a Pollution Prevention Plan
- 7:1K-4.4 Targeting of sources or production processes
- 7:1K-4.5 Part II of a Pollution Prevention Plan
- 7:1K-4.6 Procedure for development of a Raw Material Substitution Certification
- 7:1K-4.7 Out-of-process recycling
- 7:1K-4.8 Departmental access to Pollution Prevention Plans
- 7:1K-4.9 Pollution Prevention Process-Level Data Worksheet in the Pollution Prevention Plan

**SUBCHAPTER 5. POLLUTION PREVENTION PLAN SUMMARY**

- 7:1K-5.1 Pollution Prevention Plan Summary reporting requirements
- 7:1K-5.2 Optional submittal of Pollution Prevention Process-Level Data Worksheet with the Pollution Prevention Plan Summary

**SUBCHAPTER 6. POLLUTION PREVENTION PLAN PROGRESS REPORT**

- 7:1K-6.1 Pollution Prevention Plan progress reporting requirements
- 7:1K-6.2 Optional submittal of Pollution Prevention Process-Level Data Worksheet in lieu of the Pollution Prevention Plan Progress Report

**SUBCHAPTER 7. FACILITY-WIDE PERMITS**

- 7:1K-7.1 Scope and authority
- 7:1K-7.2 Designation of priority industrial facilities for participation in facility-wide permit program
- 7:1K-7.3 Procedures for issuing facility-wide permits
- 7:1K-7.4 Reporting findings of the pilot program; potential for expanding the program

**SUBCHAPTER 8. CONFIDENTIALITY CLAIMS**

- 7:1K-8.1 Confidentiality of Pollution Prevention Plans
- 7:1K-8.2 Procedure for making a claim for information contained in Pollution Prevention Plans, Pollution Prevention Plan Summaries, and Pollution Prevention Plan Progress Reports
- 7:1K-8.3 Designation by claimant of an addressee for notices and inquiries

7:1K-8.4 Correspondence, inquiries and notices

**SUBCHAPTER 9. CONFIDENTIALITY DETERMINATIONS**

- 7:1K-9.1 Time for making confidentiality determinations
- 7:1K-9.2 Notice to claimant of request for confidentiality determination
- 7:1K-9.3 Notice of initial confidentiality determination, and of requirement to submit substantiation of claim
- 7:1K-9.4 Substantiation of confidentiality claims
- 7:1K-9.5 Time for submission of substantiation
- 7:1K-9.6 Final confidentiality determination
- 7:1K-9.7 Treatment of information pending confidentiality determination
- 7:1K-9.8 Availability of information to the public after determination that information is not confidential
- 7:1K-9.9 Preparation of final public copy
- 7:1K-9.10 Class confidentiality determinations
- 7:1K-9.11 Classes of information which are not confidential information

**SUBCHAPTER 10. DISCLOSURE AND USE OF CONFIDENTIAL INFORMATION OR ASSERTEDLY CONFIDENTIAL INFORMATION**

- 7:1K-10.1 Disclosure of confidential information or assertedly confidential information to other public agencies
- 7:1K-10.2 Disclosure of confidential information or assertedly confidential information to contractors
- 7:1K-10.3 Disclosure of confidential information or assertedly confidential information to physicians or osteopaths
- 7:1K-10.4 Disclosure of confidential information or assertedly confidential information for the protection of public health
- 7:1K-10.5 Notice to claimants of disclosure of confidential information or assertedly confidential information
- 7:1K-10.6 Disclosure by consent
- 7:1K-10.7 Incorporation of confidential information or assertedly confidential information into cumulations of data
- 7:1K-10.8 Hearing before disclosure of information for which a confidentiality claim has been made

**SUBCHAPTER 11. TREATMENT OF CONFIDENTIAL AND ASSERTEDLY CONFIDENTIAL INFORMATION**

- 7:1K-11.1 Nondisclosure of confidential or assertedly confidential information
- 7:1K-11.2 Safeguarding of confidential or assertedly confidential information
- 7:1K-11.3 Confidentiality agreements
- 7:1K-11.4 Wrongful access or disclosure; penalties

**SUBCHAPTER 12. CIVIL ADMINISTRATIVE PENALTIES AND REQUESTS FOR ADJUDICATORY HEARINGS**

- 7:1K-12.1 Authority, scope and purpose
- 7:1K-12.2 Procedures for assessment and payment of civil administrative penalties
- 7:1K-12.3 Procedures for requesting and conducting adjudicatory hearings
- 7:1K-12.4 Civil administrative penalty determination—general
- 7:1K-12.5 Civil administrative penalties for submitting inaccurate or false information
- 7:1K-12.6 Civil administrative penalties for frivolous confidentiality claims
- 7:1K-12.7 Civil administrative penalties for failure to allow lawful entry and inspection
- 7:1K-12.8 Civil administrative penalties for violations of rules adopted pursuant to the Act
- 7:1K-12.9 Exemptions from civil administrative penalties
- 7:1K-12.10 Records of assessments
- 7:1K-12.11 Pollution Prevention Fund

**APPENDIX A ADDITIONAL HAZARDOUS SUBSTANCES FOR WHICH POLLUTION PREVENTION PLANNING IS REQUIRED (RESERVED)**

**APPENDIX B THRESHOLDS FOR POLLUTION PREVENTION PLANNING (RESERVED)**

**APPENDIX C NOMENCLATURE**

**SUBCHAPTER 1. GENERAL PROVISIONS**

**7:1K-1.1 Scope**

This chapter constitutes the rules of the Department for the administration and implementation of the Pollution Prevention Program established by the Pollution Prevention Act, P.L. 1991, c.235, codified at N.J.S.A. 13:1D-35 et seq. and 34:5A-1 et seq. This chapter applies to the use and release of hazardous substances and the generation of hazardous substances as nonproduct output by industrial facilities and sets forth guidelines and procedures to be followed by priority industrial facilities in the development of Pollution Prevention Plans, Pollution Prevention Plan Summaries and Pollution Prevention Plan Progress Reports as required by the Act. This chapter also provides for the issuance of facility-wide permits to certain priority industrial facilities under the pilot program established by N.J.S.A. 13:1D-48.

**Law Review and Journal Commentaries**

State Pushes "Incentive Based" Pollution Prevention. F. Michael Zachara, 135 N.J.L.J. No. 8, S10 (1993).

**7:1K-1.2 Purpose**

(a) It is the purpose of this chapter to promote pollution prevention by:

1. Encouraging the reduction of:
  - i. The use of hazardous substances in industrial and manufacturing processes;
  - ii. The generation of hazardous substances as non-product output; and
  - iii. The multimedia environmental releases of hazardous substances; and
2. Developing a facility-level and process-level accounting system for identifying the use, generation, and release of hazardous substances so that industrial facilities can identify pollution prevention opportunities and implement pollution prevention techniques.

**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 Standard Industrial Classification, as designated in the Standard Industrial Classification Manual prepared by the Federal Office of Management and Budget, within the Major Group Numbers, Group Numbers, or Industry Numbers listed in N.J.S.A. 34:5A-3 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 submit-

ted 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.

“Standard Industrial Classification (SIC)” means the standard industrial classification codes designating industry groups published by the Executive Office of the President of the United States, Federal Office of Management and Budget in the Standard Industrial Classification Manual (1987 edition) (as amended and/or supplemented), or the North American Industrial Classification System (NAICS) codes published by the Federal Office of Management and Budget that supercede the SIC codes.

“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”.

### 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

## 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 Standard Industrial Classification, as designated by the Federal Office of Management and Budget, within Major Group Numbers 26, 28, 30, 33 and 34, 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 Standard Industrial Classification other than those enumerated in (a) above 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 De-

partment 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 SIC 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).

**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 IA of the Pollution Prevention Plan pursuant to 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 four-digit SIC code. A list of applicable four-digit SIC codes is included in the Pollution Prevention Guidance Document, which is available from the Department; 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).

#### **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, determined 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  
 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

## RT-REACTION TYPE

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  
 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)  
 Metal Product