

CHAPTER 1E

DISCHARGES OF PETROLEUM AND OTHER HAZARDOUS SUBSTANCES

Authority

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

Source and Effective Date

R.2001 d.355, effective August 31, 2001. See: 33 N.J.R. 1255(a), 33 N.J.R. 3518(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 1E, Discharges of Petroleum and Other Hazardous Substances, expires on February 27, 2007. See: 38 N.J.R. 4285(a).

Chapter Historical Note

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

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

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

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

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

Chapter 1E, Discharges of Petroleum and Other Hazardous Substances, was repealed and Chapter 1E, Discharges of Petroleum and Other Hazardous Substances, was adopted as new rules by R.1991 d.465, effective September 3, 1991, operative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

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

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

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

Chapter 1E, Discharges of Petroleum and Other Hazardous Substances, was readopted as R.2001 d.355, effective August 31, 2001. See: Source and Effective Date. See, also, section annotations.

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##### Law Review and Journal Commentaries

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

#### 7:1E-1.1 Scope

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

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

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

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

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

##### Case Notes

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

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

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

#### 7:1E-1.2 Construction

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

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

#### 7:1E-1.3 Severability

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

#### 7:1E-1.4 Relationship to Federal and State Law

These rules are not intended to and do not relieve any person of the duty to comply with all other applicable laws, ordinances, rules, regulations or orders of governmental authorities governing activities regulated hereunder, including rules or regulations of the New Jersey Department of Environmental Protection, New Jersey Department of the Treasury, and other appropriate State, Federal and local agencies.

**Case Notes**

The Environmental Cleanup Responsibility Act (ECRA) is not preempted by the provision of the Bankruptcy Code; debtor permitted

to abandon property as burdensome and cease operations on other property to prevent continuing losses, without complying with ECRA. In the Matter of Borne Chemical Co., Inc., 54 B.R. 126 (Bkrtcy.Ct.N.J. 1984).

**7:1E-1.5 State non-liability**

(a) New Jersey State government is not liable for any damages arising from its actions or omissions relating to any plan, registration or map required pursuant to this chapter. No approval by the Department of any plan or of any cleanup and removal activities shall be a defense against liability for the discharge, nor shall it shift liability for the discharge to the Department.

(b) In the event of a discharge, any person responsible for the discharge shall be held liable to the extent determined by the Act.

Amended by R.1996 d.252, effective June 3, 1996.  
See: 27 N.J.R. 2337(a), 27 N.J.R. 2882(a), 28 N.J.R. 2858(a).  
In (b) substituted "any person" for "the person".

**7:1E-1.6 Definitions**

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

"Aboveground storage tank" means any storage tank not defined as an underground storage tank.

"Act" means the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11 et seq., as amended.

"Affiliate" means, with respect to any person, another person:

1. Who has a controlling interest in such person;
2. In whom such person has a controlling interest; or
3. Who is under common control with such person.

"Agent(s) or officer(s) of the municipality" means a duly authorized representative of the municipality or local board of health, including, but not limited to, a member of the police, fire, or public works department, public health officer, township engineer, zoning officer, director of emergency management, or environmental compliance officer.

"API" means the American Petroleum Institute.

"API 510" means API's Standard 510, entitled "Pressure Vessel Inspection Code: Maintenance Inspection, Rating, Repair and Alteration," as amended or supplemented.

"API 570" means API's Piping Inspection Code 570, entitled "Inspection, Repair, Alteration and Rerating of In-service Piping Systems," as amended or supplemented.

"API 574" means the API's Recommended Practice 574, entitled "Inspection of Piping, Tubing, Valves and Fittings," as amended or supplemented.

"API 653" means the API's Standard 653, entitled "Tank Inspection, Repair, Alteration and Reconstruction," as amended or supplemented.

"ASME" means the American Society of Mechanical Engineers.

"ASME Section V" means ASME Boiler and Pressure Vessel Code Section V, entitled "Nondestructive Examination," as amended or supplemented.

"ASME Section VIII" means ASME Boiler and Pressure Vessel Code Section VIII, entitled "Pressure Vessels," as amended or supplemented.

"ASME Section X" means ASME Boiler and Pressure Vessel Code Section X, entitled "Fiberglass-Reinforced Plastic Pressure Vessels," as amended or supplemented.

"Assertedly confidential information" means information which is the subject of a confidentiality claim, for which a confidentiality determination has not been made.

"ASTM" means the American Society of Testing and Materials.

"ASTM E1067" means ASTM's Standard E1067-96, entitled "Standard Practice for Acoustic Emission Examination of Fiberglass Reinforced Plastic Resin (FRP) Tanks/Vessels," as amended and supplemented.

"Broker" means any person who arranges for the transportation, treatment, storage or disposal of hazardous substances on behalf of another person.

"Bulk storage" means the holding of large quantities of substances.

"CFR" means the Code of Federal Regulations.

"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. 7:1E-8.9, for a class of information.

"Cleanup and removal activities" means actions to clean up or remove or attempt to clean up or remove a discharge of a hazardous substance or the source thereof, or to chemically neutralize the discharge, or measures to prevent or mitigate any damages to the public health, safety or welfare, including, but not limited to, public and private property, shorelines, beaches, surface waters, water columns and bottom sediments, soils and other affected property, including wildlife and other natural resources.

"Cleanup and removal costs" means all costs associated with cleanup and removal activities incurred by the State, its political subdivisions or their agents or any person with written approval of the Department.

"Commissioner" means the Commissioner of the Department of Environmental Protection or the person designated

to act on his or her behalf pursuant to an administrative order.

“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 for which the claimant has asserted a confidentiality claim, in compliance with the procedures required by N.J.A.C. 7:1E-7, and such confidentiality claim has not expired by its terms, been waived or withdrawn, and for which the Department has made a confidentiality determination in compliance with N.J.A.C. 7:1E-8.

“Confidentiality claim” or “claim” means, with respect to information that a person is required either to submit to the Department or to 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.

“Containment” or “containment activities” means actions to limit or prevent the spread of a leak or discharge.

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

“Controlling interest” means any of the following:

1. The direct or indirect beneficial ownership, by the person asserted to have a controlling interest and any of such person’s affiliates, of at least 50 percent of the voting stock or other equity interest in a person;
2. The holding of any direct or indirect beneficial interest, by the person asserted to have a controlling interest in any of such person’s affiliates, in at least 50 percent of the income or profits of a person; or
3. The existence of any other relationship between the person asserted to have a controlling interest and the person controlled, which relationship in fact constitutes control over the affairs of the person controlled.

“DCR plan” means the discharge cleanup and removal plan required under N.J.A.C. 7:1E-4.

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

“Diligent inquiry” means:

1. Conducting a diligent search of all documents which are reasonably likely to contain information related to a possible discharge, which documents are in such person’s possession, custody or control, or in the possession, custody or control of any other person from whom the person conducting the search has legal right to obtain such documents; and

2. Making reasonable inquiries of current and former employees and agents whose duties include or included any responsibility for hazardous substances, and any other current and former employees or agents who may have knowledge or documents relevant to a discharge.

“Discharge” means any intentional or unintentional action or omission, unless pursuant to and in compliance with the conditions of a valid and effective Federal or State permit, resulting in the releasing, spilling, pumping, pouring, emitting, emptying or dumping of a hazardous substance into the waters or onto the lands of the State, or into waters outside the jurisdiction of the State when damage may result to the lands, waters or natural resources within the jurisdiction of the State. This term does not include “leak.”

“Discharge cleanup organization” means an organization or association that has equipment and personnel to be utilized in the recovering, containing, cleaning up or removing of discharges.

“Discharge monitoring device” means any equipment or instrumentation that is used to detect discharges at the facility.

“Double-walled piping” means piping which consists of one pipe fixed inside another, with an annular space between.

“DPCC plan” means the discharge prevention, containment and countermeasure plan required under N.J.A.C. 7:1E-4.

“Environmentally sensitive areas” means, for the purposes of planning for discharge control and mitigation, geographic areas which contain one or more significant natural or ecological resources as set forth in N.J.A.C. 7:1E-1.8.

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

“Equivalent measure” means:

1. The total volume, in gallons, of the drum, tote or other container holding the hazardous substance; or
2. For hazardous substances not stored or transported in containers, the calculated volume, in gallons, of the space the hazardous substance occupies.

“Facility” means any place or equipment that is used to refine, produce, store, hold, handle, transfer, process or transport hazardous substances.

"Facility inventory" means an actual accounting of on-hand hazardous substance quantities, performed on a minimum of an annual basis.

"Final public copy" means a copy of a record submitted to or obtained by the Department, identical to the confidential copy except that any 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 "final 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.

"Guarantor" means a person who:

1. Possesses a controlling interest in the owner or operator;
2. Possesses a controlling interest in a person who possesses a controlling interest in the owner or operator;
3. Is controlled by a common parent firm that possesses a controlling interest in the owner or operator; or
4. Is engaged in a substantial business relationship with the owner or operator and issues the guarantee as an act incident to that business relationship.

"Handling" means treating, dealing with, or managing.

"Hazardous substances" means petroleum, petroleum products, pesticides, solvents and other substances as set forth in N.J.A.C. 7:1E-1.7.

"Impermeable" means utilizing a layer of natural or man-made material of sufficient thickness, density and composition so as to have a maximum permeability for the hazardous substance being contained of  $10^{-7}$  centimeters per second at the maximum anticipated hydrostatic pressure.

"Incompatible materials" means those substances which, if mixed, will create hazards greater than those posed by the individual substances alone, such as fire, explosion, or generation of toxic fumes.

"Integrity testing" means a method of testing structures where either hydrostatic testing using water or other liquid or pneumatic testing is done in combination with a system of nondestructive testing which includes shell thickness testing. The nondestructive testing procedures shall be adequate to detect cracks, leaks, and corrosion, erosion or other wall thinning to less than a predetermined minimum thickness to ensure sufficient structural strength. Nondestructive integrity test techniques include magnetic particle tests, acoustic emission tests, electromagnetic particle or eddy current tests, radiography and radiation tests, liquid penetrant tests, or ultrasonic tests.

"Internal visual inspection" means an optical examination of the interior of an aboveground storage tank sufficient to

detect corrosion or leaking of the tank bottom and to identify and evaluate any tank bottom settlement.

"Leak" or "leakage" means any escape of a hazardous substance from the ordinary containers employed in the normal course of storage, transfer, processing or use into a secondary containment or diversion system or onto a surface from which it is cleaned up and removed prior to its escape into the waters or onto the lands of the State.

"Liquid" means having a viscosity between 0.2 centipoise and 3000 centipoise inclusive at one atmosphere (760.0 millimeters of mercury) pressure and temperatures between 32 and 120 degrees Fahrenheit (0 and 49 degrees Centigrade).

"Major facility" means all facilities, located on one or more contiguous or adjacent properties owned and/or operated by the same person, having total aggregate, combined storage capacity of:

1. 20,000 gallons or more for hazardous substances other than petroleum or petroleum products;
2. 200,000 gallons or more for hazardous substances of all kinds; or
3. An equivalent measure as defined in this section, for hazardous substances which are not commonly measured by volume;
4. A vessel, except a vessel used solely for activities directly related to recovering, containing, cleaning up or removing discharges of petroleum in the surface waters of the State, including training, research and other activities directly related to discharge response, shall be considered a major facility only when hazardous substances are transferred between vessels. A "transmission pipeline" is not a major facility.

"Major leak" means an accident required to be reported pursuant to 49 CFR 195.50.

"Major maintenance" means maintenance required to correct any condition which is of such a nature that it presents an immediate hazard to persons or property.

"Major repair" means repairs necessary because of a major leak or major maintenance.

"Natural resources" means all land, fish, shellfish, wildlife, biota, air, waters and other such resources owned, managed, held in trust, or otherwise controlled by the State.

"NJPDES permit" means a permit or permit-by-rule issued by the Department pursuant to N.J.A.C. 7:14A.

"Nonmiscible lighter-than-water" means having a density less than water and not mixing with water to an appreciable degree.

"NPDES permit" means a permit or permit-by-rule issued by EPA pursuant to 40 CFR 122.

"Owner or operator" means any person who, with respect to:

1. A vessel, owns, operates or charters by demise such vessel;
2. Any facility, owns such facility, or operates it by lease, contract or other form of agreement; and
3. Abandoned or derelict facilities, owned or operated such facility immediately prior to such abandonment, or the owner at the time of the discharge.

"Paved or surfaced" means to cover with concrete, tile, stones or the like, to create a level, stable, impermeable surface.

"Person" means public or private corporations, companies, associations, societies, firms, partnerships, joint stock companies, as well as individuals, and when used to designate the owner of property which may be subject to this chapter, includes this State, the United States, any other state of the United States, and any foreign country or government, and any political subdivisions or agents, lawfully owning or possessing property in this State.

"Person in charge" means an individual designated as being in charge of marine transfer operations pursuant to U.S. Coast Guard regulations at 33 CFR 154.710 or 33 CFR 155.700.

"Person responsible for a discharge" means:

1. Any person whose act or omission results or has resulted in a discharge;
2. Each owner or operator of any facility, vehicle or vessel from which a discharge has occurred;
3. Any person who owns or controls any hazardous substance which is discharged;
4. Any person who has directly or indirectly caused a discharge;
5. Any person who has allowed a discharge to occur; or
6. Any person who brokers, generates or transports the hazardous substance discharged.

"Petroleum" or "petroleum products" means any bituminous liquid that is essentially a complex mixture of hydrocarbons of different types with small amounts of other substances, such as compounds of oxygen, sulfur or nitrogen, or metallic compounds, or any of the useful liquid products obtained from such a liquid by various refining processes, such as fractional distillation, cracking, catalytic reforming, alkylation and polymerization. This term shall include, but not be limited to, gasoline, kerosene, fuel oil, oil sludge, oil refuse, oil mixed with other wastes, crude oils, and hazardous substances listed in Appendix A which are to be used in the refining or blending of crude petroleum or petroleum stock in this State.

"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.

"Process area" or "production facility" means an area employed in production in which an action, operation or treatment embracing chemical, industrial, manufacturing or processing factors, methods, or forms is carried out utilizing hazardous substances. These factors, methods or forms include, but are not limited to, batch or continuous chemical reactions, distillation, blending and mixing operations, refining and re-refining processes, and separation processes.

"Radionuclide" means any substance listed in 40 CFR 302.4, Appendix B.

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

"Regional Administrator" means the Regional Administrator of EPA for the Federal region which includes the State of New Jersey.

"Regulated portion" means the area, portion, or equipment in a major facility or transmission pipeline in which hazardous substances are routinely refined, produced, stored, held, handled, used, processed, or transferred.

"Reservoir" means a receptacle or chamber which can be used for storing a fluid.

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

"Response coordinator" means the individual at the major facility who is responsible for the management of the DPCC and DCR plans at the facility and who shall possess sufficient corporate authority and technical background to resolve issues relating to the execution of the DPCC and DCR plans based on information provided by manufacturing, engineering, maintenance, safety and environmental representatives.

"Secondary containment or diversion system" means any structures, devices or combinations thereof supplementary to the ordinary containers employed in the normal course of storage, transfer, processing or use, designed and operated to prevent leaks of hazardous substances from becoming discharges.

"Sewage" means domestic sewage, including the contents and effluents of septic tanks, public sewer systems and public sewage treatment plants.

"Sewage sludge" means the dried or semi-liquid residue of a sewage treatment process.

"Small business" means any business which is resident in New Jersey, independently owned and operated, not dominant in its field, and employs fewer than 100 full time employees.

"SPCC plan" means a Federal Spill Prevention Control and Countermeasure plan developed and approved pursuant to 40 CFR 112.

"Standard operating procedure" or "SOP" means the document setting forth the operating procedures covering all details of any operation involving a hazardous substance which is stored, processed, transferred or used at the facility.

"State of the art technology" means up-to-date technology reflected in equipment or procedures that, when applied at a major facility, will result in a significant reduction in the probability of a discharge. The technology represents an advancement in reduction of leaks or discharges and shall have been demonstrated at a similar facility to be reliable in commercial operation or in a pilot operation on a scale large enough to be translated into commercial operation. The technology shall be in the public domain at reasonable cost commensurate with the reduction in probability of leaks or discharges achieved, or otherwise available at reasonable cost commensurate with the reduction in probability of leaks or discharges achieved. Technologies verified by the New Jersey Corporation for Advanced Technology (NJCAT) as innovative environmental technologies are deemed to meet this definition. Information on verified technologies shall be available from the Department through the Office of Innovative Technology and Market Development within the Division of Science and Research.

"Static head product testing" means testing which involves the filling of a tank, not under pressure, to determine if there are any leaks over a definite period of time.

"Storage capacity" means that capacity which is dedicated to, used for, or intended to be used for storage of hazardous substances of all kinds. This term shall include, but not be limited to, above and underground storage tanks, drums, reservoirs, containers, bins, and the intended or actual use of open land or unenclosed space. For a storage tank, the total volumetric design capacity of the tank shall be the storage capacity. This term shall not include the capacity of:

1. A heating oil tank servicing only the individual private residence at which it is located; or
2. Any underground storage tank at the facility used solely to store heating oil for on-site consumption.

"Storage tank" means any tank or reservoir which is a container for hazardous substance(s) and which is primarily used for bulk storage.

"Substantial business relationship" means the extent of a business relationship necessary under applicable State law to insure that a guarantee contract issued incident to that relationship is valid and enforceable.

"Substantial damage" means damage which is material and of real worth, value or effect. This term does not include damage which is speculative, contingent, or nominal.

"Substantial modification" means any change in facility design, construction, operation or maintenance that will materially affect the facility's potential for discharges of hazardous substances. This term may include, but is not limited to, change in service of a storage tank, discontinuation of or start-up of a production facility, change in use of transfer areas or substances transferred, and change in hours of operation.

"Substantial reconstruction" means any restoration, refurbishment, renovation or relocation of existing equipment which incurs costs equal to 50 percent or more of the replacement value of the equipment, or which impairs the physical integrity of the equipment or its monitoring systems.

"Substantiation" means information which a claimant submits to the Department in support of a confidentiality claim pursuant to N.J.A.C. 7:1E-8.3.

"Tangible net worth" means the tangible assets that remain after deducting liabilities; such assets do not include intangibles such as goodwill and rights to patents or royalties. For purposes of this definition, "assets" means all existing and all probable future economic benefits obtained or controlled by a particular entity as a result of past transactions.

"Transfer" means onloading or offloading between major facilities and vessels, or vessels and major facilities, and from vessel to vessel or major facility to major facility except for fueling or refueling operations, and except that with regard to the movement of hazardous substances other than petroleum, it shall also include any onloading of or offloading from a major facility.

"Transfer capacity" means the maximum quantity of hazardous substances which can be transferred into or out of a facility in a 24-hour period.

"Transmission pipeline" means new and existing pipe and any equipment, facility, rights-of-way, or building used or intended for use in the transportation of a hazardous substance by a pipeline and having a throughput capacity of 140 gallons per minute (530 liters per minute) or greater. This term does not include the transportation of a hazardous

substance through onshore production or flow lines, refining, or manufacturing facilities, or storage terminals or inplant piping systems associated with those facilities. Any pipe used or intended to be used in the transportation of a hazardous substance which is not a transmission pipeline will be considered an in-facility pipe.

"Underground storage tank" means any tank defined as such in N.J.A.C. 7:14B.

"Vessel" means every description of watercraft or other contrivance that is practicably capable of being used as a means of commercial transportation of hazardous substances upon the waters, whether or not self propelled.

"Waters" means the ocean and its estuaries to the seaward limit of the State's jurisdiction, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of this State.

Amended by R.1992 d.186, effective April 20, 1992.

See: 23 N.J.R. 2848(a), 24 N.J.R. 1484(a).

Definitions added for "assertedly confidential information", "claimant", "class confidentiality determination", "confidential copy", "confidential information", "confidentiality claim" and "confidentiality determination", "contract", "contractor", "final public copy", "record", "requester" and "substantiation".

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

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

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

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

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

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

Inserted "Equivalent measure"; in "Major facility", rewrote 3; and in "State of the art technology", added the fourth and fifth sentences.

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

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

Inserted "API 510", "API 570", "ASTM E1067", "Facility Inventory", and "Internal visual inspection".

#### Case Notes

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

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

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

#### 7:1E-1.7 Hazardous substances

(a) Petroleum and petroleum products and all substances listed in Appendix A to this chapter, incorporated herein by reference, shall be considered hazardous substances, except that sewage and sewage sludge shall not be considered as hazardous substances.

(b) For the purposes of this chapter, the following shall not be considered hazardous substances:

1. Metals, in either their pure elemental form or alloyed, in solid pieces with at least one dimensional measurement equal to or exceeding 100 micrometers (0.004 inches) or chemically bonded to an inert substrate; and

2. Any flammable substance or inert gas listed in Appendix A and which is designated by an asterisk.

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

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

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

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

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

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

In (b)2, inserted "substance" following "flammable".

#### Case Notes

Question whether prior operator of business was responsible for contamination precluded summary judgment. Elf Atochem North America, Inc. v. U.S., E.D.Pa.1993, 833 F.Supp. 488.

#### 7:1E-1.8 Environmentally sensitive areas

(a) For the purposes of designing and implementing a DPCC and a DCR plan, pursuant to N.J.A.C. 7:1E-4, the following shall be considered environmentally sensitive areas:

1. Surface waters, including, without limitation, the following: large rivers, medium rivers, streams, creeks, ponds, lakes and reservoirs as defined in N.J.A.C. 7:7E-4.1(b); canals as defined in N.J.A.C. 7:7E-3.8(a); estuaries, as defined in 33 U.S.C. § 1330(k); and bays, including, without limitation, open bays, semi-enclosed bays and back bays, as defined in N.J.A.C. 7:7E-4.1(b);

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

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

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

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

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

7. Breeding areas for forest area nesting species, colonial waterbirds or aquatic furbearers;

8. Migratory stopover areas for migrant shorebirds, raptors or passerines;

9. Wintering areas, including coastal tidal marshes and water areas, waterfowl concentration areas and Atlantic white cedar stands;

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

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

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

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

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

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

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

17. Wild, scenic, recreational, or developed recreational rivers, as defined in N.J.A.C. 7:7E-3.46(a).

Amended by R.1996 d.252, effective June 3, 1996.  
See: 27 N.J.R. 2337(a), 27 N.J.R. 2882(a), 28 N.J.R. 2858(a).  
Amended by R.1996 d.462, effective October 7, 1996.  
See: 28 N.J.R. 2730(a), 28 N.J.R. 4424(b).  
Amended by R.2001 d.355, effective October 1, 2001.  
See: 33 N.J.R. 1255(a), 33 N.J.R. 3518(a).  
Rewrote (a).

#### 7:1E-1.9 Access

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

appropriate credentials as requested and compliance with appropriate standard safety procedures.

(b) (Reserved)

(c) (Reserved)

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

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

Deleted (e) regarding availability of information.

#### Case Notes

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

#### 7:1E-1.10 Waiver

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

#### 7:1E-1.11 Applicability

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

(b) Major facilities, as defined in N.J.A.C. 7:1E-1.6, are required to meet the standards of this chapter. The Department shall grant the owner or operator of a major facility a reasonable period of time, in light of all circumstances including economic feasibility, to upgrade existing equipment and procedures to meet the standards of N.J.A.C. 7:1E-2, excluding the requirements of N.J.A.C. 7:1E-2.2(a)4, 5, 6, and 7, if the major facility proves to the satisfaction of the Department that such a time period is needed. The rate of such upgrading shall be proposed by the owner or operator as part of the DPCC and DCR plans submitted pursuant to N.J.A.C. 7:1E-4. New equipment and procedures shall meet the standards of N.J.A.C. 7:1E-2 prior to being placed into service.

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

(d) The Department may require of any major facility which has been granted a period to upgrade, the installation of alternative prevention and/or detection devices such as alarms, so as to minimize the chances of a discharge, and may, in addition, require the owner or operator of such a major facility to demonstrate an enhanced ability to prevent,

expeditiously contain and/or clean up and remove a discharge from the portion of the facility to which a time period to upgrade has been granted. If the Department requires the installation of alternative prevention and/or detection devices, the owner or operator shall propose the devices to be used, subject to the Department's approval.

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

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

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

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

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

#### Cross References

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

#### Case Notes

Under New Jersey law, insured's disclosures in environmental plans and permit applications did not compel finding of intended or expected environmental damage not covered by comprehensive general liability insurance policies. *Pittston Co. v. Allianz Ins. Co.*, D.N.J.1995, 905 F.Supp. 1279.

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

## SUBCHAPTER 2. PREVENTION AND CONTROL OF DISCHARGES AT MAJOR FACILITIES

### 7:1E-2.1 Scope

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

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

#### Cross References

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

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

### 7:1E-2.2 Storage

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

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

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

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

4. Aboveground storage tanks installed prior to July 22, 1990 with a capacity greater than 2,000 gallons and all appurtenant piping to the first valve shall be subject to initial integrity testing or static head product testing on a schedule which takes into account the age of the tank, proximity to surface water supplies, the leak record of the tank for the preceding five years, and the date of the tank's last integrity test, as delineated in Table 1, and according to the schedule in Table 2. Thereafter, each aboveground storage tank with a capacity greater than 2,000 gallons and its appurtenant piping to the first valve shall undergo a combination of integrity testing, as defined in N.J.A.C. 7:1E-1.6, and internal visual inspection, as defined in N.J.A.C. 7:1E-1.6, at intervals based on the construction material of the tank, substances stored, soil conditions, corrosion allowance remaining, corrosion rate, leak history of the tank, degree of risk and the results of visual inspections, as described in the DPCC plan pursuant to N.J.A.C. 7:1E-4.2(d). In no case shall the period of time between the combination of integrity tests and internal inspections exceed five years, unless the tank has an inspection and maintenance program that is in compliance with API 653, incorporated herein by reference. Integrity testing should be performed in compliance with accepted industry standards, which include, but are not limited to, API 510, API 574, API 653, ASME Section V, ASME Section VIII, ASME Section X, and ASTM E1067, incorporated herein by reference.

Table 1  
Testing Schedule Factors

Factor	Points
Age of tank (years)	
>50	10
26-50	6
10-25	3
<10	1
Proximity to surface water supplies (feet)	
≤500	5
>500	1
Number of leaks in past five years	
≥2	25
1	5
0	1
Years since last structural integrity test	
≥5	15
>1 but <5	5
≤1	1

Table 2  
Initial Testing Schedule

Total points from Table 1	Deadline for testing
>30	February 1, 1992
21-30	August 1, 1992
11-20	February 1, 1993
≥10	August 1, 1993

5. A report on the initial integrity testing or static head product testing required by (a)4 above shall be submitted to the Department within 30 days of the completion of the test. This report shall include identification of the facility and the equipment tested, the age of the equipment, the test method(s) used, date of the test(s), name and affiliation of the person performing the test, the summary test results, any repairs performed or scheduled to be performed after the tests, and the expected service life of the equipment. The report shall be certified pursuant to N.J.A.C. 7:1E-4.11, and shall be sent to:

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

6. Aboveground storage tanks installed or placed into service on or after July 22, 1990 with a storage capacity greater than 2,000 gallons and all appurtenant piping to the first valve shall be subject to integrity testing, as defined in N.J.A.C. 7:1E-1.6, prior to being placed into service. For shop fabricated tanks, testing done by the manufacturer at the site of manufacture is acceptable.

Subsequent testing shall be performed in accordance with (a)4 above.

7. If a tank has been tested or inspected as required by (a)4 or 6 above and fails to meet the applicable standards as to structural integrity or where a condition has been determined to exist for which there is no standard as set forth in (a)4 or 6 above, but which, in the opinion of the person performing the tests or inspection as set forth in the report, constitutes a condition which will threaten structural integrity, the tank shall be emptied and remain empty until it is repaired or replaced. Conditions threatening structural integrity may include, but are not limited to, wall thinning, leaks, or extensive corrosion, pitting, or cracking.

(b) Underground storage tanks shall meet the requirements of N.J.A.C. 7:14B.

(c) If a storage tank is served by internal heating coils, such coils, the pipes leading to and from them, and the appurtenances to which they connect, must be designed so that any leakage passing from the tank into the heating coil system will be captured and contained in a secondary containment or wastewater treatment system.

(d) Every aboveground storage tank, except as provided in (e) below, shall have a high liquid level audible or visual alarm designed to alert plant personnel of overfills, and one of the following:

1. A high liquid level pump cutoff device designed to stop flow at a predetermined level;
2. Direct communication between tank gauger and pumping station, such as direct line of sight, or telephone or radio communication; or
3. Fast response systems for determining liquid levels, which result in rapid shutdown of pumping.

(e) Owners or operators of aboveground storage tanks of 2,000 gallons or less may meet the requirement of (d) above by having such tanks attended at all times during the filling procedure.

(f) Storage tank overflow lines, or vent lines on storage tanks without overflow lines, where they exist, shall be protected by secondary containment, or directed into other tanks, or other appropriate holding areas.

(g) Mobile or portable storage tanks shall be positioned or located so as to be protected by secondary containment or diversion structures designed and built pursuant to N.J.A.C. 7:1E-2.6. Such storage tanks shall not be located in areas subject to periodic flooding or washout, unless adequately protected so as to prevent hazardous substances stored therein from being carried off or discharged at times of flooding or washout.

(h) Drum and other storage areas shall be equipped with adequate secondary containment or diversion systems designed and built pursuant to N.J.A.C. 7:1E-2.6.

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

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

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

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

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

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

In (a), added 7.

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

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

In (a)4 and 6, inserted references to N.J.A.C. 7:1E-1.6, API 510, and ASTM E1067; in (f), inserted "or vent lines on storage tanks without overfill lines," preceding "where they exist"; substituted "protected by" for "directed into" and inserted "or directed into" preceding "other tanks".

### 7:1E-2.3 Tank car or tank truck loading or unloading areas

(a) All tank car or tank truck loading or unloading areas employed in the loading or unloading of hazardous substances shall be paved or surfaced with impermeable materials, and equipped with an adequate means of secondary containment or diversion, designed and built pursuant to N.J.A.C. 7:1E-2.6.

(b) Prior to the filling of any tank car or tank truck, the lowermost drain and all outlets of such vehicle shall be examined in accordance with the applicable SOP to insure they are closed.

(c) During filling and prior to departure of any tank car or tank truck, the lowermost drain and all outlets of such vehicles shall be closely examined for leakage, in accordance with the appropriate SOP, and if necessary, tightened, adjusted, repaired or replaced so as to prevent liquid leakage in transit. All manifolds on tank cars or tank trucks shall be flanged or capped, and valves secured, prior to leaving loading or unloading areas.

(d) A system to prevent tank car or tank truck departure before complete disconnect of loading or unloading lines, such as a physical barrier (that is, wheel chocks) or brake interlock system, shall be utilized in loading or unloading areas.

(e) Tank cars in the process of being loaded or unloaded shall be attended at reasonable intervals during the procedure, and shall be attended during topping off, in accordance with the appropriate SOP. Tank trucks in the process of being loaded or unloaded shall be attended at all times during the procedure, in accordance with the appropriate SOP.

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

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

### 7:1E-2.4 In-facility pipes for hazardous substances

(a) Where practicable, each in-facility pipe at a major facility containing a hazardous substance shall be marked by lettering, color banding or color coding to indicate the substance transferred through it.

(b) New buried piping installations shall have a product-sensitive leak detection device, where such devices are state-of-the-art, and shall be double walled or have adequate secondary containment or diversion systems designed and built pursuant to N.J.A.C. 7:1E-2.6.

(c) Existing buried pipes shall be equipped with product-sensitive leak detection devices, where such devices are state-of-the-art technology. Where state-of-the-art technology does not exist, the owner or operator shall institute a maintenance and repair program for buried pipes following API 570, incorporated herein by reference, or some other industry standard acceptable to the Department.

(d) If a section of buried pipe is exposed for any reason, the owner or operator shall ensure that it is carefully examined for deterioration, and if found to be deteriorated, shall be repaired or replaced. Existing pipes which require substantial reconstruction or replacement shall be upgraded to the standards applicable to new buried piping.

(e) Pipes removed from service shall be capped or blank-flanged and marked as to origin, or physically removed.

(f) Pipe supports should be designed so as to minimize abrasion and corrosion and allow for expansion and contraction.

(g) If in-facility pipes are elevated across roadways, gate check-in procedures, warning signs or other means shall be used to minimize the chance of a vehicular collision with the pipes.

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

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

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

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

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

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

In (c), added second sentence.

### 7:1E-2.5 Process areas at major facilities for hazardous substances

(a) Drainage from production facilities, including buildings, and other process areas shall be designed and built so as to provide a means of secondary containment or diversion for leaked hazardous substances pursuant to N.J.A.C. 7:1E-2.6.

(b) Process wastewater and cooling water pipes, plant drains and similar installations which drain into sewers, storm drains, public wastewater treatment plants, watercourses or other routes which drain to the waters of the State shall be engineered so that leaks of hazardous substances will not escape through them to waters of the State. If hazardous substances captured in secondary containment systems will drain into process wastewater lines, provision must be made to ensure compliance with the applicable NPDES or NJPDES permit before the water is discharged.

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

### 7:1E-2.6 Facility drainage and secondary containment

(a) All portions or areas of a major facility in which hazardous substances are routinely refined, produced, stored, held, handled, processed, or transferred shall be designed so that any leak will be prevented from becoming a discharge.

(b) Impermeable secondary containment or diversion structures to prevent leaked hazardous substances from becoming discharges include:

1. Dikes, berms or retaining walls;
2. Curbing;
3. Gutters, culverts and drainage systems;
4. Diversion ponds, lagoons, retention basins, holding tanks, sumps, slop tanks and other collecting systems;
5. Drip pans; or
6. Other equivalent means approved by the Department.

(c) Secondary containment or diversion systems, structures or equipment shall meet the following standards:

1. The secondary containment or diversion system must block all probable routes by which leaked hazardous substances could reasonably be expected to become discharges;
2. The capacity of the secondary containment or diversion system shall include an additional capacity to accommodate six inches of rainwater, if the secondary containment or diversion structure is located such that rainwater could accumulate in it, and shall be:
  - i. For storage areas, the volume of the largest tank or drum utilizing the system;
  - ii. For tank car or tank truck loading/unloading areas, the volume of the largest compartment in any tank car or tank truck utilizing the area;
  - iii. For buried pipes, the maximum volumetric flow rate multiplied by the maximum amount of time between the detection of a leak and the shutdown of the pipe; or
  - iv. For process areas, the volume of the largest piece of equipment in the area, or the volumetric flow rate through the area multiplied by the maximum amount of time between the detection of a leak and the shutdown of the system, whichever is greater;
3. All components of the secondary containment or diversion system shall be made of or lined with impermeable materials, which must be maintained in an impermeable condition. Existing systems for existing aboveground

storage tanks are exempt from this requirement if the existing system:

- i. Can protect ground water for the period of time needed to clean up and remove a leak, up to the entire volume of the largest tank utilizing the system;
- ii. Allows the visual detection of leaks; and
- iii. Is inspected daily;

4. No process area, loading or unloading area, diked storage area or other storage area, or secondary containment or diversion system appurtenant thereto shall drain into a watercourse, or into a ditch, sewer, pipe or storm drain that leads directly or indirectly into a watercourse or public sewage treatment plant, unless provision is made to:

- i. Retain, by valves or other positive means, any accumulated precipitation until it can be ascertained to the satisfaction of the Department that no hazardous substances will be discharged to the environment; or
- ii. Intercept any leaked hazardous substances in a permitted industrial wastewater treatment or pretreatment facility or other facility operated in accordance with a valid and effective NJPDES or NPDES permit;

5. Catchment basins, lagoons, and so forth, shall not be located in a manner that would subject them to flooding;

6. Incompatible materials shall not be stored within the same containment area if there is a substantial likelihood of them mixing in the event of leakage. This restriction does not apply to process areas where the substances are brought into proximity as part of a production process; and

7. Provision shall be made for promptly removing leaked hazardous substances from a secondary containment or diversion system. Secondary containment systems shall not be used as backup storage systems nor for any other purpose that would impair their capacity to contain leaks.

(d) A major facility handling nonmiscible lighter-than-water hazardous substances, which is adjacent to, or sufficiently near a body of surface water such that a leak from the facility would be reasonably expected to become a discharge, shall maintain on site flotation boom and/or filter fences and/or sorbent materials sufficient to contain and prevent the further spread of discharges.

Amended by R.1996 d.462, effective October 7, 1996.  
See: 28 N.J.R. 2730(a), 28 N.J.R. 4424(b).  
Amended by R.2001 d.355, effective October 1, 2001.  
See: 33 N.J.R. 1255(a), 33 N.J.R. 3518(a).  
Rewrote (c)4i.

**7:1E-2.7 Marine transfer facilities**

(a) All rules and regulations of the U.S. Coast Guard which apply to oil transfer facilities, in particular 33 CFR 154 and 156, are herein expressly adopted by reference, and are further made applicable as well to all marine transfer facilities which transfer in the liquid state any hazardous substances other than oil.

(b) If oil or other nonmiscible lighter-than-water hazardous substances are transferred at the facility, there shall be kept available a length of flotation boom or other containment device sufficient to totally enclose a vessel while engaged in the transfer of hazardous substances from a vessel to the facility or from the facility to a vessel.

(c) When transferring hazardous substances between vessels, the containment device shall be capable of encircling both vessels.

(d) A containment device shall be deployed prior to commencing the transfer of any nonmiscible lighter-than-water hazardous substance with a flash point in excess of 100 degrees Fahrenheit (38 degrees centigrade) as measured by the Penske-Martens closed cup flash test (ASTM D-93, incorporated herein by reference), when current and wind conditions permit the effective use of such devices and the device can be safely deployed without endangering any personnel, any vessel, or obstructing any shipping channel. This provision does not apply to the transfer of any hazardous substance to be used as a fuel or a lubricant by the vessel.

(e) When conditions prohibit the immediate deployment of a containment device, such containment device shall be maintained on a standby basis during the transfer for rapid deployment in the event of a discharge.

(f) When transferring or receiving hazardous substances where the vessel is docked parallel to the dock, the containment device is to originate at some point before the bow and terminate at some point behind the stern of the vessel so that the dock itself constitutes one side of the contained area, if the dock is capable of acting as an effective barrier.

(g) In the case of an "open pier" or a "finger dock" where the vessel is docked perpendicular to the dock, the boom is to encircle the entire vessel except for the area of the dock the vessel sits adjacent to, if the dock is capable of acting as an effective barrier.

(h) If a containment device is required by the Department to be in place during a transfer of a hazardous substance, the device shall be deployed not less than 15 feet from the vessel prior to commencement of the transfer operation, except in the case where a dock may act as part of the containment, and shall be maintained in a manner that minimizes the potential for any discharged hazardous substance from leaving the contained area.

(i) Transfer operations shall not commence, or if commenced shall be discontinued immediately, upon detection of any of the following:

1. National Weather Service forecasts predict for the vicinity of the facility gale force winds, heavy rain, sleet, snow or other storm conditions, and the person in charge determines that a transfer cannot be accomplished without increased risk of discharge, or if such weather conditions occur after transfer operations have been commenced;

2. Fire occurs in the vicinity of the transfer operation or a nearby portion of the transfer facility unless such a transfer is necessary to prevent further endangerment of personnel, the vessel or facility;

3. At any time the transfer system is functioning contrary to the standard operating procedures of the facility;

4. A break occurs in the transfer system;

5. There is an apparent discrepancy between the quantity of hazardous substance transferred and received;

6. The communication system is not operative;

7. Hazardous substances are observed in the water near any transfer component, unless it can be ascertained that the hazardous substances are not being discharged from the vessel or the marine transfer facility involved in the transfer operation; or

8. A discharge occurs during transfer. Transfer shall not be resumed until after the discharge has been reported to the Department, and the Department or Federal on-scene coordinator under the National Contingency Plan pursuant to 40 CFR 1510 is satisfied that adequate steps have been taken to contain the discharge and to prevent further discharges. Under certain circumstances, it may be necessary to continue transfer operations even though a discharge has occurred, for example, in order to off-load the contents of a vessel which is leaking.

(j) When a containment device is deployed, prior to its removal, all discharged hazardous substances contained by the device shall be properly cleaned up and removed.

(k) Any containment device deployed shall be retrieved and properly cleaned or disposed of by the owner or operator upon completion of the transfer, or at such time as it is no longer needed to prevent the spread of or to divert a discharge.

Amended by R.1996 d.252, effective June 3, 1996.  
See: 27 N.J.R. 2337(a), 27 N.J.R. 2882(a), 28 N.J.R. 2858(a).  
Amended by R.1996 d.462, effective October 7, 1996.  
See: 28 N.J.R. 2730(a), 28 N.J.R. 4424(b).

## Case Notes

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

**7:1E-2.8 Illumination**

(a) Major facilities which transfer hazardous substances to or from vessels between the hours of sunset and sunrise shall perform all such transfers using fixed lighting that shall adequately illuminate:

1. Each transfer connection point in use at the facility;
2. Each transfer connection point in use on the vessel;
3. Each hazardous substances transfer work area at the facility; and
4. Each hazardous substances transfer work area on the vessel.

(b) Major facilities which transfer hazardous substances to or from vessels between the hours of sunset and sunrise shall perform all such transfers using fixed or portable lighting that shall adequately illuminate surface area of the water surrounding the vessel sufficient to determine that no discharge is occurring.

(c) Adequate lighting shall mean any lighting which complies with U.S. Coast Guard rules or regulations applicable to oil transfers facilities, particularly 33 CFR 154.570.

**7:1E-2.9 Flood hazard areas**

Hazardous substances stored within the 100-year flood hazard area of any watercourse as delineated by the Department in N.J.A.C. 7:13-7.1 or stored within an area known by the owner or operator of the major facility to be subject to a high probability of flooding shall be adequately protected so as to prevent such hazardous substances from being carried off by or being discharged into flood waters.

**7:1E-2.10 Visual inspections and monitoring**

(a) All equipment and portions of the major facility in service using hazardous substances shall be visually inspected in accordance with standard operating procedures pursuant to N.J.A.C. 7:1E-2.14. Visual inspections shall be performed at a minimum according to the following schedule:

1. Prior to each marine transfer for adequacy, deterioration, leaks or discharges, all transfer area lighting and all aboveground transfer valves, pumps, flanges, flexible hoses and connections, unless they are not readily accessible, that are to be used in the transfer;
2. Once daily for integrity and leaks, all secondary containment systems and diversion systems for aboveground storage tanks which are not impermeable;

3. Once daily or prior to each use, whichever is less frequent, for integrity, deterioration and leaks, loading or unloading areas, including flexible hoses;

4. Once weekly for integrity and leaks, process areas;

5. Once monthly for integrity and leaks, all other storage areas and secondary containment or diversion systems, and all aboveground pipes; and

6. Once quarterly for integrity and leaks, all other aboveground valves, pumps, flanges, connections and equipment and all security fences and locks.

(b) Records shall be kept for all visual inspections. These records shall document that inspections were performed, any problems found, and the subsequent correction of such problems.

(c) Unless a leak or discharge is likely to be detected by personnel, product gauging, an automatic leak detection system, or other means acceptable to the Department, the owner or operator of a major facility shall implement a ground water monitoring program approved by the Department and satisfying the requirements of N.J.A.C. 7:14A-6.

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

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

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

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

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

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

Rewrote (a)6.

**7:1E-2.11 Housekeeping and maintenance**

(a) Hazardous substances shall be kept in containers suitable for their storage or processing at all times except when being transferred between containers. Containers shall be compatible with the substances stored therein and resistant to chemical attack by the substances. Hazardous substances shall be kept protected from the elements and the possibility of leakage.

(b) Tanks, pipes, valves, glands, drums or other equipment leaking hazardous substances shall be promptly repaired, replaced or taken out of use following detection of a leak, unless provision is made to capture and contain leaking hazardous substances in a drip pan or other appropriate containment device. If such provision is made, the leaking item shall be repaired, replaced or taken out of use within 15 days after the leak is detected unless the shutdown of a process unit is necessary. A leak shall be repaired at the earliest period in which either the process is not in operation or the particular unit is out of service, whichever occurs first.

(c) Cleanup of all leaks or discharges of hazardous substances shall begin promptly upon detection. Loose quantities of hazardous substances shall not be allowed to persist on grounds, floors, walls or equipment, or any other places within the facility.

(d) The facility shall keep on hand, in convenient locations, adequate quantities of sorbent materials, chemical

neutralizing agents or other materials as needed, sufficient to contain and clean up such small leaks or discharges as may be expected to occur in the ordinary operations of the facility.

(e) The facility shall maintain an adequate supply of protective safety equipment, such as chemically resistant coveralls, boots, or gas masks, in convenient locations for use by any personnel who are required to clean up leaked or discharged hazardous substances. Where protective safety equipment is required by any regulation of the Federal Occupational Safety and Health Administration, compliance with such regulation shall be deemed to fulfill this requirement.

(f) Secondary containment or diversion systems shall be maintained in good repair, free of cracks through which hazardous substances could be discharged.

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

#### 7:1E-2.12 Employee training

(a) Owners or operators of major facilities shall implement an appropriate program for training their employees involved in the handling of hazardous substances and shall maintain a written description of the program.

(b) The training program shall include, at the minimum, the following:

1. A written job description which includes the duties and responsibilities relating to hazardous substances for each position, and the education, experience and training necessary to qualify for the position;
2. Procedures to determine whether an employee has demonstrated the ability to carry out the duties and responsibilities of a specific position; and
3. Specified time periods of in-house training for each position covering orientation, specific hazardous substances training and on-the-job training, trainee evaluation, final qualification, and periodic refresher training. A procedure shall be established for tracking the progress of each employee at regular intervals and shall be included in the written description required by (a) above. In addition, the maximum period of time for each training program shall be established within which the employee must achieve qualified status.

(c) The training which all employees involved in the handling of hazardous substances will receive shall include:

1. General orientation and initial training of new employees before assignment to hazardous substance operations, which shall include instruction on the general site rules and practices, and safety procedures;
2. Classroom training for new or newly assigned employees involved with hazardous substances;

3. On-the-job training for newly assigned employees; and

4. Refresher training at least once a year which shall present an overview and updated information.

(d) Employees with duties and responsibilities including emergency response, chemical operations or hazardous substance processing, shall receive additional training in the following areas:

1. Safety, equipment and procedures used in the cleanup and removal of a specific hazardous substance;
2. Standard operating procedures, including a detailed review of the hazardous substance material safety data sheets, the safe handling practices for the hazardous substance, the hazards of the operation involving the hazardous substance, and the application of standard operating procedures to actual conditions;
3. Emergency procedures regarding fires, leaks and discharges;
4. Equipment familiarization;
5. Operating data collection and entry;
6. Equipment startup and shutdown; and
7. Control and adjustment of operating conditions.

(e) The training program shall specify the qualifications required for the personnel responsible for training employees working with hazardous substances.

(f) Documentation of all training, evaluation and qualifying activities for each employee shall be kept at the facility and shall include identification of all personnel trained, their job titles, subjects covered and training dates.

(g) Owners or operators shall have procedures to insure that all employees utilized by outside contractors have received site-specific information covering emergency and safety procedures.

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

#### 7:1E-2.13 Security

(a) Major facilities shall be adequately illuminated so that personnel on the premises can detect intruders, leaks or discharges during hours of darkness.

(b) Major facilities shall have security sufficient to prevent unauthorized persons from gaining access to hazardous substances. This security may consist, for example, of:

1. Fencing adequate to prevent unauthorized entry (full fencing on land) of all portions or areas within which hazardous substances are stored, processed, transferred or used, with entrance gates locked and/or guarded when the facility is unattended, and either locked, guarded or under observation by personnel at all other times; or

2. For aboveground storage tanks, all of the following:

i. Valves which will permit escape of a tank's or other container's contents to the surface securely locked in the closed position when not in use;

ii. Starter controls on all pumps locked in the "off" position when the pumps are not in use unless the controls are located at a site accessible only to authorized personnel, which site is itself attended or locked; and

iii. The open ends of all pipes securely capped or blank-flanged when not in use for an extended time.

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

#### 7:1E-2.14 Standard operating procedures

(a) The owner or operator shall have written standard operating procedures for all operations involving hazardous substances. They shall be in English in a manner understandable by employees of the major facility and shall also be written in the language of fluency of employees utilizing those SOPs not fluent in English.

(b) A copy of the standard operating procedures shall be readily available to employees.

(c) A copy of material safety data sheets or fact sheets for each hazardous substance used or stored at the facility shall be readily available to employees.

(d) The standard operating procedures shall include, at a minimum, the following:

1. A process description;
2. Procedures and conditions for normal operation;
3. A description of leak or discharge conditions which could occur, including the control and mitigation procedures to be followed to reduce the impact of the leak or discharge conditions;
4. A description of the type, location and purpose of containment systems and devices, leak monitoring equipment and alarms; and
5. Procedures for visual inspection of equipment.

(e) In addition to the items in (d) above, the standard operating procedures shall include, as appropriate for the operation being described, the following:

1. Simplified process flow sheets, showing flows, temperatures and pressures;

2. A description of the most frequent abnormal conditions, including the control and mitigating procedures to be followed to return to normal conditions;

3. Pre-startup procedures;

4. Startup procedures including conditions to be maintained during startup;

5. Shutdown procedures including provisions for normal and emergency shutdown and details on the condition of equipment to be maintained after shutdown;

6. Procedures to prepare equipment for maintenance and inspection of maintenance work upon completion and prior to placement of equipment in service; and

7. Log sheets and checklists where appropriate to the operation.

(f) A generic SOP may be written when more than one piece of equipment designed to perform the same function is located at the facility. Such a generic SOP must cover all hazardous substances utilized with all the equipment and must delineate any special conditions associated with a specific piece of equipment or hazardous substance.

(g) Modifications to the standard operating procedures shall be incorporated into the standard operating procedures prior to their implementation.

(h) A current index of the standard operating procedures with corresponding latest dates of issue shall be maintained and readily available.

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

#### 7:1E-2.15 Recordkeeping

(a) The owner or operator of a major facility shall maintain records of employee training and drills for discharge prevention, and hazardous substance inventories for a period of three years.

(b) The owner or operator of a major facility shall maintain records of confirmation reports on discharges pursuant to N.J.A.C. 7:1E-5.8(c) inspection, major maintenance, and major repair of all structures other than aboveground storage tanks, equipment, and detection or monitoring, prevention or safety devices related to discharge prevention and response for 10 years or the lifetime of the structure, equipment or device, whichever is shorter.

(c) For aboveground storage tanks, the owner or operator of a major facility shall maintain records of integrity testing, inspection, major maintenance, and major repair for the lifetime of the tank.

(d) All records shall be available for inspection upon the request of the Department or appropriate local agencies.

(e) Records may be retained on microfilm or microfiche or may be kept in an electronic or computerized form if they are adequately backed up.

Amended by R.1996 d.462, effective October 7, 1996.  
See: 28 N.J.R. 2730(a), 28 N.J.R. 4424(b).  
Amended by R.2000 d.352, effective August 21, 2000.  
See: 31 N.J.R. 3561(a), 32 N.J.R. 3091(a).  
In (b), amended N.J.A.C. reference.

## SUBCHAPTER 3. TRANSMISSION PIPELINES

### 7:1E-3.1 Scope

This subchapter prescribes the rules of the Department for information to be submitted concerning transmission pipelines. The following rules shall govern the preparation and submission of registrations.

### 7:1E-3.2 Registration of transmission pipelines

(a) By February 1, 1992, and by each February 1 at five year intervals thereafter, the owner or operator of a transmission pipeline shall submit the following information to the Department, on forms provided by the Department:

1. The business name(s), address and telephone number of the owner or operator of the facility;
2. The name and business address of the owner or operator's registered agent;
3. The storage capacity of any facility;
4. A description of the hazardous substances which are stored, held, handled, transferred or transported by the facility;
5. The transfer capacity and the average daily throughput, on an annual basis, of the transmission pipeline for each hazardous substance;
6. An accurate map or maps, showing the location of each of the owner or operator's pipeline facilities, storage areas, transfer areas, or other structures in or on which hazardous substances are stored or handled, the geographical features of the surrounding area, and the location at which the pipeline facility enters or leaves the State. Those maps which are currently maintained pursuant to regulations of the U.S. Department of Transportation are sufficiently accurate;
7. An inventory of all types of pipe used for the transmission of hazardous substances, including a history of major repairs, major maintenance and major leaks from all pipes; and
8. Any certifications required pursuant to N.J.A.C. 7:1E-4.11(b).

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

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

Bureau of Discharge Prevention  
New Jersey Department of Environmental Protection  
PO Box 424  
Trenton, New Jersey 08625-0424  
Attention: Pipeline Registration

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

### 7:1E-3.3 Standards

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

### 7:1E-3.4 Discharge cleanup information

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

1. A summary of the action plan used in responding to, and minimizing health and environmental dangers from, fires, explosions or discharges, including the deployment of personnel and equipment, the chain of command for an emergency response action, and notification procedures pursuant to N.J.A.C. 7:1E-5;
2. A list of containment and removal equipment and materials to which the transmission pipeline has access through ownership, contract or other means, including, but not limited to, vehicles, vessels, pumps, skimmers, booms, chemicals, and communications devices;
3. A list of the trained personnel who are available to operate such equipment and a brief description of their qualifications. In lieu of supplying a list of names, the owner or operator may supply a list of job titles of employees who will be assigned to operate containment and removal equipment, and a statement of the minimum qualifications that will be required of each employee so assigned;
4. The name, title and 24-hour business telephone number of facility's response coordinator or other person authorized to hire contractors and release funds for discharge response, containment, cleanup and removal. A response coordinator or alternate shall be available at all times; and

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

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

## SUBCHAPTER 4. PLANS

### Cross References

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

### 7:1E-4.1 Scope

This subchapter prescribes the rules of the Department for information to be submitted concerning major facilities. The following rules shall govern the preparation and submission of discharge prevention, containment and countermeasure plans, and discharge cleanup and removal plans.

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

### Case Notes

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

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

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

(a) The owner or operator of a major facility shall prepare a DPCC plan demonstrating compliance with the standards in N.J.A.C. 7:1E-2, and shall appoint a response coordinator for each site who shall be responsible for insuring compliance with the DPCC plan, the Act, and this chapter. The response coordinator shall be responsible for submission of all reports required by this chapter to the Department.

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

1. The name, telephone number and location of the facility including street and mailing address, county, municipality, and tax lot and block number;
2. The name(s), telephone number(s) and business address(es) of the owner or operator of the facility;

3. The name and business address of the owner's or operator's registered agent, if applicable;

4. A general site plan, which accurately reflects the current facility, in the format prescribed in N.J.A.C. 7:1E-4.10, showing the location of storage tanks, drum storage areas, process buildings, loading or unloading areas, marine transfer areas, and any other structures in or on which hazardous substances are stored or handled, or which are used for the prevention of discharges, and all facility fencing and gates;

5. A drainage and land use map, in the format prescribed in N.J.A.C. 7:1E-4.10, which accurately reflects the current facility and the surrounding area, including the direction of surface water runoff from the site, location of all major sewers, storm sewers and all water-courses into which the surface water runoff from the facility drains and the location of supply or monitoring wells;

6. Topographical maps, in the format prescribed in N.J.A.C. 7:1E-4.10, covering all surrounding area which could be affected by a discharge from the facility, including environmentally sensitive areas; and

7. The anticipated date on which the facility will become operational, if the facility is a new one.

(c) If the facility has experienced two or more discharge events within the previous 12 months, the DPCC plan shall include a description of each such event, corrective action taken, and plans for preventing recurrences.

(d) The DPCC plan shall include, at a minimum, the following technical information, keyed to the following paragraphs, in sequential order:

1. A description of all storage areas, addressing all standards under N.J.A.C. 7:1E-2.2, including, but not limited to, overfill protection measures, the schedule for integrity testing and internal visual inspections, including at a minimum the date(s) of the last test(s) and inspection(s) and the date(s) of the next test(s) and inspection(s), and the schedule or criteria for scheduling maintenance or reconstruction. This description must also include the size and contents of storage tanks, drum storage areas, and all other storage areas;

2. A description of any tank car or tank truck loading/unloading area, addressing all standards under N.J.A.C. 7:1E-2.3, and including the size of the largest compartment in any tank car or tank truck utilizing the area and the hazardous substances loaded or unloaded;

3. A description of the marking of in-facility pipes, a description of any maintenance and repair program for buried pipes, and procedures for minimizing the chance of a vehicular collision with overhead pipes, pursuant to N.J.A.C. 7:1E-2.4;

4. A description of all secondary containment or diversion systems, including their capacity and materials of construction and including those utilized for process areas, pursuant to N.J.A.C. 7:1E-2.6. This description can be included with the information required pursuant to (d)1 and 2 above, as appropriate;

5. A description of marine transfer areas, including materials transferred, booming operations pursuant to N.J.A.C. 7:1E-2.7, and the fixed and portable lighting in use in marine transfer areas pursuant to N.J.A.C. 7:1E-2.8;

6. A description of any flood hazard areas within the facility's boundaries, and any measures implemented to protect hazardous substances from flood waters, pursuant to N.J.A.C. 7:1E-2.9;

7. A description of all leak detection or monitoring procedures, pursuant to N.J.A.C. 7:1E-2.10;

8. An outline of the housekeeping and maintenance program, pursuant to N.J.A.C. 7:1E-2.11;

9. An outline of the personnel training program and procedures for instructing contractors, pursuant to N.J.A.C. 7:1E-2.12;

10. A description of the physical security measures at the facility, pursuant to N.J.A.C. 7:1E-2.13;

11. A catalog list of all standard operating procedures that have been written pursuant to N.J.A.C. 7:1E-2.14; and

12. A description of the recordkeeping system employed by the facility, pursuant to N.J.A.C. 7:1E-2.15.

(e) The DPCC plan shall include a schedule, to be approved by the Department, for upgrading equipment or portions of the facility to meet the requirements of N.J.A.C. 7:1E-2, excluding N.J.A.C. 7:1E-2.2(a)4, 5, 6 and 7.

(f) The owner or operator shall maintain and make available for Department review, at either the facility or the Department's offices at the discretion of the Department, the following updated documentation including a catalog list of all such documents showing title, identification number and date of issue:

1. Facility inventory of hazardous substances, as defined in N.J.A.C. 7:1E-1.6;
2. Updated process flow and piping and instrumentation diagrams;
3. Standard operating procedures;
4. Facility emergency response plan;
5. Job classifications and job descriptions; and
6. Housekeeping and maintenance program procedures and records.

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

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

Recodified from 7:1E-4.3 and amended by R.1996 d.462, effective October 7, 1996.

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

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

Administrative change.

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

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

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

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

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

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

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

#### 7:1E-4.3 Discharge cleanup and removal plan

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

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

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

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

4. Provisions for annual emergency response drills to determine the currency and adequacy of, and personnel familiarity with, the emergency response action plan. This drill shall be critiqued in writing and that critique retained pursuant to the recordkeeping requirements at N.J.A.C. 7:1E-2.15. The drill shall be based on different scenarios from year to year in order to address all anticipated emergency response scenarios at the facility. When possible, this annual drill can be combined with other required emergency response drills;

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

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

7. A deployment plan for personnel and equipment that includes:

i. On-site response measures;

ii. Identification of and protection and mitigation measures for off-site residential, environmentally sensitive, or other areas, prioritized based on use, seasonal sensitivity, or other relevant factors. The mapping required by N.J.A.C. 7:1E-4.2(b)5 and 6 may serve as the identification;

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

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

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

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

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

(b) Each major facility shall have available to it, by ownership or by arrangement with a discharge cleanup organization, adequate equipment and personnel to clean up any discharge that occurs at the facility.

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

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

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

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

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

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

#### Case Notes

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

#### 7:1E-4.4 Financial responsibility

(a) The owner or operator of a major facility shall demonstrate financial responsibility for cleanup and removal activities, and for the removal of any abandoned structure owned or operated, as the case may be, by the owner or operator.

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

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

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

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

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

(f) An owner or operator may use self-insurance in combination with a guarantee only if, for the purposes of meeting the requirements of the financial test under this rule, the financial statements of the owner or operator are not consolidated with the financial statements of the guarantor.

(g) To pass the financial test of self-insurance, the owner or operator or guarantor must meet the criteria of (g)1, 2, 3 or 4 below based on the year-end financial statements of the latest completed fiscal year and maintain onsite a letter signed by the chief financial officer worded as specified in Appendix B, incorporated herein by reference. This letter shall be updated within 120 days of the close of each financial reporting year.

1. The owner or operator or guarantor must have a tangible net worth of at least \$10 million, and the owner or operator or guarantor must:

i. Have a tangible net worth of at least 10 times the required aggregate amount in (b) above plus any other liability coverage for which the owner or operator is using the test to demonstrate financial responsibility to the State or EPA;

ii. Either file financial statements annually with the U.S. Securities and Exchange Commission, the Energy Information Administration, or the Rural Electrification Administration; or report annually the firm's tangible net worth to Dun and Bradstreet, and Dun and Bradstreet must have assigned the firm a financial strength rating of 4A or 5A; and

iii. Have year-end financial statements which do not include an adverse auditor's opinion, a disclaimer of opinion, or a "going concern" qualification;

2. The owner or operator or guarantor must have a bond rating of AAA, AA, A or BBB from Standard and Poor's, or Aaa, Aa, A or Baa from Moody's, or net working capital of at least six times the required amount, and the owner or operator, or the guarantor, must have:

i. A tangible net worth of at least six times the applicable aggregate amount in (b) above;

ii. U.S. assets that are at least 90 percent of total assets or at least six times the required aggregate amount; and

iii. Fiscal year-end financial statements filed with U.S. Securities and Exchange Commission, Energy Information Administration, or Rural Electrification Administration, or examined by a certified public accountant accompanied by the accountant's report of the examination;

3. If the owner or operator is a local government, said government must have a bond rating of AAA, AA, A or BBB from Standard and Poor's, or Aaa, Aa, A or Baa from Moody's on outstanding issues. Where a local government has multiple outstanding issues, or where a local government's bonds are rated by both Standard and Poor's and Moody's, the lowest rating shall be used to determine eligibility, and a copy of the bond rating published within the last 12 months shall be maintained. The local government shall also:

i. If a general purpose local government, have a currently outstanding issue or issues of general obligation bonds of \$1 million or more, excluding refunded obligations. Bonds that are backed by credit enhancement other than municipal bond insurance shall not be considered in determining the amount of applicable bonds outstanding; and

ii. If other than a general purpose local government, have a currently outstanding issue or issues of revenue bonds of \$1 million or more, excluding refunded issues. Bonds that are backed by credit enhancement shall not be considered in determining the amount of applicable bonds outstanding; or

4. If the owner or operator is a local government, said government must have the ability and authority to assess and levy taxes or to freely establish fees and charges. The local government's year-end financial statements, if independently audited, shall not include an adverse auditor's opinion or a disclaimer of opinion. The local government shall not have outstanding issues of general obligation or revenue bonds that are rated as less than investment grade. The following information shall be available, as shown in the year-end financial statements for the latest completed fiscal year:

i. Total revenues, consisting of the sum of general fund operating and non-operating revenues including net local taxes, licenses and permits, fines and forfeitures, revenues from use of money and property, charges for services, investment earnings, sales, restricted and unrestricted intergovernmental revenues, and total revenues from all other governmental funds including enterprise, debt service, capital projects, and special revenues, but excluding revenues to funds held in a trust or agency capacity. For purposes of this test, the calculation of total revenues shall exclude all transfers between funds under direct control of the local government using the financial test (interfund transfers), liquidation of investments, and issuance of debt;

ii. Total expenditures, consisting of the sum of fund operating and non-operating expenditures, including public safety, public utilities, transportation, public works, environmental protection, cultural and recreational, community development, revenue sharing, employee benefits and compensation, office management, planning and zoning, capital projects, interest payments on debt, payments for retirement of debt principal, and total expenditures from all other governmental funds including enterprise, debt service, capital projects, and special revenues. For purposes of this test, the calculation of total expenditures shall exclude all transfers between funds under direct control of the local government using the financial test (interfund transfers);

iii. Local revenues, consisting of total revenues as outlined in i above minus the sum of all transfers from other governmental entities, including all monies received from Federal, State or local government sources;

iv. Debt service, consisting of the sum of all interest and principal payments on all long-term credit obligations and all interest-bearing short-term credit obligations, including interest and principal payments on general obligation bonds, revenue bonds, notes, mortgages, judgments, and interest bearing warrants, but excluding payments on non-interest-bearing short-term obligations, interfund obligations, amounts owed in a trust or agency capacity, and advances and contingent loans from other governments;

v. Total funds, consisting of the sum of cash and investment securities from all funds, including general, enterprise, debt service, capital projects, and special revenue funds, but excluding employee retirement funds, at the end of the local government's financial reporting year. It includes Federal securities, Federal agency securities, State and local government securities, and other securities such as bonds, notes and mortgages. For purposes of this test, the calculation of total funds shall exclude agency funds, private trust funds, accounts receivable, value of real property, and other non-security assets; and

vi. Population, consisting of the number of people in the area served by the local government.

(h) If an owner or operator or guarantor using the financial test of self-insurance finds that he or she no longer meets the requirements of the financial test based on the year-end financial statements, the owner or operator must obtain alternative coverage within 150 days of the end of the year for which financial statements have been prepared.

(i) The Department may require reports of financial condition at any time from the owner or operator, or guarantor. If the Department finds, on the basis of such reports or other information, that the owner or operator, or guarantor, no longer meets the financial test requirements of (g) above, the owner or operator must obtain alternate coverage within 30 days after notification of such a finding.

(j) If the owner or operator fails to obtain alternate coverage within 150 days of finding that he or she no longer meets the requirements of the financial test based on the year-end financial statements, or within 30 days of notification by the Department that he or she no longer meets the requirements of the financial test, the owner or operator must notify the Department of such failure within 10 days.

(k) To demonstrate financial responsibility through a guarantee:

1. Within 120 days of the close of each financial reporting year, the guarantor must demonstrate that it meets the financial test criteria set forth in (g) above by completing the letter from the chief financial officer as specified in Appendix B and must deliver the letter to the owner or operator and the Department. If the guarantor fails to meet the requirements of (g) above, within 120 days of the end of that financial reporting year the guarantor shall send by certified mail, before cancellation or nonrenewal of the guarantee, notice to the owner or operator and the Department. If the Department notifies the guarantor that he or she no longer meets the requirements of (g) above, the guarantor must notify the owner or operator within 10 days of receiving such notification from the Department. In both cases, the guarantee will terminate no less than 120 days after the date the owner or operator receives the notification or 120 days after the date the Department receives the notification, whichever is later, as evidenced by the return receipt. The owner or operator must obtain alternate coverage within 30 days; and

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

(l) To demonstrate financial responsibility through liability insurance:

1. Such insurance must be obtained from a qualified insurer or risk retention group. It may be in the form of a separate insurance policy or an endorsement to an existing insurance policy;

2. An existing insurance policy must be amended by an endorsement worded as specified in Appendix B and a separate insurance policy must be evidenced by a certificate of insurance worded as specified in Appendix B. A copy of this endorsement or certificate must be maintained at the facility at all times;

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

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

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

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

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

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

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

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

cancellation by the Department, whichever is later, as evidenced by the return receipt; and

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

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

1. The issuing agency must be an entity that has the authority to issue letters of credit in the State and whose letter-of-credit operations are regulated and examined by a State agency;

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

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

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

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

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

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

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

(p) An owner or operator will be deemed to be without the required demonstration of financial responsibility in the event of commencement of bankruptcy or other incapacity

of his or her provider of financial assurance. Within 30 days after receiving notice of such an event, the owner or operator shall submit to the Department an alternate demonstration of financial responsibility.

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

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

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

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

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

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

#### Case Notes

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

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

#### 7:1E-4.5 Preparation and submission of plans

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

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

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

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

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

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

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

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

(c) If a facility becomes a major facility because of the addition of a substance to the list of hazardous substances in Appendix A, the owner or operator shall submit a DPCC and DCR plan, certified pursuant to N.J.A.C. 7:1E-4.11, to the Department at the address in (h) below, no more than 180 days from the effective date of the addition to Appendix A.

(d) The owner or operator of a new major facility shall submit a DPCC plan and a DCR plan, certified pursuant to N.J.A.C. 7:1E-4.11, to the Department at the address in (h) below at least 180 days prior to the anticipated operational date of the facility, and shall implement the approved plans prior to operating the facility.

(e) If plans call for facilities, procedures, methods or equipment not yet fully operational, these items shall be listed separately and a schedule for installation and operational status shall be provided.

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

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

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

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

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

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

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

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

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

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

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

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

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

#### Case Notes

While new major facilities must meet the standards of the discharge prevention regulations, existing facilities have a reasonable time to meet the standards. *GATX Terminals Corp. v. Dept. of Environmental Protection*, 86 N.J. 46, 429 A.2d 355 (1981).

#### 7:1E-4.6 Approval and conditional approval of plans

(a) The Department shall act to approve or deny approval of a complete submission of a DPCC or DCR plan, pursuant to N.J.A.C. 7:1E-4.5, within 180 days of receipt, or no later than the date on which the new major facility is issued treatment works approvals pursuant to N.J.A.C. 7:14A-22 which are required as conditions precedent to lawful operation of the facility, whichever is longer.

(b) If the Department finds a plan to be incomplete, the owner or operator shall have 30 days within which to submit information to make the plan complete, unless the Department extends the time for good cause shown.

(c) The Department may conditionally approve a plan if the maps required pursuant to N.J.A.C. 7:1E-4.2(b)5 and 6 are incomplete or are not in the format prescribed by N.J.A.C. 7:1E-4.10. The Department shall grant such conditional approval if the Department determines that:

1. The plan otherwise satisfies all of the requirements of this subchapter; and
2. The owner or operator is making a good faith effort to provide complete, acceptable maps.

(d) The conditional approval under (c) above shall set forth a date on which the conditional approval will expire unless the owner or operator has provided maps which satisfy the requirements of N.J.A.C. 7:1E-4.10.

(e) The owner or operator shall demonstrate financial responsibility pursuant to N.J.A.C. 7:1E-4.4 by the time the Department acts to deny or approve a DPCC or DCR plan pursuant to (a) above. If the owner or operator demonstrates to the satisfaction of the Department that none of the methods of financial responsibility set forth in N.J.A.C. 7:1E-4.4 is practicable to him or her, and that a good faith effort has been made to secure financial responsibility in the full aggregate amount, the Department shall:

1. Conditionally approve the plan; or
2. Establish an alternate minimum amount of financial responsibility pursuant to N.J.A.C. 7:1E-4.4(b).

(f) A conditional approval under (e) above shall set forth a date on which the conditional approval will expire unless

the owner or operator has demonstrated financial responsibility in compliance with the requirements of N.J.A.C. 7:1E-4.4.

(g) Implementation of the DPCC and DCR plans shall begin immediately upon receipt of the Department's approval.

(h) The Department may inspect major facilities prior to approving DPCC or DCR plans and at reasonable intervals thereafter in order to ascertain compliance with the plans.

(i) The major facility shall keep a copy of the approved or conditionally approved plan onsite at all times.

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

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

Recodified from 7:1E-4.7 and amended by R.1996 d.462, effective October 7, 1996.

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

Former N.J.A.C. 7:1E-4.6, "Preparation and submission of plans", recodified to 7:1E-4.5.

#### Case Notes

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

#### 7:1E-4.7 Denial or revocation of approval of DPCC or DCR plans or amendments

(a) The Department shall state in writing its reasons for denying or revoking approval of any DPCC or DCR plans or amendments thereto.

(b) The Department may revoke its approval of a DPCC or DCR plan if the owner or operator fails to comply with an approved schedule for bringing the facility's plan into compliance with the requirements of these rules, or submits to the Department false or willfully misleading information.

(c) If the Department denies or revokes approval of a plan, the owner or operator shall have 30 days within which to submit an acceptable plan.

(d) The owner or operator of a major facility who is aggrieved by any decision of the Department to deny or revoke approval of a DPCC or DCR plan or amendment thereto has the right to a hearing before the Department, pursuant to the procedure outlined in N.J.A.C. 7:1E-6.

Recodified from 7:1E-4.8 and amended by R.1996 d.462, effective October 7, 1996.

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

Former N.J.A.C. 7:1E-4.7, "Approval and conditional approval of plans", recodified to 7:1E-4.6.

#### 7:1E-4.8 Amendment of plans by owners or operators

(a) Written notice of proposed new construction or installation, substantial modification or replacement of any aboveground storage tank, other aboveground enclosed stor-

age space, any appurtenant structures, or leak detection or other monitoring, prevention, or safety systems or devices shall be provided to the Department at the address in N.J.A.C. 7:1E-4.5(h) at least 60 days prior to the commencement of construction, installation or modification. This provision does not apply to construction, installation or modification contained in a schedule for upgrading in an approved DPCC plan.

(b) Within 30 days of any change except those delineated in (e) below, the owner or operator of a major facility having an approved DPCC or DCR plan shall report to the Department at the address in N.J.A.C. 7:1E-4.5(h) any change in facility design, construction, operation or maintenance which will materially affect the facility's potential for discharges of hazardous substances or the substance of existing plans. The owner or operator shall amend the DPCC or DCR plan to reflect such changes, and shall certify the amendments pursuant to N.J.A.C. 7:1E-4.11, prior to submission to the Department for approval.

(c) The Department shall act to approve or deny approval of administratively complete proposed amendments within 60 days.

(d) Amendments to DPCC or DCR plans shall be implemented promptly upon approval by the Department.

(e) Changes to the following information shall be reported to the Department at the address in N.J.A.C. 7:1E-4.5(h) within 30 days, but shall not be considered plan amendments subject to the certification and approval requirements of this section:

1. Name and mailing address of the facility, if the change is not the result of a change of ownership;
2. Facility and personnel telephone numbers;
3. Name and business address of the owner's or operator's registered agent;
4. Employee names that are included in the DPCC or DCR plan; and
5. New or revised financial responsibility documents.

Recodified from 7:1E-4.9 and amended by R.1996 d.462, effective October 7, 1996.

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

Former N.J.A.C. 7:1E-4.8, "Denial or revocation of approval of DPCC or DCR plans or amendments", recodified to 7:1E-4.7.

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

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

In (c), inserted "administratively complete" preceding "proposed".

#### 7:1E-4.9 Plan renewals

(a) At least once every three years following approval or conditional approval of the DPCC and DCR plans, the owner or operator shall renew the DPCC and DCR plans.

(b) One copy of the renewal shall be submitted to the Department at the address in N.J.A.C. 7:1E-4.5(h) at least 180 days prior to the expiration date of the DPCC and DCR plans. It shall consist of revised plans or a certification that the existing plans on file with the Department are current. A revised plan may be required at the time of renewal so as to incorporate into the plan all amendments adopted since the approval, conditional approval, or last renewal. Within 30 days of receipt of approval pursuant to N.J.A.C. 7:1E-4.6, a second copy of the approved renewal shall be submitted to the Department.

(c) Any change in an approved DPCC plan or DCR plan necessitated by amendments to this chapter shall be incorporated into the plan when the plan is renewed.

(d) General site plans and drainage and land use maps shall be revised to meet the digital standards contained in N.J.A.C. 7:1E-4.10 in accordance with the schedule set forth below:

1. Effective with renewal submittals required after November 15, 2000, all general site plans shall meet the standards in N.J.A.C. 7:1E-4.10.
2. Effective with renewal submittals required after January 1, 2003, all drainage and land use maps shall meet the standards contained in N.J.A.C. 7:1E-4.10.

(e) Renewals shall be accompanied by a list of discharges that have occurred at the facility since the plan approval, conditional approval, or renewal, whether those discharges were immediately reported to the Department pursuant to N.J.A.C. 7:1E-5.3 or not, consisting of the substance(s) discharged, the quantity(ies) discharged, the location(s) of the discharge(s) and the case number(s) for those discharges that were reported.

(f) All renewals shall be certified pursuant to N.J.A.C. 7:1E-4.11.

(g) Any DPCC or DCR plan which is not renewed within three years of the date of approval, conditional approval, or last renewal, shall be considered expired.

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

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

Former N.J.A.C. 7:1E-4.9, "Amendment of plans by owners or operators", recodified to 7:1E-4.8.

Administrative change.

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

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

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

Rewrote (d).

#### 7:1E-4.10 Mapping criteria

(a) General site plans, required pursuant to N.J.A.C. 7:1E-4.2(b)4, shall be:

1. Drawn to a scale in the range of one inch equals 30 feet to one inch equals 200 feet, such that it is sufficient to delineate all items to be mapped and is appropriate to the size of the facility; and

2. Certified by a licensed land surveyor in accordance with N.J.S.A. 45:8-27 et seq. and N.J.A.C. 13:40.

(b) Drainage and land use maps, required pursuant to N.J.A.C. 7:1E-4.2(b)5, shall:

1. Employ current commercially available mylar orthophoto basemaps (quarterquads) or other comparable current basemaps at a scale equal to or larger than 1:12,000, such as 1:9,600;

2. Include the land area within 1,000 feet from the major facility's boundary. This boundary includes all lands owned or used by the owner or operator at a given location. The following categories of land use shall be included:

- i. Residential;
- ii. Transportation/communication/utilities;
- iii. Industrial and commercial complexes;
- iv. Industrial;
- v. Recreational land and parks;
- vi. Schools;
- vii. Hospitals and nursing care facilities;
- viii. Other urban lands not specified in (b)1i through vii above;
- ix. River channels;
- x. Lakes and ponds;
- xi. Reservoirs;
- xii. Bays and estuaries;
- xiii. Cranberry bogs;
- xiv. Coastal wetlands;
- xv. Interior wetlands;
- xvi. Agricultural land;
- xvii. Beaches;
- xviii. Extractive mining;
- xix. Other barren or altered lands;
- xx. Deciduous forest;
- xxi. Coniferous forest;
- xxii. Mixed forest; and
- xxiii. Brushland and shrubland;

3. Locate and label all arterial and collector sewers, storm sewers, catchment or containment systems or ba-

sins, diversion systems, and watercourses into which surface water run-off from the facility drains; and

4. Locate and label water supply wells and wellhead protection areas which have been delineated by the Department within 1,000 feet from the major facility's boundary, and monitoring wells owned or operated by the owner or operator at the facility.

(c) In addition to (a) and (b) above, general site plans, and drainage and land use maps, shall meet:

1. The standards contained in N.J.A.C. 7:1D, Appendix A; or

2. All of the following:

i. Be prepared in a digital environment that is compatible with the Department's Geographic Information System. Compatible digital formats are delineated in N.J.A.C. 7:1D, Appendix A;

ii. Contain at least four widely spaced reference points (tics) for which the geographic coordinates are known in New Jersey State Plane feet (North American Datum 1983); and

iii. Contain a legend block stating the name and affiliation of the preparer of the map, the scale or scales employed, and the sources of the data used.

(d) Topographical maps showing environmentally sensitive areas, required pursuant to N.J.A.C. 7:1E-4.2(b)6, shall:

1. Employ current commercially available mylar orthophoto basemaps (quarterquads) or other comparable current basemaps at a scale equal to or larger than 1:12,000, such as 1:9,600;

2. Make all delineations on stable base mylar overlays registered to the basemaps, if required for clarity;

3. Not be so crowded as to obscure the clarity of the mapped information;

4. Have delineations made with a standard drafting or technical pen producing a line width of 0.01 inches, provided, however, that a greater line width of up to 0.05 inches may be used when necessary for emphasis. In all cases, the drafted lines and points shall bisect the feature as seen on the basemap and shall be accurate to within 50 feet of its location on the ground;

5. Accurately transfer mapped data from other sources to the basemaps;

6. Contain a legend block stating the name and affiliation of the preparer of the map, the scale or scales employed, and the sources of the data used;

7. Cover that area in which the major facility is located which is downgradient or topographically lower than the highest land point within the major facility and which could be affected by a discharge as delineated in (d)8 below;

8. Extend to the maximum area of potential impact, taking into account the sizes of the tanks, containers, or vessel compartments utilized by the facility, the loss of secondary containment, consideration of containment measures in addition to secondary containment, the dispersiveness of the hazardous substance, temperature extremes, average rainfall and stream flows, tidal cycles, prevailing winds, and potential threat to the environment. This area shall be the lesser of the following:

i. The distance and path an uncontrolled discharge would travel in 48 hours, including all floodprone areas around any surface water or wetlands features;

ii. The distance downstream from the facility at which the concentration of the hazardous substance would fall below EPA's Quality Criteria for Water issued by EPA's Office of Water Regulations and Standards, including all floodprone areas around any surface water or wetlands features; or

iii. Fifteen miles from the facility boundary, down-gradient along the path a discharge would follow, including all floodprone areas around any surface water or wetland features; and

9. Include, at a minimum, the following types of environmentally sensitive areas:

i. Environmentally sensitive areas for which information concerning the existence and location of the area, sufficient to allow for the location of the area on the topographical map, is available from any of the following:

(1) The Department;

(2) Other government agencies and published sources listed by the Department, which lists are available from the Department upon request; or

(3) A review and interpretation of the photo base-map;

ii. Without limiting the generality of the foregoing, the Department has determined that information from the sources listed in (d)9i(1), (2) and (3) above is available for wetlands and wetland transition areas; bay islands and barrier island corridors; dunes; and areas designated as wild, scenic, recreational or developed recreational rivers; and

iii. The environmentally sensitive areas listed in (d)9iii(1) through (4) below:

(1) Of the surface waters listed in N.J.A.C. 7:1E-1.8(a)1, large rivers, medium rivers, streams, creeks, ponds, lakes and canals;

(2) Of the sources of water supply listed in N.J.A.C. 7:1E-1.8(a)2, intakes and wells;

(3) Beaches, as listed in N.J.A.C. 7:1E-1.8(a)4;

(4) Of the breeding areas and migratory stopover areas listed in N.J.A.C. 7:1E-1.8(a)7 and 8, those which are known to the ornithologist who certifies the DCR plan under N.J.A.C. 7:1E-4.11(f).

(e) All maps required by N.J.A.C. 7:1E-4.2(b)4 and 5 shall be submitted in digital and paper copy form. The digital and one paper copy shall accompany the initial plan submission for approval.

(f) All maps required by N.J.A.C. 7:1E-4.2(b)6 shall be submitted in paper or mylar copy form. One paper or mylar copy shall accompany the initial plan submission for approval. The paper or mylar copy may be accompanied by the submission of the mapped information in a digital form, at the option of the person required to submit the map.

(g) An owner or operator may apply for an exemption from compliance with the mapping criteria set forth above.

1. The application shall be in writing and shall contain the following:

i. A copy of a written estimate of the cost of preparing the required maps in accordance with the criteria set forth in this section; and

ii. An affidavit, signed and sworn to by the person required to provide certifications pursuant to N.J.A.C. 7:1E-4.11(c), stating that the owner or operator is a small business and that incurring the cost of obtaining maps in compliance with this section would substantially impair the owner or operator's ability to continue as a going concern.

2. The owner or operator shall submit such certified financial statements as the Department requests.

3. The Department shall grant the exemption if it determines that the cost of obtaining maps in compliance with this section would be equal to or greater than 25 percent of the owner or operator's gross proceeds or retained earnings, as demonstrated by the financial statements submitted pursuant to (g)2 above.

4. The grant of the exemption shall set forth other mapping criteria for general site plans and may set forth other mapping criteria for drainage and land use maps, which the Department determines will satisfactorily serve the purposes of this subchapter. One such set of criteria for general site plans includes the scanning of the existing general site plan to produce a digital image for submission to the Department along with the facility's coordinate centroid in New Jersey State Plane feet (North American Datum 1983).

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

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

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

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

Administrative change.

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

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

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

Rewrote section.

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

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

In (c)1 and 2i, substituted "7:1D" for "7:1"; in (d)9iii(4), substituted "(f)" for "(e)".

#### 7:1E-4.11 Certifications

(a) Any person who submits summary test results, a plan, plan amendment, plan renewal, or confirmation report to the Department shall include, as an integral part of the summary test results, plan, plan amendment, plan renewal, or confirmation report, the following certification, signed by the highest ranking individual with overall responsibility for the information contained in the certified documents.

"I certify under penalty of law that the information provided in this document is, to the best of my knowledge, true, accurate and complete. I am aware that there are significant civil and criminal penalties, including the possibility of fines or imprisonment or both, for submitting false, inaccurate or incomplete information."

(b) In addition to the certification in (a) above, any person who submits a plan, plan amendment, plan renewal or transmission pipeline registration to the Department shall include, as an integral part of the plan, plan amendment, plan renewal or transmission pipeline registration, the following certification:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this plan and all attached documents and, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant civil and criminal penalties, including the possibility of fine or imprisonment or both, for submitting false, inaccurate or incomplete information."

(c) The additional certification in (b) above shall be signed by the ranking official, as follows:

1. For a corporation, a principal executive officer of at least the level of vice president;
2. For a partnership or sole proprietorship, a general partner or the proprietor, respectively;
3. For a municipality, the mayor or other official authorized by the local governing body to bind the municipality;
4. For a county, the county executive or other official authorized by the board of chosen freeholders to bind the county;
5. For the State, the agency head or person designated by the agency head; or
6. For any other public agency, a principal executive officer or other official authorized by the public agency's governing body to bind the public agency.

(d) Notwithstanding the provisions of (b) above, the certification contained in (a) above shall be the only certification required if the individual required in (a) above to sign the certification is the same individual required in (c) above to sign the additional certification.

(e) Any person who submits a DPCC plan, plan amendment or plan renewal shall include a certification from a professional engineer licensed pursuant to N.J.S.A. 45:8-27 et seq. that the plan complies with all applicable departmental requirements and has been prepared in accordance with sound engineering practices.

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

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

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

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

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

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

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

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

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

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

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

#### Case Notes

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

## SUBCHAPTER 5. DISCHARGE NOTIFICATION, RESPONSE AND REPORTING

### 7:1E-5.1 Scope

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

**7:1E-5.2 Notification of historical discharges**

(a) All persons responsible for a discharge who know or suspect that a discharge has occurred prior to January 23, 1980, or who know or suspect that a discharge has occurred between January 23, 1980 and September 12, 1991, that was not required to be reported at that time, and who have not previously reported that discharge shall conduct a diligent inquiry and shall promptly upon completion of the diligent inquiry and discovery of a discharge notify the Department in writing of such discharge at the address given at N.J.A.C. 7:1E-5.8(f).

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

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

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

**7:1E-5.3 Discharge notification**

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

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

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

1. The name, title, affiliation, address and telephone number of the person reporting the discharge;
2. The location of the discharge, with as much specificity as the Department requests, and in any event with sufficient specificity to enable the Department to direct its agents and employees and any other person to the discharge site, including:
  - i. For discharges from sites located on land, the name of the site, the street address, the municipality, and the county;
  - ii. For discharges on, under or into water, the name of the water body, location of the discharge with reference to a fixed point or points, and a description of the area which the discharge may reach.
3. The common name of the hazardous substance(s) discharged;
4. An estimate of the quantity of each hazardous substance discharged, including best estimates if the quantities are unknown;
5. The date and time at which the discharge began, the date and time at which the discharge was discovered, and, if the discharge has ended, the date and time at which it ended;
6. The actions such person proposes to take to contain, clean up and remove the hazardous substance(s) discharged;
7. The name and address of any person responsible for the discharge.

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

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

1. The discharge occurs at a facility for which a DPCC and DCR plan pursuant to N.J.A.C. 7:1E-4.6, or a Risk Management Plan pursuant to N.J.A.C. 7:31, or an Emergency Contingency Plan pursuant to N.J.A.C. 7:26-12 or a Response Plan pursuant to 40 CFR 112 has been approved; and
  - i. Has not entered any waters of the State or migrated off-site;

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

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

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

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

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

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

i. The discharge is less than 25 gallons;

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

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

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

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

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

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

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

Administrative correction to (a).

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

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

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

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

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

In (a), amended Department phone number and in (e)3, substituted "50" for "500" preceding "parts per million".

#### Case Notes

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

#### 7:1E-5.4 Notification of aircraft discharges

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

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

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

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

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

In (a), amended Department phone number.

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

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

owner or operator of a major facility shall immediately notify the State Police at (609) 882-2000.

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

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

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

Amended by R.2000 d.352, effective August 21, 2000.  
See: 31 N.J.R. 3561(a), 32 N.J.R. 3091(a).

In (a), amended Department phone number.

#### 7:1E-5.6 Justification of delay

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

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

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

1. The address of the facility at which the discharge occurred;
2. The date and time at which the discharge began and the date and time at which it ceased;
3. The name, job title, affiliation, business telephone number and business address of the individual who first discovered the discharge;
4. The date, the time, and the circumstances under which the discharge was first discovered;
5. The reason(s), if any, why the discharge was not immediately discovered;
6. The date and time which the discharge was first reported to the Department;
7. The name, business telephone number, and business address of the individual who first notified the Department of the discharge;
8. Any reason why initiation of notification of the Department within 15 minutes of the onset of the discharge was impossible or unreasonable; and
9. A demonstration that initiation of notification was carried out as soon as possible or reasonable.

#### 7:1E-5.7 Discharge response

(a) Any person responsible for a discharge shall:

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

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

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

1. Act to contain, mitigate, clean up and remove the discharge; or
2. Take any other action to require any person responsible for the discharge to remediate the discharge pursuant to:
  - i. The Department Oversight of the Remediation of Contaminated Sites, N.J.A.C. 7:26C; and
  - ii. The Technical Rules for Site Remediation, N.J.A.C. 7:26E.

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

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

#### Case Note

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

#### 7:1E-5.8 Confirmation report and recordkeeping

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

(b) (Reserved)

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

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

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

3. The name, address and telephone number of each owner and operator of the facility at which the discharge occurred, or the vessel or vehicle from which the discharge occurred;
4. The source of the discharge, if known;
5. The location of the discharge, as follows:
  - i. For a discharge from sites located on land, the name of the site, the street address, the tax lot and block, the municipality, the county, and comma-delimited State Plane coordinates of the point of discharge;
  - ii. For discharges on, under or into water, the name of the water body, and comma-delimited State Plane coordinates of the place the discharge originated; and
  - iii. For all discharges that affect areas not under the control of the owner or operator, a map of the area affected by the discharge;
6. A list of the common name and Chemical Abstract Service number of each of the hazardous substances discharged;
7. A list of the quantities of each hazardous substance discharged, including best estimates if the quantities are unknown;
8. The date and time at which the discharge began, the date and time at which the discharge was discovered, the date and time at which the discharge ended, and the date and time at which the Department was notified pursuant to N.J.A.C. 7:1E-5.3;
9. A description of the measures taken to contain, clean up and remove the discharge, and a summary of costs incurred;
10. Corrective or preventive measures taken or proposed to minimize the possibility of recurrence;
11. The name, addresses and telephone numbers of all entities involved in containment, cleanup or removal of the discharge;
12. A description of samples taken at or around the site of the discharge, whether before, during or after any containment, cleanup or removal. The samples shall be taken and analyzed in accordance with N.J.A.C. 7:26E-2. Records of the results shall be kept on-site and made available for Department review, at either the facility or the Department's offices at the discretion of the Department;

## Case Notes

13. A certification stating that financial responsibility demonstrated pursuant to N.J.A.C. 7:1E-4.4 and submitted to the Department pursuant to N.J.A.C. 7:1E-4.3(a)10 is in full force and effect;

14. Information supplementing any information previously provided to the Department if additional relevant information is discovered, or if it is determined that the information previously provided was false, inaccurate or misleading;

15. Any other information concerning the discharge which the Department may request; and

16. A fully executed certification pursuant to N.J.A.C. 7:1E-4.11.

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

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

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

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

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

Amended by R.1996 d.252, effective June 3, 1996.  
See: 27 N.J.R. 2337(a), 27 N.J.R. 2882(a), 28 N.J.R. 2858(a).  
Amended by R.1996 d.462, effective October 7, 1996.  
See: 28 N.J.R. 2730(a), 28 N.J.R. 4424(b).  
Administrative change.

See: 32 N.J.R. 1796(a).  
Amended by R.2000 d.352, effective August 21, 2000.  
See: 31 N.J.R. 3561(a), 32 N.J.R. 3091(a).

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

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

Reserved (b).

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

**7:1E-5.9 Reporting responsibilities of the Department**

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

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

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

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

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

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

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

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

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

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

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

(b) Amendments required by the Department shall become part of the DPCC or DCR plan within 30 days after approval by the Department, unless the Department specifies another effective date. The owner or operator shall implement the amendment of the plan as soon as possible, in accordance with a schedule submitted by the owner or operator and approved by the Department.

### SUBCHAPTER 6. CIVIL ADMINISTRATIVE PENALTIES AND REQUESTS FOR ADJUDICATORY HEARINGS

#### 7:1E-6.1 Scope

This subchapter shall govern the Department's assessment of civil administrative penalties for violation of any provision of the Act, including any rule, regulation, plan, information request, access request, order or directive promulgated or issued pursuant to the Act. This subchapter shall also govern the procedures for requesting an adjudicatory hearing on a notice of civil administrative penalty assessment, an administrative order, conditions of approval for any plan, or amendment to a plan, or a denial or revocation of approval of a plan or amendment to a plan required under the Act.

#### 7:1E-6.2 Applicability

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

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

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

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

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

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

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

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

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

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

received on the 21st day following receipt of the Notice of Civil Administrative Penalty Assessment by the violator;

3. If the Department denies the hearing request pursuant to N.J.A.C. 7:1E-6.4(c), a Notice of Civil Administrative Penalty Assessment becomes a Final Order upon receipt by the violator of such denial; or

4. If the Department grants the hearing request, a Notice of Civil Administrative Penalty Assessment becomes a Final Order upon receipt of a Final Order in a contested case.

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

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

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

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

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

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

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

1. Mitigating or extenuating circumstances not previously considered in the Notice of Civil Administrative Penalty Assessment pursuant to N.J.A.C. 7:1E-6.8;

2. The timely implementation by the violator of measures leading to compliance not previously considered in the assessment of penalties pursuant to N.J.A.C. 7:1E-6.5 or 6.8;

3. The full payment by the violator of a specified part of the Civil Administrative Penalty assessed if made within a time period established by the Department in an administrative order and provided that the violator waives the right to request an adjudicatory hearing on the Civil Administrative Penalty; or

4. Any other terms or conditions acceptable to the Department not previously considered in the assessment of penalties pursuant to N.J.A.C. 7:1E-6.5, 6.6, 6.7 or 6.8.

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

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

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

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

1. The name, address, and telephone number of the violator and its authorized representative;

2. The violator's defenses to each of the Department's findings of fact in the administrative order or notice of civil administrative penalty assessment stated in short and plain terms;

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

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

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

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

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

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

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

Office of Legal Affairs  
New Jersey Department of Environmental  
Protection  
PO Box 402  
Trenton, New Jersey 08625-0402  
Attention: Hearing Request

Amended by R.2000 d.352, effective August 21, 2000.  
See: 31 N.J.R. 3561(a), 32 N.J.R. 3091(a).

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

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

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

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

1. The compliance history of the violator;
2. The number, frequency and severity of the offense(s);
3. The measures taken by the violator to mitigate the effects of the current offense and to prevent future offenses;
4. The deterrent effect of the penalty; or
5. Other specific circumstances of the violator or offense.

(c) The Department may assess a civil administrative penalty, pursuant to the Department Oversight of Contaminated Sites rules, N.J.A.C. 7:26C-10, for a person's violation

of an obligation to cleanup and remove a discharge pursuant to N.J.A.C. 7:1E-5.

Amended by R.2003 d.198, effective May 19, 2003.  
See: 34 N.J.R. 3703(a), 35 N.J.R. 2319(a).

In (a), inserted "(c) below and" preceding the N.J.A.C. references; added (c).

Amended by R.2006 d.328, effective September 18, 2006.  
See: 37 N.J.R. 2923(a), 38 N.J.R. 3821(a).

In (c), substituted "Sites rules" for "Sites rule" and deleted ".4 and 10.5" following "N.J.A.C. 7:26C-10".

#### **7:1E-6.6 Civil administrative penalty for submitting inaccurate or false information**

(a) The Department may assess a civil administrative penalty against each violator who submits inaccurate information or who makes a false statement, representation, or certification in any DPCC plan, DCR plan, registration, record, or other document submitted or maintained, or who falsifies, tampers with, or renders inaccurate any monitoring device or method required to be maintained under the Act or any rule, regulation, plan, order or directive pursuant thereto.

(b) Each time the violator submits inaccurate or false information to the Department shall be an additional, separate, and distinct offense.

(c) The Department shall determine the amount of the civil administrative penalty for offenses described in this section based on the conduct of the violator as follows:

1. For each intentional, deliberate, purposeful, knowing or willful act or omission by the violator, the civil administrative penalty, for each act or omission, is up to \$20,000 for the first offense, up to \$40,000 for the second offense, and up to \$50,000 for the third and each subsequent offense; and
2. For all other conduct, the civil administrative penalty, for each act or omission, is up to \$1,000 for the first offense, up to \$2,000 for the second offense, and up to \$5,000 for the third and each subsequent offense.

#### **7:1E-6.7 Civil administrative penalty for failure to allow lawful entry and inspection**

(a) The Department may assess a civil administrative penalty against each violator who refuses, inhibits or prohibits immediate lawful entry and inspection of any premises, building, vessel or place, except private residences, by an authorized Department representative.

(b) Each day that a violator refuses, inhibits or prohibits immediate lawful entry and inspection of any premises, building, or place, except private residences, by an authorized Department representative, shall be an additional, separate and distinct offense.

(c) The amount of the civil administrative penalty for offenses described in this section is up to \$10,000 for the first offense, up to \$20,000 for the second offense, and up to \$50,000 for the third and each subsequent offense.

**7:1E-6.8 Civil administrative penalties for violations of rules adopted pursuant to the Act**

(a) Civil administrative penalties for offenses described in (c)2 and 4 below shall not be assessed until the time allotted under the applicable schedule for upgrading approved by the Department has expired.

(b) Civil administrative penalties for offenses described in (c)2 and 4 below shall apply to major facilities only. All other civil administrative penalties shall apply to all persons.

(c) The Department shall determine the amount of the civil administrative penalty for offenses described in this section on the basis of the provision violated and the frequency of the violation. Violations identified as minor or non-minor in accordance with N.J.S.A. 13:1D-125 et seq. are set forth in this section. The Department will provide a grace period for any violation identified as minor, in accordance with N.J.A.C. 7:1E-6.9. The number of each of the following paragraphs corresponds to the number of the corresponding subchapter in N.J.A.C. 7:1E.

1. The violations of N.J.A.C. 7:1E-1, General provisions, and the civil administrative penalties for each violation are as set forth in the following table, unless modified by (d) below. In no case shall the assessed penalty be less than zero or more than the statutory limit.

Citation	Minor <sup>3</sup>	Minor Days <sup>4</sup>
N.J.A.C. 7:1E-1.11(a)	NM	

**Base Penalty for each Violation**

Gallons	Penalty
>0-9	\$ 500
10-55	\$ 1,000
56-499	\$ 2,000
500-999	\$ 3,000
1,000-4,999	\$ 5,000
5,000-9,999	\$ 7,500
10,000-19,999	\$ 10,000
20,000-29,999	\$ 15,000
30,000-39,999	\$ 20,000
40,000-49,999	\$ 25,000
50,000-59,999	\$ 30,000
60,000-69,999	\$ 35,000
70,000-79,999	\$ 40,000
80,000-89,999	\$ 45,000

Gallons	Penalty
90,000-99,999	\$ 50,000
100,000-149,999	\$ 75,000
150,000-199,999	\$ 100,000
200,000-299,999	\$ 200,000
300,000-399,999	\$ 400,000
400,000-499,999	\$ 800,000
500,000-599,999	\$ 1,000,000
600,000-699,999	\$ 2,000,000
700,000-799,999	\$ 3,000,000
800,000-899,999	\$ 4,000,000
900,000-999,999	\$ 5,000,000
1,000,000-1,999,999	\$ 6,000,000
2,000,000-2,999,999	\$ 7,000,000
3,000,000-3,999,999	\$ 8,000,000
4,000,000-4,999,999	\$ 9,000,000
5 million or greater	\$ 10,000,000

The base penalty may be reduced or increased by applying the following factors <sup>1</sup>:

**Cause of Discharge**

Intentional or Gross Negligence	-50% increase from base
Accidental	-50% reduction from base
Homeowner	-75% reduction from base

Initiate Response to Discharge (from the time the discharge was detected or should have been detected):

Over 2 hours	-20% increase from base
Within 2 hours	-No change from base
Within 1 hour	-20% reduction from base
Within 15 minutes	-40% reduction from base

**Area of Impact:**

Into waters of the State	-30% increase from base
Off the facility but not into waters of the State	-No change from base
Contained on the facility but not into waters of the State	-30% reduction from base

Discharge History (Number of discharges not contained on the facility within the previous 12 months):

Five or more discharges	-100% increase from base
1-4 discharges	-50% increase from base
Zero discharges	-No change from base

<sup>1</sup> The penalty for each violation is calculated by summing the base penalty and the resultant percentage of the base penalty for each of the applicable factors.

2. The violations of N.J.A.C. 7:1E-2, Prevention and Control of Discharges at Major Facilities, and the civil administrative penalty amounts for each violation are as set forth in the following table, unless revised pursuant to (d) below:

Category of Offense <sup>2</sup>	Citation	First Offense	Second Offense	Third or Subsequent Offense	Minor <sup>3</sup>	Minor Days <sup>4</sup>
No secondary containment for an aboveground storage tank	2.2(a)1	\$ 10,000	\$ 20,000	\$ 50,000	NM	
Failure to surface the base underlying a storage tank with impermeable material	2.2(a)2	\$ 5,000	\$ 10,000	\$ 15,000	NM	
Failure to equip a pipe with remotely activated or readily accessible valves	2.2(a)3	\$ 2,000	\$ 4,000	\$ 10,000	M	90
Failure to perform initial integrity testing or static head product testing	2.2(a)4	Penalty assessed on a per tank basis			NM	

<u>Category of Offense<sup>2</sup></u> <u>Size of Tank (gallons)</u>	<u>Citation</u>	<u>First Offense</u>	<u>Second Offense</u>	<u>Third or Subsequent Offense</u>	<u>Minor<sup>3</sup></u>	<u>Minor Days<sup>4</sup></u>
2,001-10,000		\$ 250	\$ 500	\$ 1,250		
10,001-20,000		\$ 500	\$ 1,000	\$ 2,500		
20,001-50,000		\$ 1,250	\$ 2,500	\$ 6,250		
50,001-100,000		\$ 2,500	\$ 5,000	\$12,500		
100,001-200,000		\$ 5,000	\$10,000	\$25,000		
200,001-300,000		\$ 7,500	\$15,000	\$37,500		
300,001 and greater		\$10,000	\$20,000	\$50,000		
Failure to perform subsequent integrity testing	2.2(a)4	\$ 2,000	\$ 4,000	\$10,000	NM	
		Penalty assessed on a per tank basis				
Failure to perform internal inspections	2.2(a)4	\$ 2,000	\$ 4,000	\$10,000	NM	
		Penalty assessed on a per tank basis				
Failure to submit summary test results	2.2(a)5	\$ 1,000	\$ 2,000	\$ 5,000	NM	30
		Penalty assessed on a per tank basis				
Failure to perform initial integrity testing on a new tank	2.2(a)6				NM	
<u>Size of Tank (gallons)</u>						
2,001-10,000		\$ 250	\$ 500	\$ 1,250		
10,001-20,000		\$ 500	\$ 1,000	\$ 2,500		
20,001-50,000		\$ 1,250	\$ 2,500	\$ 6,250		
50,001-100,000		\$ 2,500	\$ 5,000	\$12,500		
100,001-200,000		\$ 5,000	\$10,000	\$25,000		
200,001-300,000		\$ 7,500	\$15,000	\$37,500		
300,001 and greater		\$10,000	\$20,000	\$50,000		
Failure to take a tank out of service following a failed integrity test or inspection	2.2(a)7	\$10,000	\$20,000	\$50,000	NM	
Improper design of heating coil system	2.2(c)	\$ 2,000	\$ 4,000	\$10,000	NM	
Failure to equip storage with devices capable of detecting overfills and initiating shutdown mechanisms	2.2(d)	\$ 5,000	\$10,000	\$25,000	NM	
Failure to equip storage tanks with a high liquid level pump cutoff device	2.2(d)1	\$ 5,000	\$10,000	\$25,000	M	30
Failure to equip storage tanks with direct communication	2.2(d)2	\$ 5,000	\$10,000	\$25,000	M	30
Failure to equip storage tanks with fast response systems	2.2(d)3	\$ 5,000	\$10,000	\$25,000	M	30
Failure to attend storage tanks of 2,000 gallons or less during filling	2.2(e)	\$ 2,000	\$ 4,000	\$10,000	NM	
Failure to direct overfill or vent lines into appropriate holding areas	2.2(f)	\$10,000	\$20,000	\$50,000	NM	
Failure to locate mobile or portable storage tanks in areas protected by secondary containment	2.2(g)	\$ 5,000	\$10,000	\$25,000	NM	
Location of mobile or portable storage tanks in areas subject to flooding or washout	2.2(g)	\$10,000	\$20,000	\$50,000	NM	
Failure to equip drum storage areas with adequate secondary containment	2.2(h)	\$10,000	\$20,000	\$50,000	NM	
Failure to equip a tank car or tank truck loading/unloading area with secondary containment	2.3(a)	\$10,000	\$20,000	\$50,000	NM	
Failure to inspect the lowermost drain and all outlets of a tank car or tank truck prior to filling	2.3(b)	\$ 1,000	\$ 2,000	\$ 5,000	NM	
Failure to examine for leakage during filling and secure valves on all manifolds of a tank car or tank truck prior to departure	2.3(c)	\$ 1,000	\$ 2,000	\$ 5,000	NM	
Failure to provide a physical barrier, brake interlock or similar system	2.3(d)	\$ 5,000	\$10,000	\$25,000	NM	
Failure to attend a tank car or tank truck	2.3(e)	\$ 5,000	\$10,000	\$25,000	NM	
Failure to properly mark in-facility pipes	2.4(a)	\$ 5,000	\$10,000	\$25,000	M	60
Failure to double wall or have adequate secondary containment and a leak detection device for new buried in-facility pipes	2.4(b)	\$ 5,000	\$10,000	\$25,000	NM	
Failure to equip existing in-facility buried pipe with leak detection devices or to implement a maintenance and repair program	2.4(c)	\$ 5,000	\$10,000	\$25,000	NM	
Failure to make necessary repairs, upgrades or replacements to exposed in-facility pipe	2.4(d)	\$10,000	\$20,000	\$50,000	NM	

Category of Offense <sup>2</sup>	Citation	First Offense	Second Offense	Third or Subsequent Offense	Minor <sup>3</sup>	Minor Days <sup>4</sup>
Failure to cap, blank-flange or physically remove in-facility pipe removed from service	2.4(e)	\$10,000	\$20,000	\$50,000	NM	
Improper design of pipe supports	2.4(f)	\$2,000	\$4,000	\$10,000	M	90
Failure to minimize the chance of vehicular collision with in-facility pipe	2.4(g)	\$2,000	\$4,000	\$10,000	NM	
Failure to provide secondary containment for process areas	2.5(a)	\$10,000	\$20,000	\$50,000	NM	
Failure to provide for a hazardous substance which drained into process wastewater lines	2.5(b)	\$ 2,000	\$ 4,000	\$10,000	NM	
Leaks are not prevented from becoming discharges	2.6(a)	\$ 5,000	\$10,000	\$25,000	NM	
Secondary containment does not block all probable discharge routes	2.6(c)1	\$ 5,000	\$10,000	\$25,000	NM	
Secondary containment does not allow for six inches of rainwater	2.6(c)2	\$ 5,000	\$10,000	\$25,000	NM	
Secondary containment for storage area has insufficient capacity	2.6(c)2i	\$ 5,000	\$10,000	\$25,000	NM	
Secondary containment for a loading/unloading area has insufficient capacity	2.6(c)2ii	\$ 5,000	\$10,000	\$25,000	NM	
Secondary containment for buried pipes has insufficient capacity	2.6(c)2iii	\$ 5,000	\$10,000	\$25,000	NM	
Secondary containment for process area has insufficient capacity	2.6(c)2iv	\$ 5,000	\$10,000	\$25,000	NM	
Secondary containment is not impermeable or inspected	2.6(c)3	\$ 5,000	\$10,000	\$25,000	NM	
Hazardous substances can escape to the environment	2.6(c)4	\$ 5,000	\$10,000	\$25,000	NM	
Failure to locate catchment basins, etc. so that they are not subject to flooding	2.6(c)5	\$ 5,000	\$10,000	\$25,000	NM	
Incompatible materials stored in the same secondary containment	2.6(c)6	\$ 5,000	\$10,000	\$25,000	NM	
Secondary containment impaired	2.6(c)7	\$ 5,000	\$10,000	\$25,000	NM	
Failure to maintain adequate containment devices	2.6(d)	\$10,000	\$20,000	\$50,000	NM	
Failure to maintain adequate containment devices	2.7(b)	\$10,000	\$20,000	\$50,000	NM	
Failure to maintain adequate containment devices	2.7(c)	\$10,000	\$20,000	\$50,000	NM	
Failure to deploy a containment device when required	2.7(d)	\$10,000	\$20,000	\$50,000	NM	
Failure to maintain a containment device on standby when required	2.7(e)	\$10,000	\$20,000	\$50,000	NM	
Failure to properly deploy a containment device	2.7(f)	\$ 5,000	\$10,000	\$25,000	NM	
Failure to properly deploy a containment device	2.7(g)	\$ 5,000	\$10,000	\$25,000	NM	
Failure to properly deploy a containment device	2.7(h)	\$ 5,000	\$10,000	\$25,000	NM	
Commencement or continuation of transfer operations during storm conditions	2.7(i)1	\$15,000	\$30,000	\$50,000	NM	
Commencement or continuation of transfer operations during fires	2.7(i)2	\$15,000	\$30,000	\$50,000	NM	
Commencement or continuation of transfer operations during transfer system malfunction	2.7(i)3	\$15,000	\$30,000	\$50,000	NM	
Commencement or continuation of transfer operations during transfer system break	2.7(i)4	\$15,000	\$30,000	\$50,000	NM	
Commencement or continuation of transfer operations when there is an apparent discrepancy	2.7(i)5	\$15,000	\$30,000	\$50,000	NM	
Commencement or continuation of transfer operations during communications breakdown	2.7(i)6	\$15,000	\$30,000	\$50,000	NM	
Commencement or continuation of transfer operations when hazardous substances are observed in the water	2.7(i)7	\$15,000	\$30,000	\$50,000	NM	
Commencement or continuation of transfer operations during a discharge	2.7(i)8	\$15,000	\$30,000	\$50,000	NM	
Failure to properly clean up or remove a discharge prior to removing a containment device	2.7(j)	\$20,000	\$40,000	\$50,000	NM	
Failure to retrieve a containment device	2.7(k)	\$ 5,000	\$10,000	\$25,000	M	30
Improper or inadequate illumination of facility transfer connection points	2.8(a)1	\$ 5,000	\$10,000	\$25,000	NM	
Improper or inadequate illumination of vessel transfer connection points	2.8(a)2	\$ 5,000	\$10,000	\$25,000	NM	
Improper or inadequate illumination of facility work areas	2.8(a)3	\$ 5,000	\$10,000	\$25,000	NM	
Improper or inadequate illumination of vessel work areas	2.8(a)4	\$ 5,000	\$10,000	\$25,000	NM	
Improper or inadequate illumination of water surface areas	2.8(b)	\$ 5,000	\$10,000	\$25,000	NM	

<u>Category of Offense<sup>2</sup></u>	<u>Citation</u>	<u>First Offense</u>	<u>Second Offense</u>	<u>Third or Subsequent Offense</u>	<u>Minor<sup>3</sup></u>	<u>Minor Days<sup>4</sup></u>
Failure to protect a hazardous substance from being carried off or discharged into flood waters	2.9	\$10,000	\$20,000	\$50,000	NM	
Failure to conduct visual inspections of marine transfer areas	2.10(a)1	\$ 2,000	\$ 4,000	\$10,000	NM	
Failure to conduct visual inspections of secondary containment that is not impermeable	2.10(a)2	\$ 2,000	\$ 4,000	\$10,000	NM	
Failure to conduct visual inspections of loading or unloading areas	2.10(a)3	\$ 2,000	\$ 4,000	\$10,000	NM	
Failure to conduct visual inspections of process areas	2.10(a)4	\$ 2,000	\$ 4,000	\$10,000	NM	
Failure to conduct visual inspections of storage areas and pipes	2.10(a)5	\$ 2,000	\$ 4,000	\$10,000	NM	
Failure to conduct visual inspections of equipment and security	2.10(a)6	\$ 2,000	\$ 4,000	\$10,000	NM	
Failure to keep documentation of visual inspections	2.10(b)	\$ 250	\$ 500	\$ 1,000	M	30
Failure to implement a groundwater monitoring program	2.10(c)	\$10,000	\$20,000	\$50,000	NM	
Failure to keep hazardous substances in suitable containers or protect them from the elements and the possibility of leakage	2.11(a)	\$10,000	\$20,000	\$50,000	NM	
Failure to repair, replace or take out of service any leaking equipment	2.11(b)	\$ 5,000	\$10,000	\$25,000	NM	
Failure to clean up a leak of a hazardous substance	2.11(c)	\$ 5,000	\$10,000	\$25,000	NM	
Failure to clean up a discharge of a hazardous substance	2.11(c)	\$10,000	\$20,000	\$50,000	NM	
Failure to have adequate quantities of cleanup materials on hand	2.11(d)	\$ 2,000	\$ 4,000	\$10,000	NM	
Failure to maintain a supply of safety equipment	2.11(e)	\$ 2,000	\$ 4,000	\$10,000	NM	
Failure to maintain secondary containment or diversion systems in good repair	2.11(f)	\$10,000	\$20,000	\$50,000	NM	
Failure to implement a training program	2.12(a)	\$10,000	\$20,000	\$50,000	NM	
Failure to provide minimum training consisting of written job descriptions	2.12(b)1	\$ 2,000	\$ 4,000	\$10,000	M	30
Failure to provide minimum training consisting of procedures to determine ability	2.12(b)2	\$ 2,000	\$ 4,000	\$10,000	M	30
Failure to provide minimum training consisting of time periods for in-house training	2.12(b)3	\$ 2,000	\$ 4,000	\$10,000	M	30
Failure to provide training in the handling of hazardous substances consisting of general orientation and initial training	2.12(c)1	\$ 2,000	\$ 4,000	\$10,000	M	30
Failure to provide training in the handling of hazardous substances consisting of classroom training	2.12(c)2	\$ 2,000	\$ 4,000	\$10,000	M	30
Failure to provide training in the handling of hazardous substances consisting of on-the-job training	2.12(c)3	\$ 2,000	\$ 4,000	\$10,000	M	30
Failure to provide training in the handling of hazardous substances consisting of refresher training	2.12(c)4	\$ 2,000	\$ 4,000	\$10,000	M	30
Failure to provide additional training on cleanup and removal	2.12(d)1	\$ 2,000	\$ 4,000	\$10,000	M	30
Failure to provide training in the handling of hazardous substances consisting of classroom training	2.12(c)2	\$ 2,000	\$ 4,000	\$10,000	M	30
Failure to provide training in the handling of hazardous substances consisting of on-the-job training	2.12(c)3	\$ 2,000	\$ 4,000	\$10,000	M	30
Failure to provide training in the handling of hazardous substances consisting of refresher training	2.12(c)4	\$ 2,000	\$ 4,000	\$10,000	M	30
Failure to provide additional training on cleanup and removal	2.12(d)1	\$ 2,000	\$ 4,000	\$10,000	M	30
Failure to provide additional training on SOPs	2.12(d)2	\$ 2,000	\$ 4,000	\$10,000	M	30
Failure to provide additional training on emergency procedures	2.12(d)3	\$ 2,000	\$ 4,000	\$10,000	M	30
Failure to provide additional training on equipment familiarization	2.12(d)4	\$ 2,000	\$ 4,000	\$10,000	M	30
Failure to provide additional training on operating data	2.12(d)5	\$ 2,000	\$ 4,000	\$10,000	M	30
Failure to provide additional training on equipment startup and shutdown	2.12(d)6	\$ 2,000	\$ 4,000	\$10,000	M	30
Failure to provide additional training on operating conditions	2.12(d)7	\$ 2,000	\$ 4,000	\$10,000	M	30
Failure to specify qualifications of trainers	2.12(e)	\$ 1,000	\$ 2,000	\$ 5,000	M	30
Failure to keep documentation of all training	2.12(f)	\$ 250	\$ 500	\$ 1,000	M	30

<u>Category of Offense<sup>2</sup></u>	<u>Citation</u>	<u>First Offense</u>	<u>Second Offense</u>	<u>Third or Subsequent Offense</u>	<u>Minor<sup>3</sup></u>	<u>Minor Days<sup>4</sup></u>
Failure to have procedures to ensure training of employees of outside contractors	2.12(g)	\$ 1,000	\$ 2,000	\$ 5,000	M	30
Failure to provide adequate lighting	2.13(a)	\$ 5,000	\$10,000	\$25,000	NM	
Failure to provide adequate security or to follow security procedures	2.13(b)	\$ 5,000	\$10,000	\$25,000	NM	
Failure to establish standard operating procedures (SOPs)	2.14(a)	\$ 250	\$ 500	\$ 1,000	NM	
		Penalty assessed per SOP				
Failure to have SOPs in all appropriate languages	2.14(a)	\$ 250	\$ 500	\$ 1,000	M	30
Failure to make copies of the SOPs readily available	2.14(b)	\$ 250	\$ 500	\$ 1,000	M	30
Failure to make copies of the MSDS or fact sheets readily available	2.14(c)	\$ 250	\$ 500	\$ 1,000	M	30
Failure to include a process description in an SOP	2.14(d)1	\$ 250	\$ 500	\$ 1,000	M	30
		Penalty assessed per SOP				
Failure to include procedures and conditions for normal operation in an SOP	2.14(d)2	\$ 250	\$ 500	\$ 1,000	M	30
		Penalty assessed per SOP				
Failure to include a description of leak or discharge conditions in an SOP	2.14(d)3	\$ 250	\$ 500	\$ 1,000	M	30
		Penalty assessed per SOP				
Failure to include a description of containment systems and leak monitoring in an SOP	2.14(d)4	\$ 250	\$ 500	\$ 1,000	M	30
		Penalty assessed per SOP				
Failure to include procedures for visual inspections in an SOP	2.14(d)5	\$ 250	\$ 500	\$ 1,000	M	30
		Penalty assessed per SOP				
Failure to include process flow sheets in an SOP	2.14(e)1	\$ 250	\$ 500	\$ 1,000	M	30
		Penalty assessed per SOP				
Failure to include a description of abnormal conditions in an SOP	2.14(e)2	\$ 250	\$ 500	\$ 1,000	M	30
		Penalty assessed per SOP				
Failure to include pre-startup procedures in an SOP	2.14(e)3	\$ 250	\$ 500	\$ 1,000	M	30
		Penalty assessed per SOP				
Failure to include startup procedures in an SOP	2.14(e)4	\$ 250	\$ 500	\$ 1,000	M	30
		Penalty assessed per SOP				
Failure to include shutdown procedures in an SOP	2.14(e)5	\$ 250	\$ 500	\$ 1,000	M	30
		Penalty assessed per SOP				
Failure to include procedures on maintenance in an SOP	2.14(e)6	\$ 250	\$ 500	\$ 1,000	M	30
		Penalty assessed per SOP				
Failure to include logsheets and checklists in an SOP	2.14(e)7	\$ 250	\$ 500	\$ 1,000	M	30
		Penalty assessed per SOP				
Failure to incorporate modifications of procedures into the SOPs prior to implementation	2.14(g)	\$ 250	\$ 500	\$ 1,000	NM	
Failure to maintain and make available a current index of SOPs	2.14(h)	\$ 250	\$ 500	\$ 1,000	M	30
Failure to maintain required records for three years	2.15(a)	\$ 250	\$ 500	\$ 1,000	NM	
Failure to maintain required records for *10 years	2.15(b)	\$ 250	\$ 500	\$ 1,000	NM	
Failure to maintain required records for the life of the equipment	2.15(c)	\$ 250	\$ 500	\$ 1,000	NM	
Failure to make required records available for inspection	2.15(d)	\$ 250	\$ 500	\$ 1,000	M	30

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

<u>Category of Offense<sup>2</sup></u>	<u>Citation</u>	<u>First Offense</u>	<u>Second Offense</u>	<u>Third or Subsequent Offense</u>	<u>Minor<sup>3*</sup></u>	<u>Minor Days<sup>4*</sup></u>
Failure to register	3.2(a)	\$ 1,000	\$ 2,000	\$ 5,000	NM	
Failure to include owner/operator information in a registration	3.2(a)1	\$ 250	\$ 500	\$ 1,250	M	30
Failure to include registered agent information in a registration	3.2(a)2	\$ 250	\$ 500	\$ 1,250	M	30
Failure to include storage capacity in a registration	3.2(a)3	\$ 250	\$ 500	\$ 1,250	M	30
Failure to include a description of hazardous substances in a registration	3.2(a)4	\$ 250	\$ 500	\$ 1,250	M	30

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

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

Category of Offense <sup>2</sup>	Citation	First Offense	Second Offense	Third or Subsequent Offense	Minor <sup>3*</sup>	Minor Days <sup>4*</sup>
Failure to appoint a response coordinator	4.2(a)	\$ 1,000	\$ 2,000	\$ 5,000	NM	
Failure to maintain on-site and make available a facility inventory	4.2(f)1	\$ 1,000	\$ 2,000	\$ 5,000	M	30
Failure to maintain on-site and make available updated diagrams	4.2(f)2	\$ 1,000	\$ 2,000	\$ 5,000	M	30
Failure to maintain on-site and make available SOPs	4.2(f)3	\$ 1,000	\$ 2,000	\$ 5,000	M	30
Failure to maintain on-site and make available an emergency response plan	4.2(f)4	\$ 1,000	\$ 2,000	\$ 5,000	M	30
Failure to maintain on-site and make available job classifications and descriptions	4.2(f)5	\$ 1,000	\$ 2,000	\$ 5,000	M	30
Failure to maintain on-site and make available housekeeping and maintenance procedures and records	4.2(f)6	\$ 1,000	\$ 2,000	\$ 5,000	M	30
Failure to perform an annual emergency response drill and critique it in writing	4.3(a)4	\$ 1,000	\$ 2,000	\$ 5,000	NM	
Failure to have adequate cleanup equipment and personnel available	4.3(b)	\$ 5,000	\$10,000	\$25,000	NM	
Failure to demonstrate financial responsibility	4.4(a)	\$ 5,000	\$10,000	\$25,000	NM	
Failure to demonstrate financial responsibility in the full amount	4.4(b)	\$ 5,000	\$10,000	\$25,000	NM	
Failure to notify of bankruptcy commencement	4.4(o)	\$ 250	\$ 500	\$ 1,000	M	30
Failure to submit a DPCC and DCR plan	4.5 (b)				NM	
DPCC/DCR Plan due by:						
August 1, 1994	4.5(b)6	\$ 2,000	\$ 4,000	\$10,000		
February 1, 1994	4.5(b)5	\$ 4,000	\$ 8,000	\$20,000		
August 1, 1993	4.5(b)4	\$ 6,000	\$12,000	\$30,000		
February 1, 1992	4.5(b)1	\$ 8,000	\$16,000	\$40,000		
August 1, 1992	4.5(b)2	\$10,000	\$20,000	\$50,000		
February 1, 1993	4.5(b)3	\$12,000	\$24,000	\$50,000		
Failure to submit a DPCC and DCR plan for a newly designated major facility	4.5(c)	\$ 6,000	\$12,000	\$30,000	NM	
Failure to submit a DPCC and DCR plan for a new major facility	4.5(d)	\$ 6,000	\$12,000	\$30,000	NM	
Failure to submit information when requested by the Department	4.5(g)	\$ 1,000	\$ 2,000	\$ 5,000	M	30
Failure to submit copy of approved plan	4.5(h)	\$ 250	\$ 500	\$ 1,250	M	30
Failure to implement an approved DPCC or DCR plan	4.6(g)	\$ 2,000	\$ 4,000	\$10,000	NM	
Failure to maintain copy of the plan on-site	4.6(i)	\$ 250	\$ 500	\$ 1,250	NM	
Failure to resubmit an acceptable plan	4.7(c)	\$ 5,000	\$10,000	\$25,000	NM	
Failure to provide notice of new construction, installation or modification	4.8(a)	\$ 1,000	\$ 4,000	\$ 5,000	NM	
Failure to submit an amendment	4.8(b)	\$ 2,000	\$ 4,000	\$10,000	M	30

<u>Category of Offense<sup>2</sup></u>	<u>Citation</u>	<u>First Offense</u>	<u>Second Offense</u>	<u>Third or Subsequent Offense</u>	<u>Minor<sup>3*</sup></u>	<u>Minor Days<sup>4*</sup></u>
Failure to implement an approved amendment	4.8(d)	\$ 2,000	\$ 4,000	\$10,000	NM	
Failure to submit information changes	4.8(e)	\$ 2,000	\$ 4,000	\$10,000	M	30
Failure to renew DPCC/DCR plans	4.9	\$ 1,000	\$ 2,000	\$ 5,000	NM	
Failure to provide the required certification	4.11(a)	\$ 2,000	\$ 4,000	\$10,000	NM	
Failure to provide the required certification	4.11(b)	\$ 2,000	\$ 4,000	\$10,000	NM	
Failure to provide the required certification	4.11(e)	\$ 2,000	\$ 4,000	\$10,000	NM	
Failure to provide the required certification	4.11(f)	\$ 2,000	\$ 4,000	\$10,000	NM	

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

<u>Category of Offense<sup>2</sup></u>	<u>Citation</u>	<u>First Offense</u>	<u>Second Offense</u>	<u>Third or Subsequent Offense</u>	<u>Minor<sup>3*</sup></u>	<u>Minor Days<sup>4*</sup></u>
Failure to promptly notify the Department of a discharge	5.2(a)	\$ 5,000	\$10,000	\$25,000	NM	
Failure to provide all required information upon notification	5.2(b)	\$ 250	\$ 500	\$ 1,000	M	30
Failure to notify the Department of a discharge	5.3(a)	\$ 5,000	\$10,000	\$25,000	NM	
Notification not immediate	5.3(b)	\$ 1,000	\$ 2,000	\$ 5,000	NM	
Failure to provide information on the person reporting the discharge	5.3(c)1	\$ 250	\$ 500	\$ 1,000	M	30
Failure to provide the location of the discharge	5.3(c)2	\$ 250	\$ 500	\$ 1,000	M	30
Failure to provide the name of the hazardous substance discharge	5.3(c)3	\$ 250	\$ 500	\$ 1,000	M	30
Failure to provide an estimated quantity of each hazardous substance discharged	5.3(c)4	\$ 250	\$ 500	\$ 1,000	M	30
Failure to provide time and date information	5.3(c)5	\$ 250	\$ 500	\$ 1,000	M	30
Failure to provide information on actions taken	5.3(c)6	\$ 250	\$ 500	\$ 1,000	M	30
Failure to provide information on person(s) responsible	5.3(c)7	\$ 250	\$ 500	\$ 1,000	M	30
Failure to prominently display notification requirements	5.3(d)	\$ 500	\$ 1,000	\$ 2,500	M	
Failure to maintain documentation	5.3(e)1	\$ 2,000	\$ 4,000	\$10,000	NM	
Failure to notify the Department within 24 hours	5.3(e)2	\$ 5,000	\$10,000	\$25,000	NM	
Failure to maintain documentation	5.3(e)3	\$ 2,000	\$ 4,000	\$10,000	NM	
Failure to notify the Department of a discharge of aircraft fuel	5.4(a)	\$ 3,000	\$ 6,000	\$15,000	NM	
Failure to provide the person causing the discharge	5.4(b)1	\$ 250	\$ 500	\$ 1,000	M	30
Failure to provide the amount of hazardous substance discharged	5.4(b)2	\$ 250	\$ 500	\$ 1,000	M	30
Failure to provide the time the discharge occurred	5.4(b)3	\$ 250	\$ 500	\$ 1,000	M	30
Failure to provide the location of the discharge	5.4(b)4	\$ 250	\$ 500	\$ 1,000	M	30
Failure to provide wind speed and direction	5.4(b)5	\$ 250	\$ 500	\$ 1,000	M	30
Failure to provide the area likely to be affected by the discharge	5.4(b)6	\$ 250	\$ 500	\$ 1,000	M	30
Failure to notify the Department of a malfunction in a discharge detection system	5.5(a)	\$ 2,000	\$ 4,000	\$10,000	NM	
Notification not immediate	5.5(b)	\$ 1,000	\$ 2,000	\$ 5,000	NM	
Failure to notify the Department of the status of a malfunctioning discharge detection system	5.5(c)	\$ 1,000	\$ 2,000	\$ 5,000	NM	
Failure to attempt to stop and contain a discharge or to follow the DCR action plan	5.7(a)	\$20,000	\$40,000	\$50,000	NM	
Failure to coordinate any remedial action with the Department	5.7(a)3	\$ 2,000	\$ 4,000	\$10,000	NM	
Failure to submit a confirmation report	5.8(a)	\$ 2,000	\$ 4,000	\$10,000	NM	
Failure to include information on the individual that reported the discharge	5.8(c)1	\$ 250	\$ 500	\$ 1,000	M	30
Failure to include information on the individual submitting the report	5.8(c)2	\$ 250	\$ 500	\$ 1,000	M	30
Failure to include information on the owner(s) or operator(s) of where the discharge occurred	5.8(c)3	\$ 250	\$ 500	\$ 1,000	M	30
Failure to include the source of the discharge	5.8(c)4	\$ 250	\$ 500	\$ 1,000	M	30
Failure to include the location of the discharge	5.8(c)5	\$ 250	\$ 500	\$ 1,000	M	30
Failure to include the name(s) and CAS number(s) of hazardous substance(s) discharged	5.8(c)6	\$ 250	\$ 500	\$ 1,000	M	30
Failure to include quantities of hazardous substances discharged	5.8(c)7	\$ 250	\$ 500	\$ 1,000	M	30

Category of Offense <sup>2</sup>	Citation	First Offense	Second Offense	Third or Subsequent Offense	Minor <sup>3*</sup>	Minor Days <sup>4*</sup>
Failure to include date and time information	5.8(c)8	\$ 250	\$ 500	\$ 1,000	M	30
Failure to include a description of the measures taken and costs	5.8(c)9	\$ 250	\$ 500	\$ 1,000	M	30
Failure to include measures taken or proposed	5.8(c)10	\$ 250	\$ 500	\$ 1,000	M	30
Failure to include information on the entities involved in the cleanup	5.8(c)11	\$ 250	\$ 500	\$ 1,000	M	30
Failure to include a description of samples taken	5.8(c)12	\$ 250	\$ 500	\$ 1,000	M	30
Failure to include a certification of financial responsibility	5.8(c)13	\$ 250	\$ 500	\$ 1,000	M	30
Failure to include supplemental information	5.8(c)14	\$ 250	\$ 500	\$ 1,000	M	30
Failure to include requested information	5.8(c)15	\$ 250	\$ 500	\$ 1,000	M	30
Failure to include certification	5.8(c)16	\$ 250	\$ 500	\$ 1,000	M	30
Failure to provide additional information	5.8(d)	\$ 250	\$ 500	\$ 1,000	M	30
Failure to file a requested amendment following a discharge	5.11(a)	\$ 2,000	\$ 4,000	\$10,000	NM	

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Rewrote (c).

#### 7:1E-6.9 Conditions of grace period

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

1. The violation is not the result of the purposeful, knowing, reckless or criminally negligent conduct of the person responsible for the violation;

2. The activity or condition constituting the violation has existed for less than 12 months prior to the date of discovery by the Department; and

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

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

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

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

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

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

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

## SUBCHAPTER 7. CONFIDENTIALITY CLAIMS

### 7:1E-7.1 Procedure for making a claim

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

(b) A claimant shall submit to the Department (at the address provided in N.J.A.C. 7:1E-7.3) a confidential copy

and, upon the Department's request, a preliminary public copy of any record containing assertedly confidential information. The preliminary public copy shall carry a notation stating that confidential information has been deleted. The Department may disclose the preliminary public copy to any person, without restriction or limitation.

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

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

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

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

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

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

### 7:1E-7.3 Correspondence, inquiries and notices

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

1. Notices requesting substantiation of claims, under N.J.A.C. 7:1E-8.2(a)1ii;

2. Notices of denial of confidentiality claims and proposed disclosure of information, under N.J.A.C. 7:1E-8.5(a)1;

3. Notices concerning shortened comment and/or waiting periods under N.J.A.C. 7:1E-9.3(a);

4. Notices of disclosure under N.J.A.C. 7:1E-9.4; and

5. Notices of proposed use of confidential information in administrative proceedings, under N.J.A.C. 7:1E-9.7.

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

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

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

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

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

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

## SUBCHAPTER 8. CONFIDENTIALITY DETERMINATIONS

### 7:1E-8.1 Time for making confidentiality determinations

(a) The Department shall make a confidentiality determination:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**7:1E-8.3 Substantiation of confidentiality claims**

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

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

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

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

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

5. Evidence that no law, regulation (including, without limitation, N.J.A.C. 7:1E-8.10 or any other regulations of the Department), or order by a court or other tribunal of competent jurisdiction specifically requires disclosure of the information or provides that the information is not confidential information;

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

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

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

shall be deemed to have waived all such claims with respect to the information.

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

**7:1E-8.4 Time for submission of substantiation**

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

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

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

**7:1E-8.5 Final confidentiality determination**

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

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

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

(b) If, after review of the substantiation submitted pursuant to N.J.A.C. 7:1E-8.3, the Department determines that the assertedly confidential information is confidential information, the Department shall treat such information as confidential information in accordance with N.J.A.C.

7:1E-10. The Department shall send written notice of the determination to the claimant and to any requester with a pending request to inspect or copy the information which was the subject of the confidentiality claim. The notice shall state the basis for the determination and that it constitutes final agency action. The Department shall send the notice by certified mail, return receipt requested.

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

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

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

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

**7:1E-8.8 Preparation of final public copy**

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

**7:1E-8.9 Class confidentiality determinations**

(a) The Department may make a class confidentiality determination if the Department finds that the items of information within the class share one or more characteristics, which characteristics would cause the Department to determine consistently that such information is or is not confidential information.

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

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

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

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

1. The name, address and business telephone number of the owner or operator of a transmission pipeline, or of the registered agent of such owner or operator;
2. The name, address and business telephone number of a facility and of its owner or operator and the registered agent of such owner or operator;
3. Schedules of integrity testing for aboveground storage tanks required to be submitted under N.J.A.C. 7:1E-2.2(a)4, and information concerning the methods of testing;
4. Test reports for aboveground storage tanks required to be submitted under N.J.A.C. 7:1E-2.2(a)5;
5. Information contained in documentation of employee training, evaluation and qualifying activities required to be maintained under N.J.A.C. 7:1E-2.12(d);
6. The storage capacity of a facility, the transfer capacity of a facility, and the types of hazardous substances present at a facility;
7. Discharge cleanup information required to be submitted under N.J.A.C. 7:1E-3.4;
8. Lists of standard operating procedures required to be submitted under N.J.A.C. 7:1E-4. 2(d)10;
9. Information concerning procedures for mobilizing equipment in the event of a discharge;
10. Names and titles of response coordinators and other persons authorized to hire contractors and release funds for discharge response, containment, cleanup and removal;
11. Information concerning proposed methods of disposal of material gathered during cleanups;
12. Housekeeping and maintenance records required to be made available under N.J.A.C. 7:1E-4.2(f)6;
13. The locations of environmentally sensitive areas;
14. Certifications required under N.J.A.C. 7:1E-4.11, and the identity of any person signing such a certification;
15. Information which the Department is required to report under N.J.A.C. 7:1E-5.9; and
16. Information contained in an administrative order or notice of civil administrative penalty assessment under N.J.A.C. 7:1E-6.3.

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

**SUBCHAPTER 9. DISCLOSURE AND USE OF CONFIDENTIAL INFORMATION**

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

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

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

**7:1E-9.5 Disclosure by consent**

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

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

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

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

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

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

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

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

2. The Department may disclose confidential information in any enforcement, permitting, or rulemaking proceeding which does not involve an adjudicatory hearing, pursuant to the following procedure:
  - i. The Department shall inform the claimant that the Department is considering using the information in connection with the proceeding and shall afford the claimant a reasonable period for comment;
  - ii. The claimant shall submit comments to the Department within the time allotted pursuant to (b)2i above, concerning the proposed uses of confidential

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## SUBCHAPTER 10. TREATMENT OF CONFIDENTIAL INFORMATION

### 7:1E-10.1 Nondisclosure of confidential information

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

### 7:1E-10.2 Safeguarding of confidential information

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

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

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

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

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

### 7:1E-10.3 Confidentiality agreements

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

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

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

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

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

1. Commence civil action in Superior Court for a restraining order and an injunction barring that person from further disclosing confidential information; and/or
2. Pursue any other remedy available at law or equity.

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

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

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

## APPENDIX A

### LIST OF HAZARDOUS SUBSTANCES (Alphabetical Order)

<u>Name</u>	<u>CAS Number</u>
Abamectin	71751-41-2

Name	CAS Number	Name	CAS Number
Acenaphthene	83-32-9	Ammonium oxalate	14258-49-2
Acenaphthylene	208-96-8	Ammonium oxalate, monohydrate	6009-70-7
Acephate	30560-19-1	Ammonium oxalate, unspecified hydrate	5972-73-6
Acetaldehyde	75-07-0	Ammonium picrate	131-74-8
Acetamide	60-35-5	Ammonium silicofluoride	16919-19-0
Acetic acid	64-19-7	Ammonium sulfamate	7773-06-0
Acetic anhydride	108-24-7	Ammonium sulfide	12135-76-1
Acetone	67-64-1	Ammonium sulfite	10196-04-0
Acetone cyanohydrin	75-86-5	Ammonium tartrate, diammonium salt	3164-29-2
Acetone thiosemicarbazide	1752-30-3	Ammonium tartrate	14307-43-8
Acetonitrile	75-05-8	Ammonium thiocyanate	1762-95-4
Acetophenone	98-86-2	Ammonium vanadate	7803-55-6
Acetoxytriphenylstannane	900-95-8	Amphetamine	300-62-9
2-Acetylaminofluorene	53-96-3	n-Amyl acetate	628-63-7
Acetyl bromide	506-96-7	iso-Amyl acetate	123-92-2
Acetyl chloride	75-36-5	sec-Amyl acetate	626-38-0
Acetylene*	74-86-2	tert-Amyl acetate	625-16-1
1-Acetyl-2-thiourea	591-08-2	Anilazine	101-05-3
Acifluorfen, sodium salt	62476-59-9	Aniline (and salts)	62-53-3
Acrolein	107-02-8	o-Anisidine	90-04-0
Acrylamide	79-06-1	p-Anisidine	104-94-9
Acrylic acid	79-10-7	o-Anisidine hydrochloride	134-29-2
Acrylonitrile	107-13-1	Anthracene	120-12-7
Acrylyl chloride	814-68-6	Antimony	7440-36-0
Adipic acid	124-04-9	Antimony compounds	*****
Adiponitrile	111-69-3	Antimony pentachloride	7647-18-9
Alachlor	15972-60-8	Antimony pentafluoride	7783-70-2
Aldicarb	116-06-3	Antimony potassium tartrate	28300-74-5
Aldicarb sulfone	1646-88-4	Antimony tribromide	7789-61-9
Aldrin	309-00-2	Antimony trichloride	10025-91-9
d-trans-Allethrin	28057-48-9	Antimony trifluoride	7783-56-4
Allyl alcohol	107-18-6	Antimony trioxide	1309-64-4
Allyl amine	107-11-9	Antimycin A	1397-94-0
Allyl chloride	107-05-1	ANTU (concentrations above 4%)	86-88-4
Aluminum (fume or dust)	7429-90-5	Aroclor 1016	12674-11-2
Aluminum oxide (fibrous forms)	1344-28-1	Aroclor 1221	11104-28-2
Aluminum phosphide	20859-73-8	Aroclor 1232	11141-16-5
Aluminum sulfate	10043-01-3	Aroclor 1242	53469-21-9
Ametryn	834-12-8	Aroclor 1248	12672-29-6
2-Aminoanthraquinone	117-79-3	Aroclor 1254	11097-69-1
4-Aminoazobenzene	60-09-3	Aroclor 1260	11096-82-5
4-Aminobiphenyl	92-67-1	Aroclor 1442	12642-23-8
(4-Aminobutyl)diethoxymethylsilane	3037-72-7	Arsenic	7440-38-2
1-Amino-2-methylantraquinone	82-28-0	Arsenic acid	1327-52-2
p-Aminopropiophenone	70-69-9	Arsenic compounds	*****
Aminopterin	54-62-6	Arsenic disulfide	1303-32-8
4-Aminopyridine	504-24-5	Arsenic pentoxide	1303-28-2
Amiton	78-53-5	Arsenic trioxide (concentrations above 1.5%)	1327-53-3
Amiton oxalate	3734-97-2	Arsenic trisulfide	1303-33-9
Amitraz	33089-61-1	Arsenous trichloride	7784-34-1
Amitrole	61-82-5	Arsine	7784-42-1
Ammonia	7664-41-7	Asbestos (friable)	1332-21-4
Ammonium acetate	631-61-8	Atrazine	1912-24-9
Ammonium benzoate	1863-63-4	Auramine	492-80-8
Ammonium bicarbonate	1066-33-7	Azaserine	115-02-6
Ammonium bichromate	7789-09-5	Azinphos-ethyl	2642-71-9
Ammonium bifluoride	1341-49-7	Azinphos-methyl	86-50-0
Ammonium bisulfite	10192-30-0	Barban	101-27-9
Ammonium carbamate	1111-78-0	Barium	7440-39-3
Ammonium carbonate	506-87-6	Barium compounds (except Barium sulfate)	*****
Ammonium chloride	12125-02-9	Barium cyanide	542-62-1
Ammonium chromate	7788-98-9	Bendiocarb (conc. above 15%)	22781-23-3
Ammonium citrate dibasic	3012-65-5	Bendiocarb phenol	22961-82-6
Ammonium fluoborate	13826-83-0	Benfluralin	1861-40-1
Ammonium fluoride	12125-01-8	Benomyl	17804-35-2
Ammonium hydroxide	1336-21-6		

Name	CAS Number	Name	CAS Number
Benzacridine	225-51-4	2-Butene-cis*	590-18-1
Benzal chloride	98-87-3	2-Butene-trans*	624-64-6
Benzamide	55-21-0	n-Butyl acetate	123-86-4
Benzanthracene	56-55-3	iso-Butyl acetate	110-19-0
Benzene	71-43-2	sec-Butyl acetate	105-46-4
Benzeneearsonic acid	98-05-5	tert-Butyl acetate	540-88-5
Benzenesulfonyl chloride	98-09-9	Butyl acrylate	141-32-2
Benzenethiol	108-98-5	n-Butyl alcohol	71-36-3
Benzidine	92-87-5	iso-Butyl alcohol	78-83-1
Benzo(b)fluoranthene	205-99-2	sec-Butyl alcohol	78-92-2
Benzo(j)fluoranthene	205-82-3	tert-Butyl alcohol	75-65-0
Benzo(k)fluoranthene	207-08-9	Butylamine	109-73-9
Benzoic acid	65-85-0	iso-Butylamine	78-81-9
Benzonitrile	100-47-0	sec-Butylamine	513-49-5
Benzoperylene	191-24-2	tert-Butylamine	75-64-9
Benzopyrene	50-32-8	Butyl benzyl phthalate	85-68-7
Benzotrichloride	98-07-7		13952-84-6
Benzoyl chloride	98-88-4	1,2-Butylene oxide	106-88-7
Benzoyl peroxide	94-36-0	Butyraldehyde	123-72-8
Benzyl chloride	100-44-7	iso-Butyraldehyde	78-84-2
Benzyl cyanide	140-29-4	Butyric acid	107-92-6
Beryllium powder	7440-41-7	iso-Butyric acid	79-31-2
Beryllium chloride	7787-47-5	C.I. Acid Blue 1, sodium salt	129-17-9
Beryllium compounds	*****	C.I. Acid Blue 9, diammonium salt	2650-18-2
Beryllium fluoride	7787-49-7	C.I. Acid Green 3	4680-78-8
Beryllium nitrate	7787-55-5	C.I. Acid Green 5	5141-20-8
	13597-99-4	C.I. Acid Red 114	6459-94-5
alpha-BHC	319-84-6	C.I. Basic Green 4	569-64-2
beta-BHC	319-85-7	C.I. Basic Red 1	989-38-8
delta-BHC	319-86-8	C.I. Direct Black 38	1937-37-7
Bifenthrin	82657-04-3	C.I. Direct Blue 6	2602-46-2
Biphenyl	92-52-4	C.I. Direct Blue 218	28407-37-6
Bis(2-chloroethoxy)methane	111-91-1	C.I. Direct Brown 95	16071-86-6
Bis(2-chloroisopropyl)ether	108-60-1	C.I. Disperse Yellow 3	2832-40-8
Bis(chloromethyl)ether	542-88-1	C.I. Food Red 5	3761-53-3
Bis(chloromethyl)ketone	534-07-6	C.I. Food Red 15	81-88-9
3,3-Bis(chloromethyl)oxetane	78-71-7	C.I. Food Red 6	3564-09-8
1,3-Bis(methylisocyanate)cyclohexane	38661-72-2	C.I. Solvent Orange 7	3118-97-6
1,4-Bis(methylisocyanate)cyclohexane	10347-54-3	C.I. Solvent Orange 2	2646-17-5
Bisphenol A	80-05-7	C.I. Solvent Red 80	6358-53-8
Bitoscanate	4044-65-9	C.I. Solvent Yellow 3	97-56-3
Boron trichloride	10294-34-5	C.I. Solvent Yellow 14	842-07-9
Boron trifluoride	7637-07-2	C.I. Vat Yellow 4	128-66-5
Boron trifluoride compound with methyl ether (1:1) (conc. above 0.0005%)	353-42-4	Cacodylic acid	75-60-5
Bromacil	314-40-9	Cadmium	7440-43-9
Bromacil, lithium salt	53404-19-6	Cadmium acetate	543-90-8
Bromadiolone (concentrations above 0.01%)	28772-56-7	Cadmium bromide	7789-42-6
Bromine	7726-95-6	Cadmium chloride	10108-64-2
Bromoacetone	598-31-2	Cadmium compounds	*****
1-Bromo-1-(bromomethyl)-1,3-propanediacarbonitrile	35691-65-7	Cadmium oxide	1306-19-0
Bromochlorodifluoromethane (Halon 1211)*	353-59-3	Cadmium stearate	2223-93-0
Bromoform	75-25-2	Calcium arsenate	7778-44-1
4-Bromophenyl phenyl ether	101-55-3	Calcium arsenite	52740-16-6
Bromotrifluorethylene*	598-73-2	Calcium carbide	75-20-7
Bromotrifluoromethane (Halon 1301)*	75-63-8	Calcium chromate	13765-19-0
Bromoxynil	1689-84-5	Calcium cyanamide	156-62-7
Bromoxynil octanoate	1689-99-2	Calcium cyanide	592-01-8
Brucine	357-57-3	Calcium dodecylbenzenesulfonate	26264-06-2
1,3-Butadiene	106-99-0	Calcium hypochlorite	7778-54-3
Butane*	106-97-8	Cantharidin	56-25-7
iso-Butane*	75-28-5	Captan	133-06-2
Butene*	25167-67-3	Carbachol chloride	51-83-2
1-Butene*	106-98-9	Carbamimidoseleonic acid	630-10-4
2-Butene*	107-01-7	Carbaryl	63-25-2
		Carbendazim	10605-21-7
		Carbofuran	1563-66-2

Name	CAS Number	Name	CAS Number
Carbofuran phenol	1563-38-8	Chlorosulfonic acid	7790-94-5
Carbon disulfide	75-15-0	Chlorotetrafluoroethane*	63938-10-3
Carbon tetrachloride	56-23-5	1-Chloro-1,1,2,2-tetrafluoroethane (HCFC-124a)*	354-25-6
Carbonyl fluoride	353-50-4	2-Chloro-1,1,1,2-tetrafluoroethane (HCFC-124)*	2837-89-0
Carbonyl sulfide	463-58-1	Chlorothalonil	1897-45-6
Carbophenothion	786-19-6	4-Chloro-o-toluidine hydrochloride	3165-93-3
Carbosulfan	55285-14-8	p-Chloro-o-toluidine	95-69-2
Carboxin	5234-68-4	2-Chloro-1,1,1-trifluoroethane (HCFC-133a)*	75-88-7
Catechol	120-80-9	Chlorotrifluoromethane (CFC-13)*	75-72-9
Chinomethionat	2349-01-2	3-Chloro-1,1,1-trifluoropropane (HCFC-253fb)*	460-35-5
Chloramben	133-90-4	Chloroxuron	1982-47-4
Chlorambucil	305-03-3	Chlorpyrifos (concentrations above 15%)	2921-88-2
Chlordane	57-74-9	Chlorpyrifos methyl	5598-13-0
Chlordane metabolites	*****	Chlorsulfuron	64902-72-3
Chlorendic acid	115-28-6	Chlorthiophos	21923-23-9
Chlorfenvinfos	470-90-6	Chromic acetate	1066-30-4
Chlorimuron ethyl	90982-32-4	Chromic acid	1115-74-5
Chlorinated benzenes	*****	Chromic acid (H <sub>2</sub> CrO <sub>4</sub> )	7738-94-5
Chlorinated ethanes	*****	Chromic chloride	10025-73-7
Chlorinated naphthalene	*****	Chromic(II) chloride	10049-05-5
Chlorinated phenols	*****	Chromic sulfate	10101-53-8
Chlorine	7782-50-5	Chromium	7440-47-3
Chlorine dioxide	10049-04-4	Chromium compounds	*****
Chlorine monoxide*	7791-21-1	Chrysene	218-01-9
Chlormephos	24934-91-6	Cobalt	7440-48-4
Chlormequat chloride	999-81-5	Cobalt carbonyl	10210-68-1
Chlornaphazine	494-03-1	Cobalt compounds	*****
Chloroacetaldehyde	107-20-0	Cobaltous bromide	7789-43-7
Chloroacetic acid	79-11-8	Cobaltous formate	544-18-3
2-Chloroacetophenone	532-27-4	Cobaltous sulfamate	14017-41-5
Chloroalkyl ethers	*****	Coke oven emissions	*****
1-(3-Chloroallyl)-3,5,7-triaza-1-azoniaadamantane chloride	4080-31-3	Colchicine	64-86-8
p-Chloroaniline	106-47-8	Copper	7440-50-8
Chlorobenzene	108-90-7	Copper compounds	*****
Chlorobenzilate	510-15-6	Copper cyanide	544-92-3
4-Chloro-m-cresol	59-50-7	Coumaphos (concentrations above 5%)	56-72-4
3-Chloro-6-cyano-2-norbornanone-o-(methycarbamoyl)oxime	5271-41-7	Coumatetralyl	5836-29-3
Chlorodibromomethane	24-48-1	Creosote	8001-58-9
1-Chloro-1,1-difluoroethane (HCFC-142b)*	75-68-3	p-Cresidine	120-71-8
Chlorodifluoromethane (HCFC-22)*	75-45-6	Cresol (mixed isomers)	1319-77-3
Chloroethane	75-00-3	m-Cresol	108-39-4
2-Chloroethanesulfonyl chloride	1622-32-8	o-Cresol	95-48-7
Chloroethanol	107-07-3	p-Cresol	106-44-5
Chloroethyl chloroformate	627-11-2	Crimidine	535-89-7
2-Chloroethyl vinyl ether	110-75-8	Crotonaldehyde, (E)-	123-73-9
Chloroform	67-66-3	Crotonaldehyde	4170-30-3
Chloromethyl methyl ether	107-30-2	Cumene	98-82-8
1-Chloromethyl-4-nitrobenzene	100-14-1	Cumene hydroperoxide	80-15-9
3-Chloro-2-methyl-1-propene	563-47-3	Cupferron	135-20-6
2-Chloronaphthalene	91-58-7	Cupric acetate	142-71-2
Chloropentafluoroethane (CFC-115)*	76-15-3	Cupric acetoarsenite	12002-03-8
Chlorophacinone (concentrations 0.2% and above)	3691-35-8	Cupric chloride	7447-39-4
o-Chlorophenol	95-57-8	Cupric nitrate	3251-23-8
Chlorophenols	*****	Cupric oxalate	5893-66-3
p-Chlorophenyl isocyanate	104-12-1	Cupric sulfate	7758-98-7
4-Chlorophenyl phenyl ether	7005-72-3	Cupric sulfate, ammoniated	10380-29-7
1-(o-Chlorophenyl)thiourea	5344-82-1	Cupric tartrate	815-82-7
Chloropicrin	76-06-2	Cyanazine (concentrations above 30%)	21725-46-2
Chloroprene	126-99-8	Cyanide	57-12-5
3-Chloropropionitrile	542-76-7	Cyanide compounds	*****
1-Chloropropylene*	590-21-6	Cyanogen	460-19-5
2-Chloropropylene*	557-98-2	Cyanogen bromide	506-68-3
3-Chloropropylsulfonoxide	3569-57-1		

Name	CAS Number	Name	CAS Number
Cyanogen chloride	506-77-4	1,2-Dichloro-1,1-difluoroethane (HCFC-132b)*	1649-08-7
Cyanogen iodide	506-78-5	Dichlorofluoromethane (HCFC-21)*	75-43-4
Cyanophos	2636-26-2	(trans-4)-Dichloro(4,4-dimethylzinc 5(((methylamino)carbonyl)oxy)imino)pentanenitrile)	58270-08-9
Cyanuric fluoride	675-14-9	Dichlorodiphenyldichloroethane (DDD)	72-54-8
Cycloate	1134-23-2	Dichlorodiphenyltrichloroethane (DDT)	50-29-3
Cyclohexane	110-82-7	DDT metabolites	*****
1,4-Cyclohexane diisocyanate	2556-36-7	1,1-Dichloroethane	75-34-3
Cyclohexanol	108-93-0	1,2-Dichloroethanol acetate	10140-87-1
Cyclohexanone	108-94-1	1,2-Dichloroethylene	540-59-0
Cycloheximide	66-81-9	1,2-trans-Dichloroethylene	156-60-5
Cyclohexylamine	108-91-8	Dichloroethylenes (1,1-, and 1,2-Dichloroethylene)	*****
2-Cyclohexyl-4,6-dinitrophenol	131-89-5	Dichloroethyl ether	111-44-4
Cyclopropane*	75-19-4	1,1-Dichloro-1-fluoroethane (HCFC-141b)*	1717-00-6
Cyfluthrin	68359-37-5	Dichlorofluoromethane*	75-43-4
Cyclophosphamide	50-18-0	Dichloromethylphenylsilane	149-74-6
Cyhalothrin	68085-85-8	Dichloropentafluoropropane*	127564-92-5
2,4-D 2-ethyl-4-methylpentyl ester	53404-37-8	1,1-Dichloro-1,2,2,3,3-pentafluoropropane (HCFC-225cc)*	13474-88-9
Daunomycin	20830-81-3	1,1-Dichloro-1,2,3,3,3-pentafluoropropane (HCFC-225eb)*	111512-56-2
Dazomet	533-74-4	1,2-Dichloro-1,1,2,3,3-pentafluoropropane (HCFC-225bb)*	422-44-6
Dazomet, sodium salt	53404-60-7	1,2-Dichloro-1,1,3,3,3-pentafluoropropane (HCFC-225da)*	431-86-7
Decaborane(14)	17702-41-9	1,3-Dichloro-1,1,2,2,3-pentafluoropropane (HCFC-225cb)*	507-55-1
Decabromodiphenyl oxide	1163-19-5	1,3-Dichloro-1,1,2,3,3-pentafluoropropane (HCFC-225ea)*	136013-79-1
Demeton	65-48-3	2,2-Dichloro-1,1,1,3,3-pentafluoropropane (HCFC-225aa)*	128903-21-9
Desmedipham	13684-56-5	2,3-Dichloro-1,1,1,2,3-pentafluoropropane (HCFC-225ba)*	422-48-0
Dialifor	10311-84-9	3,3-Dichloro-1,1,1,2,2-pentafluoropropane (HCFC-225ca)*	422-56-0
Diallate	2303-16-4	Dichlorophene	97-23-4
2,4-Diaminoanisole	615-05-4	2,4-Dichlorophenol	120-83-2
2,4-Diaminoanisole sulfate	39156-41-7	2,6-Dichlorophenol	87-65-0
4,4'-Diaminodiphenyl ether	101-80-4	2,4-Dichlorophenoxyacetic acid (2,4-D) (concentrations above 20%)	94-75-7
Diaminotoluene (mixed isomers)	25376-45-8	2,4-Dichlorophenoxyacetic acid butoxyethanol ester	1929-73-3
2,4-Diaminotoluene	95-80-7	(conc. above 20%)	
2,6-Diaminotoluene	823-40-5	2,4-Dichlorophenoxyacetic acid n-butyl ester	94-80-4
3,4-Diaminotoluene	496-72-0	2,4-Dichlorophenoxyacetic acid sec-butyl ester	94-79-1
Diazinon (concentrations above 25%)	333-41-5	2,4-Dichlorophenoxyacetic acid chlorocrotyl ester	2971-38-2
Diazomethane	334-88-3	2,4-D Esters	53467-11-1
Dibasic lead stearate	56189-09-4	2,4-Dichlorophenoxyacetic acid 2-ethylhexyl ester	1928-43-4
Dibenz(a,h)acridine	226-36-8	(concentrations above 20%)	
Dibenz(a,j)acridine	224-42-0	2,4-Dichlorophenoxyacetic acid isooctyl ester (conc. above 20%)	25168-26-7
Dibenzanthracene	53-70-3	2,4-Dichlorophenoxyacetic acid isopropyl ester	94-11-1
7H-Dibenzo(c,g)carbazole	194-59-2	2,4-Dichlorophenoxyacetic acid methyl ester	1928-38-7
Dibenzo(a,e)fluoranthene	5385-75-1	2,4-Dichlorophenoxyacetic acid propyl ester	1928-61-6
Dibenzofuran	132-64-9	2,4-Dichlorophenoxyacetic acid propylene glycol butyl ether ester	1320-18-9
Dibenzo(a,e)pyrene	192-65-4	2,4-Dichlorophenoxyacetic acid sodium salt (conc. above 20%)	2702-72-9
Dibenzo(a,h)pyrene	189-64-0	4-(2,4-Dichlorophenoxy)butyric acid	94-82-6
Dibenzopyrene	189-55-9	2-(2,4-Dichlorophenoxy)propionic acid	120-36-5
Dibenzo(a,l)pyrene	191-30-0	Dichlorophenylarsine	696-28-6
Diborane	19287-45-7		
1,2-Dibromo-3-chloropropane	96-12-8		
Dibromotetrafluoroethane (Halon 2402)	124-73-2		
N,N'-Dibutylhexamethylenediamine	4835-11-4		
Dibutyl phthalate	84-74-2		
Dicamba	1918-00-9		
Dichlobenil	94-65-6		
Dichlone	117-80-6		
Dichloran	99-30-9		
p,p'-Dichlorodiphenylethane	3547-04-4		
Dichlorobenzene (mixed isomers)	25321-22-6		
m-Dichlorobenzene	541-73-1		
o-Dichlorobenzene	95-50-1		
p-Dichlorobenzene	106-46-7		
3,3'-Dichlorobenzidine	91-94-1		
3,3'-Dichlorobenzidine dihydrochloride	612-83-9		
3,3'-Dichlorobenzidine sulfate	64969-34-2		
1,1-Dichloro-2,2-bis(p-chlorophenyl)ethylene (DDE)	72-55-9		
Dichlorobromomethane	75-27-4		
1,4-Dichloro-2-butene	764-41-0		
trans-1,4-Dichlorobutene	110-57-6		

Name	CAS Number	Name	CAS Number
Dichloropropane	26638-19-7	Dimethylaniline	121-69-7
1,1-Dichloropropane	78-99-9	7,12-Dimethylbenzanthracene	57-97-6
1,2-Dichloropropane	78-87-5	3,3'-Dimethylbenzidine	119-93-7
1,3-Dichloropropane	142-28-9	Dimethylcarbanyl chloride	79-44-7
trans-1,3-Dichloropropane	10061-02-6	Dimethyldichlorosilane	75-78-5
Dichloropropane-Dichloropropene (mixture)	8003-19-8	3,3'-Dimethyl-4,4'-diphenylene diisocyanate	91-97-4
2,3-Dichloropropanol	616-23-9	3,3'-Dimethyldiphenylmethane-4,4'-diisocyanate	139-25-3
Dichloropropene(s) (mixtures)	26952-23-8	O-(((2,4-Dimethyl-1,3-dithiolan-2-yl)methylene)amino) methyl carbamic acid	26419-73-8
1,3-Dichloropropene	542-75-6	N,N-Dimethylformamide	68-12-2
2,3-Dichloropropene	78-88-6	1,1-Dimethylhydrazine	57-14-7
2,2-Dichloropropionic acid	75-99-0	1,2-Dimethylhydrazine	540-73-8
Dichlorotetrafluoroethane (CFC-114)	76-14-2	alpha,alpha-Dimethylphenethylamine	122-09-8
Dichlorotrifluoroethane*	34077-87-7	2,4 Dimethylphenol	105-67-9
1,1-Dichloro-1,2,2-trifluoroethane (HCFC-123b)*	812-04-4	Dimethyl-p-phenylenediamine	99-98-9
Dichloro-1,1,2-trifluoroethane*	90454-18-5	Dimethyl phosphorochlorodithioate	2524-03-0
1,2-Dichloro-1,1,2-trifluoroethane (HCFC-123a)*	354-23-4	Dimethyl phthalate	131-11-3
2,2-Dichloro-1,1,1-trifluoroethane (HCFC-123)*	306-83-2	2,2-Dimethylpropane*	463-82-1
4,5-Dichloro-2-(trifluoromethyl)benzimidazole	3615-21-2	Dimethyl sulfate	77-78-1
Dichlorosilane	4109-96-0	Dimetilan	644-64-4
Dichlorotetrafluoroethane (CFC-114) *	76-14-2	Dinitrobenzene (mixed isomers)	25154-54-5
Dichlorvos (concentrations above 3%)	62-73-7	m-Dinitrobenzene	99-65-0
Diclofop methyl	51338-27-3	o-Dinitrobenzene	528-29-0
Dicofol	115-32-2	p-Dinitrobenzene	100-25-4
Dicrotophos	141-66-2	Dinitrophenol (mixed isomers)	25550-58-7
Dicyclopentadiene	77-73-6	2,4 Dinitrophenol	51-28-5
Dieldrin	60-57-1	2,5 Dinitrophenol	329-71-5
Diepoxybutane	1464-53-5	2,6 Dinitrophenol	573-56-8
Diethanolamine	111-42-2	Dinitrotoluene (mixed isomers)	25321-14-6
Diethyl ethyl	38727-55-8	2,4-Dinitrotoluene	121-14-2
Diethylamine	109-89-7	2,6-Dinitrotoluene	606-20-2
N,N-Diethylaniline	91-66-7	3,4-Dinitrotoluene	610-39-9
Diethylarsine	692-42-2	Dinocap	39300-45-3
Diethylcarbamazine citrate	1642-54-2	Dinoseb	88-85-7
Diethyl chlorophosphate	814-49-3	Dinoterb	1420-07-1
Diethyldiisocyanatobenzene	134190-37-7	Di-n-octyl phthalate	117-84-0
1,2-Diethylhydrazine	1615-80-1	1,4-Dioxane	123-91-1
O,O-Diethyl S-methyl dithiophosphate	3288-58-2	Dioxathion	78-34-2
Diethyl-p-nitrophenyl phosphate	311-45-5	Dioxin and dioxin-like compounds	*****
Diethyl phthalate	84-66-2	Diphacinone (concentrations above 3%)	82-66-6
Diethylene glycol dicarbamate	5952-26-1	Diphenamid	957-51-7
Di(2-ethylhexyl)phthalate (DEHP)	117-81-7	Diphenylamine	122-39-4
Diethylstilbestrol	56-53-1	1,2-Diphenylhydrazine	122-66-7
Diethyl sulfate	64-67-5	Dipotassium endothall	2164-07-0
Diflubenzuron	35367-38-5	Dipropylamine	142-84-7
Difluoroethane	75-37-6	Dipropyl isocinchomerate	136-45-8
Digitoxin	71-63-6	Diquat	2764-72-9
Diglycidyl ether	2238-07-5	Diquat bromide	85-00-7
Diglycidyl resorcinol ether	101-90-6	Disodium cyanodithioimidocarbonate	138-93-2
Digoxin	20830-75-5	Disulfoton (concentrations above 2%)	298-04-4
Dihydrosafrole	94-58-6	Dithiazanine iodide	514-73-8
4,4'-Diisocyanatodiphenyl ether	4128-73-8	Dithiobiuret	541-53-7
2,4'-Diisocyanatodiphenyl sulfide	75790-87-3	Diuron	330-54-1
Dimefox	115-26-4	Dodecylbenzenesulfonic acid	27176-87-0
Dimethipin	55290-64-7	Dodine	2439-10-3
Dimethoate (concentrations above 25%)	60-51-5	Emetine dihydrochloride	316-42-7
3,3'-Dimethoxybenzidine	119-90-4	Endosulfan	115-29-7
3,3'-Dimethoxybenzidine dihydrochloride	20325-40-0	alpha-Endosulfan	959-98-8
3,3'-Dimethoxybenzidine-4,4'-diisocyanate	91-93-0	beta-Endosulfan	33213-65-9
3,3'-Dimethoxybenzidine hydrochloride	111984-09-9	Endosulfan metabolites	*****
Dimethylamine	124-40-3	Endosulfan sulfate	1031-07-8
Dimethylamine dicamba	2300-66-5	Endothall	145-73-3
4-Dimethylaminoazobenzene	60-11-7	Endothion	2778-04-3
2-(Dimethylamino-N-hydroxy-2-oxo)ethanimidothioic acid, methyl ester	30558-43-1	Endrin	72-20-8
		Endrin aldehyde	7421-93-4
		Endrin metabolites	*****

Name	CAS Number	Name	CAS Number
Epichlorohydrin	106-89-8	F003: The following spent non-halogenated solvents and the still bottoms from the recovery of these solvents: (a) xylene; (b) acetone; (c) ethyl acetate; (d) ethylbenzene; (e) ethyl ether; (f) methyl isobutyl ketone; (g) n-butyl alcohol; (h) cyclohexanone; (i) methanol	*****
Epinephrine	51-43-4	F004: The following spent non-halogenated solvents and the still bottoms from the recovery of these solvents: (a) cresols/cresylic acid; (b) nitrobenzene	*****
EPN	2104-64-5	F005: The following spent non-halogenated solvents and the still bottoms from the recovery of these solvents: (a) toluene; (b) methyl ethyl ketone; (c) carbon disulfide; (d) isobutanol; (e) pyridine	*****
Ergocalciferol	50-14-6	F006: Wastewater treatment sludges from electroplating operations except from the following processes: (1) sulfuric acid anodizing of aluminum; (2) tin plating on carbon steel; (3) zinc plating (segregated basis) on carbon steel; (4) aluminum or zinc-aluminum plating on carbon steel; (5) cleaning/stripping associated with tin, zinc and aluminum plating on carbon steel; and (6) chemical etching and milling of aluminum.	*****
Ergotamine tartrate	379-79-3	F007: Spent cyanide plating bath solutions from electroplating operations.	*****
Ethane*	74-84-0	F008: Plating bath residues from the bottom of plating baths from electroplating operations where cyanides are used in the process.	*****
1,2-Ethanedithiolbiscarbamodithioic acid	111-54-6	F009: Spent stripping and cleaning bath solutions from electroplating operations where cyanides are used in the process.	*****
Ethion (concentrations above 6% granular and 3% other formulations)	563-12-2	F010: Quenching bath residues from oil baths from metal heat treating operations where cyanides are used in the process.	*****
Ethoprophos	13194-48-4	F011: Spent cyanide solution from salt bath pot cleaning from metal heat treating operations.	*****
2-Ethoxyethanol	110-80-5	F012: Quenching wastewater treatment sludges from metal heat treating operations where cyanides are used in the process.	*****
Ethyl acetate	141-78-6	F019: Wastewater treatment sludges from the chemical conversion coating of aluminum except from zirconium phosphating in aluminum can washing when such phosphating is an exclusive conversion coating process.	*****
Ethyl acetylene*	107-00-6	F020: Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production or manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of tri- or tetrachlorophenol, or of intermediates used to produce their pesticide derivatives. (This listing does not include wastes from the production of hexachlorophene from highly purified 2,4,5-trichlorophenol.)	*****
Ethyl acrylate	140-88-5	F021: Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production or manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of pentachlorophenol, or of intermediates used to produce its derivatives.	*****
Ethylamine	75-04-7		
Ethylbenzene	100-41-4		
Ethylbis(2-chloroethyl)amine	538-07-8		
Ethyl chloroformate	541-41-3		
Ethyl-S-dimethylaminoethyl methylphospho- nothiolate	50782-69-9		
Ethyl dipropylthiocarbamate (EPTC)	759-94-4		
Ethylene*	74-85-1		
Ethylenebisdithiocarbamic acid, salts and esters	*****		
N,N'-Ethylene bis(3-fluorosalicylideneimino- to)cobalt(II)	62207-76-5		
Ethylenediamine	107-15-3		
Ethylenediamine-tetraacetic acid (EDTA)	60-00-4		
Ethylene dibromide*	106-93-4		
Ethylene dichloride	107-06-2		
Ethylene fluorohydrin	371-62-0		
Ethylene glycol	107-21-1		
Ethylene oxide	75-21-8		
Ethylenimine	151-56-4		
Ethyl ether*	60-29-7		
Ethyl mercaptan	75-08-1		
Ethyl methacrylate	97-63-2		
Ethyl methanesulfonate	62-50-0		
Ethyl nitrite*	109-95-5		
Ethylthiocyanate	542-90-5		
F001: The following spent halogenated solvents used in degreasing; all spent solvent mixtures/blends used in degreasing containing, before use, a total of ten percent or more (by volume) of one or more of the above halogenated solvents or those listed in F002, F004, and F005; and still bottoms from the recovery of these spent solvents and spent solvent mixtures: (a) tetrachloroethylene; (b) trichloroethylene; (c) methylene chloride; (d) 1,1,1-trichloroethane; (e) carbon tetrachloride; (f) chlorinated fluorocarbons	*****		
F002: The following spent halogenated solvents; all spent solvent mixtures/blends containing, before use, a total of ten percent or more (by volume) of one or more of the above halogenated solvents or those listed in F001, F004, or F005; and still bottoms from the recovery of these spent solvents and spent solvent mixtures: (a) tetrachloroethylene; (b) methylene chloride; (c) trichloroethylene; (d) 1,1,1-trichloroethane; (e) chlorobenzene; (f) 1,1,2-trichloro-1,2,2-trifluoroethane; (g) o-dichlorobenzene; (h) trichlorofluoromethane; (i) 1,1,2-trichloroethane	*****		

<u>Name</u>	<u>CAS Number</u>	<u>Name</u>	<u>CAS Number</u>
F022: Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of tetra-, penta-, or hexachlorobenzenes under alkaline conditions.	*****	had the F032 waste code deleted in accordance with 40 CFR 261.35 or potentially cross-contaminated wastes that are otherwise currently regulated as hazardous wastes (i.e. F034 or F035), and where the generator does not resume or initiate the use of chlorophenolic formulations). This listing does not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use creosote and/or pentachlorophenol.	*****
F023: Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production of materials on equipment previously used for the production or manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of tri- and tetrachlorophenols. (This listing does not include wastes from equipment used only for the production or use of hexachlorophene from highly purified 2,4,5-trichlorophenol.)	*****	F034: Wastewaters (except those that have not come into contact with the process contaminants), process residuals, preservative drip-page, and spent formulations from wood preserving processes generated at plants that use creosote formulations. This listing does not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use creosote and/or pentachlorophenol.	*****
F024: Wastes, including but not limited to, distillation residues, heavy ends, tars, and reactor cleanout wastes, from the production of chlorinated aliphatic hydrocarbons, having carbon content from one to five, utilizing free radical catalyzed processes. (This listing does not include light ends, spent filters and filter aids, spent dessicants(sic), wastewater, wastewater treatment sludges, spent catalysts, and wastes listed in 40 CFR 261.32.)	*****	F035: Wastewaters (except those that have not come into contact with process contaminants), process residuals, preservative drip-page, and spent formulations from wood preserving processes generated at plants that use inorganic preservatives containing arsenic or chromium. This listing does not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use creosote and/or pentachlorophenol.	*****
F025: Condensed light ends, spent filters and filter aids, and spent desiccant wastes from the production of certain chlorinated aliphatic hydrocarbons, by free radical catalyzed processes. These chlorinated aliphatic hydrocarbons are those having carbon chain lengths ranging from one to and including five, with varying amounts and positions of chlorine substitution.	*****	F037: Petroleum refinery primary oil/water/solids separation sludge—Any sludge generated from the gravitational separation of oil/water/solids during the storage or treatment of process wastewaters and oily cooling wastewaters from petroleum refineries. Such sludges include, but are not limited to, those generated in: oil/water/solids separators; tanks and impoundments; ditches and other conveyances; sumps; and stormwater units receiving dry weather flow. Sludge generated in stormwater units that do not receive dry weather flow, sludges generated from non-contact once-through cooling waters segregated for treatment from other process or oily cooling waters, sludges generated in aggressive biological treatment units as defined in 40 CFR § 261.31(b)(2) (including sludges generated in one or more additional units after wastewaters have been treated in aggressive biological treatment units) and K051 wastes are not included in this listing.	*****
F026: Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production of materials on equipment previously used for the manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of tetra-, penta-, or hexachlorobenzene under alkaline conditions.	*****	F038: Petroleum refinery secondary (emulsified) oil/water/solids separation sludge—Any sludge and/or float generated from the physical and/or chemical separation of oil/water/solids in process wastewaters and oily cooling wastewaters from petroleum refineries. Such wastes include, but are not limited to, all sludges and floats generated in: induced air flotation (IAF) units, tanks and impoundments, and all sludges generated in dissolved air flotation (DAF) units.	*****
F027: Discarded unused formulations containing tri-, tetra-, or pentachlorophenol or discarded unused formulations containing compounds derived from these chlorophenols. (This listing does not include formulations containing hexachlorophene synthesized from prepurified 2,4,5-trichlorophenol as the sole component.)	*****		
F028: Residues resulting from the incineration or thermal treatment of soil contaminated with EPA Hazardous Waste Nos. F020, F021, F022, F023, F026, and F027.	*****		
F032: Wastewaters (except those that have not come into contact with process contaminants), process residuals, preservative drip-page, and spent formulations from wood preserving processes generated at plants that currently use or have previously used chlorophenolic formulations (except potentially cross-contaminated wastes that have			

Name	CAS Number	Name	CAS Number
Sludges generated in stormwater units that do not receive dry weather flow, sludges generated from once-through non-contact cooling waters segregated for treatment from other process or oil cooling wastes, sludges and floats generated in aggressive biological treatment units as defined in 40 CFR § 261.31(b)(2) (including sludges and floats generated in one or more additional units after wastewaters have been treated in aggressive biological treatment units) and F037, K048, and K051 wastes are not included in this listing.			
Famphur	52-85-7	Haloethers	*****
Fenbutatin oxide	13356-08-6	Halomethanes	*****
Fenamiphos	22224-92-6	Heptachlor	76-44-8
Fenarimol	60168-88-9	Heptachlor epoxide	1024-57-3
Fenoxaprop ethyl	66441-23-4	Heptachlor metabolites	*****
Fenoxycarb	72490-01-8	Hexachlorobenzene	118-74-1
Fenpropathrin	39515-41-8	Hexachlorobutadiene	87-68-3
Fensulfothion	115-90-2	Hexachlorocyclohexane (mixed isomers)	608-73-1
Fenthion (conc. above 0.5%)	55-38-9	Hexachlorocyclopentadiene	77-47-4
Fenvalerate	51630-58-1	Hexachloroethane	67-72-1
Ferbam	14484-64-1	Hexachloronaphthalene	1335-87-1
Ferric ammonium citrate	1185-57-5	Hexachlorophene	70-30-4
Ferric ammonium oxalate	2944-67-4	Hexachloropropene	1888-71-7
Ferric ammonium oxalate, unspecified hydrate	55488-87-4	Hexaethyl tetraphosphate	757-58-4
Ferric chloride	7705-08-0	Hexamethylene-1,6-diisocyanate	822-06-0
Ferric fluoride	7783-50-8	Hexamethylphosphoramide	680-31-9
Ferric nitrate	10421-48-4	n-Hexane	110-54-3
Ferric sulfate	10028-22-5	Hexazinone	51235-04-2
Ferrous ammonium sulfate	10045-89-3	Hydramethylnon	67485-29-4
Ferrous chloride	7758-94-3	Hydrazine	302-01-2
Ferrous sulfate	7720-78-7	Hydrazine sulfite	10034-93-2
Ferrous sulfate heptahydrate	7782-63-0	Hydrogen sulfide	1333-74-0
Fine mineral fibers of average diameter 1 micrometer or less	*****	Hydrogen chloride	7647-01-0
Fluazifop butyl	69806-50-4	Hydrogen cyanide	74-90-8
Fluometuron	2164-17-2	Hydrogen fluoride	7664-39-3
Fluoranthene	206-44-0	Hydrogen peroxide (Conc. > 52%)	7722-84-1
Fluorene	86-73-7	Hydrogen selenide	7783-07-5
Fluorine	7782-41-4	Hydrogen sulfide	7783-06-4
Fluoroacetamide	640-19-7	Hydroquinone	123-31-9
Fluoroacetic acid	144-49-0	Imazalil	35554-44-0
Fluoroacetyl chloride	359-06-8	2-Imidazolidinethione	96-45-7
Fluorouracil	51-21-8	Indeno(1,2,3-cd)pyrene	193-39-5
Fluvalinate	69409-94-5	3-Iodo-2-propynyl n-butylcarbamate	55406-53-6
Folpet	133-07-3	Iron pentacarbonyl	13463-40-6
Fomesafen	72178-02-0	Isobenzan	297-78-9
Fonofos	944-22-9	Isobutyronitrile	78-82-0
Formaldehyde	50-00-0	Isocyanic acid, 3,4-dichlorophenyl ester	102-36-3
Formaldehyde cyanohydrin	107-16-4	Isodrin	465-73-6
Formetanate hydrochloride	23422-53-9	Isofenphos	25311-71-1
Formic acid	64-18-6	Isofluorphate	55-91-4
Formothion	2540-82-1	Isophorone	78-59-1
Formparanate	17702-57-7	Isophorone diisocyanate	4098-71-9
Fosthietan	21548-32-3	Isoprene*	78-79-5
Freon 113	76-13-1	Isopropanolamine dodecylbenzene sulfonate	42504-46-1
Fuberidazole	3878-19-1	Isopropyl alcohol	67-63-0
Fumaric acid	110-17-8	Isopropyl chloride*	75-29-6
Furan	110-00-9	Isopropyl chloroformate	108-23-6
Furfural	98-01-1	Isopropylmethylpyrazolyl dimethylcarbamate	119-38-0
Gallium trichloride	13450-90-3	Isosafrole	120-58-1
Glycidylaldehyde	765-34-4	K001: Bottom sediment sludge from the treatment of wastewaters from wood preserving processes that use creosote and/or pentachlorophenol.	*****
Glycol ethers	*****	K002: Wastewater treatment sludge from the production of chrome yellow and orange pigments	*****
		K003: Wastewater treatment sludge from the production of molybdate orange pigments.	*****
		K004: Wastewater treatment sludge from the production of zinc yellow pigments.	*****
		K005: Wastewater treatment sludge from the production of chrome green pigments.	*****
		K006: Wastewater treatment sludge from the production of chrome oxide green pigments (anhydrous and hydrated).	*****

<u>Name</u>	<u>CAS Number</u>	<u>Name</u>	<u>CAS Number</u>
K007: Wastewater treatment sludge from the production of iron blue pigments.	*****	K035: Wastewater treatment sludges generated in the production of creosote.	*****
K008: Oven residue from the production of chrome oxide green pigments.	*****	K036: Still bottoms from toluene reclamation distillation in the production of disulfoton.	*****
K009: Distillation bottoms from the production of acetaldehyde from ethylene.	*****	K037: Wastewater treatment sludges from the production of disulfoton.	*****
K010: Distillation side cuts from the production of acetaldehyde from ethylene.	*****	K038: Wastewater from the washing and stripping of phorate production.	*****
K011: Bottom stream from the wastewater stripper in the production of acrylonitrile.	*****	K039: Filter cake from the filtration of diethylphosphorodithioic acid in the production of phorate.	*****
K013: Bottom stream from the acetonitrile column in the production of acrylonitrile.	*****	K040: Wastewater treatment sludge from the production of phorate.	*****
K014: Bottoms from the acetonitrile purification column in the production of acrylonitrile.	*****	K041: Wastewater treatment sludge from the production of toxaphene.	*****
K015: Still bottoms from the distillation of benzyl chloride.	*****	K042: Heavy ends or distillation residues from the distillation of tetrachlorobenzene in the production of 2,4,5-T.	*****
K016: Heavy ends or distillation residues from the production of carbon tetrachloride.	*****	K043: 2,6-Dichlorophenol waste from the production of 2,4-D.	*****
K017: Heavy ends (still bottoms) from the purification column in the production of epichlorohydrin.	*****	K044: Wastewater treatment sludges from the manufacturing and processing of explosives.	*****
K018: Heavy ends from the fractionation column in ethyl chloride production.	*****	K045: Spent carbon from the treatment of wastewater containing explosives.	*****
K019: Heavy ends from the distillation of ethylene dichloride in ethylene dichloride production.	*****	K046: Wastewater treatment sludges from the manufacturing, formulation and loading of lead-based initiating compounds.	*****
K020: Heavy ends from the distillation of vinyl chloride in vinyl chloride monomer production.	*****	K047: Pink/red water from TNT operations.	*****
K021: Aqueous spent antimony catalyst waste from fluoromethanes production.	*****	K048: Dissolved air flotation (DAF) float from the petroleum refining industry.	*****
K022: Distillation bottom tars from the production of phenol/acetone from cumene.	*****	K049: Slop oil emulsion solids from the petroleum refining industry.	*****
K023: Distillation light ends from the production of phthalic anhydride from naphthalene.	*****	K050: Heat exchanger bundle cleaning sludge from the petroleum refining industry.	*****
K024: Distillation bottoms from the production of phthalic anhydride from naphthalene.	*****	K051: API separator sludge from the petroleum refining industry.	*****
K025: Distillation bottoms from the production of nitrobenzene by the nitration of benzene.	*****	K052: Tank bottoms (leaded) from the petroleum refining industry.	*****
K026: Stripping still tails from the production of methyl ethyl pyridines.	*****	K060: Ammonia still lime sludge from coking operations.	*****
K027: Centrifuge and distillation residues from toluene diisocyanate production.	*****	K061: Emission control dust/sludge from the primary production of steel in electric furnaces.	*****
K028: Spent catalyst from the hydrochlorinator reactor in the production of 1,1,1-trichloroethane.	*****	K062: Spent pickle liquor generated by steel finishing operations of facilities within the iron and steel industry (SIC Codes 331 and 332, NAICS Codes 3311, 3312 and 33151).	*****
K029: Waste from the product steam stripper in the production of 1,1,1-trichloroethane.	*****	K064: Acid plant blowdown slurry/sludge resulting from thickening of blowdown slurry from primary copper production.	*****
K030: Column bottoms or heavy ends from the combined production of trichloroethylene and perchloroethylene.	*****	K065: Surface impoundment solids contained in and dredged from surface impoundments at primary lead smelting facilities.	*****
K031: By-product salts generated in the production of MSMA and cacodylic acid.	*****	K066: Sludge from treatment of process wastewater and/or acid plant blowdown from primary zinc production.	*****
K032: Wastewater treatment sludge from the production of chlordane.	*****	K069: Emission control dust/sludge from secondary lead smelting.	*****
K033: Wastewater and scrub water from the chlorination of cyclopentadiene in the production of chlordane.	*****	K071: Brine purification muds from the mercury cell process in chlorine production, where separately prepurified brine is not used.	*****
K034: Filter solids from the filtration of hexachlorocyclopentadiene in the production of chlordane.	*****	K073: Chlorinated hydrocarbon waste from the purification step of the diaphragm cell process using graphite anodes in chlorine production.	*****

<u>Name</u>	<u>CAS Number</u>	<u>Name</u>	<u>CAS Number</u>
K083: Distillation bottoms from aniline extraction.	*****	K108: Condensed column overheads from product separation and condensed reactor vent gases from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides	*****
K084: Wastewater treatment sludges generated during the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.	*****	K109: Spent filter cartridges from product purification from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.	*****
K085: Distillation or fractionation column bottoms from the production of chlorobenzenes.	*****	K110: Condensed column overheads from intermediate separation from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.	*****
K086: Solvent washes and sludges, caustic washes and sludges, or water washes and sludges from cleaning tubs and equipment used in the formulation of ink from pigments, driers, soaps, and stabilizers containing chromium and lead.	*****	K111: Product washwaters from the production of dinitrotoluene via nitration of toluene.	*****
K087: Decanter tank tar sludge from coking operations.	*****	K112: Reaction by-product water from the drying column in the production of toluenediamine via hydrogenation of dinitrotoluene.	*****
K088: Spent potliners from primary aluminum reduction.	*****	K113: Condensed liquid light ends from the purification of toluenediamine in the production of dinitrotoluene	*****
K090: Emission control dust or sludge from ferrochromiumsilicon production.	*****	K114: Vicinals from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.	*****
K091: Emission control dust or sludge from ferrochromium production.	*****	K115: Heavy ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.	*****
K093: Distillation light ends from the production of phthalic anhydride from ortho-xylene.	*****	K116: Organic condensate from the solvent recovery column in the production of toluene diisocyanate via phosgenation of toluenediamine.	*****
K094: Distillation bottoms from the production of phthalic anhydride from ortho-xylene.	*****	K117: Wastewater from the reactor vent gas scrubber in the production of ethylene bromide via bromination of ethene.	*****
K095: Distillation bottoms from the production of 1,1,1-trichloroethane.	*****	K118: Spent absorbent solids from purification of ethylene dibromide in the production of ethylene dibromide.	*****
K096: Heavy ends from the heavy ends column from the production of 1,1,1-trichloroethane.	*****	K123: Process wastewater (including supernates, filtrates, and washwaters) from the production of ethylenebisdithiocarbamic acid and its salts.	*****
K097: Vacuum stripper discharge from the chlordane chlorinator in the production of chlordane.	*****	K124: Reactor vent scrubber water from the production of ethylenebisdithiocarbamic acid and its salts.	*****
K098: Untreated process wastewater from the production of toxaphene.	*****	K125: Filtration, evaporation, and centrifugation solids from the production of ethylenebisdithiocarbamic acid and its salts.	*****
K099: Untreated wastewater from the production of 2,4-D.	*****	K126: Baghouse dust and floor sweepings in milling and packaging operations from the production or formulation of ethylenebisdithiocarbamic acid and its salts.	*****
K100: Waste leaching solution from acid leaching of emission control dust/sludge from secondary lead smelting.	*****	K131: Wastewater from the reactor and spent sulfuric acid from the acid dryer in the production of methyl bromide.	*****
K101: Distillation tar residues from the distillation of aniline-based compounds in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.	*****	K132: Spent absorbent and wastewater solids from the production of methyl bromide.	*****
K102: Residue from the use of activated carbon for decolorization in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.	*****	K136: Still bottoms from the purification of ethylene bromide in the production of ethylene dibromide via bromination of ethene.	*****
K103: Process residues from aniline extraction from the production of aniline.	*****		
K104: Combined wastewater streams generated from nitrobenzene/aniline production.	*****		
K105: Separated aqueous stream from the reactor product washing step in the production of chlorobenzenes.	*****		
K106: Wastewater treatment sludge from the mercury cell process in chlorine production.	*****		
K107: Column bottoms from product separation from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazines.	*****		

<u>Name</u>	<u>CAS Number</u>	<u>Name</u>	<u>CAS Number</u>
K141: Process residues from the recovery of coal tar, including, but not limited to, tar collecting sump residues from the production of coke from coal or the recovery of coke by-products produced from coal. This listing does not include K087 (decanter tank tar sludge from coking operations.)	*****	K172: Spent hydrorefining catalyst from petroleum refining operations. (This listing does not include inert support media.)	*****
K142: Tar storage tank residues from the production of coke from coal or from the recovery of coke by-products produced from coal.	*****	Kepone	143-50-0
K143: Process residues from the recovery of light oil, including, but not limited to, those generated in stills, decanters, and wash oil recovery units from the recovery of coke by-products produced from coal.	*****	Lactofen	77501-63-4
K144: Wastewater treatment sludges from light oil refining, including, but not limited to, intercepting or contamination sump sludges from the recovery of coke by-products from coal.	*****	Lactonitrile	78-97-7
K145: Residues from naphthalene collection and recovery operations from the recovery of coke by-products produced from coal.	*****	Lasiocarpine	303-34-4
K147: Tar storage tank residues from coal tar refining.	*****	Lead	7439-92-1
K148: Residues from coal tar distillation, including, but not limited to, still bottoms.	*****	Lead acetate	301-04-2
K156: Organic waste (including heavy ends, still bottoms, light ends, spent solvents, filtrates, and decantates) from the production of carbamates and carbamoyl oximes. (This listing does not apply to wastes generated from the manufacture of 3-iodo-2-propynyl n-butylcarbamate.)	*****	Lead arsenate	7784-40-9
K157: Wastewaters (including scrubber waters, condenser waters, washwaters, and separation waters) from the production of carbamates and carbamoyl oximes. (This listing does not apply to wastes generated from the manufacture of 3-iodo-2-propynyl n-butylcarbamate.)	*****	Lead arsenate, unspecified	10102-48-4
K158: Bag house dusts and filter/separation solids from the production of carbamates and carbamoyl oximes. (This listing does not apply to wastes generated from the manufacture of 3-iodo-2-propynyl n-butylcarbamate.)	*****	Lead chloride	7645-25-2
K159: Organics from the treatment of thiocarbamate wastes.	*****	Lead compounds	7758-95-4
K161: Purification solids (including filtration, evaporation, and centrifugation solids), bag house dust, and floor sweepings from the production of dithiocarbamate acids and their salts. (This listing does not include K125 or K126).	*****	Lead fluoborate	*****
K169: Crude oil storage tank sediment from petroleum refining operations.	*****	Lead fluoride	13814-96-5
K170: Clarified slurry oil tank sediment and/or in-line filter/separation solids from petroleum refining operations.	*****	Lead iodide	7783-46-2
K171: Spent hydrotreating catalyst from petroleum operations. (This listing does not include inert support media.)	*****	Lead nitrate	10101-63-0
		Lead phosphate	10099-74-8
		Lead sulfate	7446-27-7
		Lead stearate	7428-48-0
		Lead stearate dibasic	52652-59-2
		Lead stearate (stearic acid, lead(2+) salt)	1072-35-1
		Lead subacetate	1335-32-6
		Lead sulfide	7446-14-2
		Lead sulfate	15739-80-7
		Lead sulfide	1314-87-0
		Lead thiocyanate	592-87-0
		Leptophos	21609-90-5
		Lewisite	541-25-3
		Lindane (concentrations above 20%)	58-89-9
		Linuron	330-55-2
		Lithium carbonate	554-13-2
		Lithium chromate	14307-35-8
		Lithium hydride	7580-67-8
		Malathion	121-75-5
		Maleic acid	110-16-7
		Maleic anhydride	108-31-6
		Maleic hydrazide	123-33-1
		Malononitrile	109-77-3
		Maneb	12427-38-2
		Manganese	7439-96-5
		Manganese compounds	*****
		Manganese dimethyldithiocarbamate	15339-36-3
		Mecoprop	93-65-2
		Melphalan	148-82-3
		Mephosfolan	950-10-7
		2-Mercaptobenzothiazole	149-30-4
		Mercaptodimethur	203-65-7
		Mercuric acetate	1600-27-7
		Mercuric chloride	7487-94-7
		Mercuric cyanide	592-04-1
		Mercuric nitrate	10045-94-0
		Mercuric oxide	21908-53-2
		Mercuric sulfate	7783-35-9
		Mercuric thiocyanate	592-85-8
		Mercurous nitrate	7782-86-7
			10415-75-5
		Mercury	7439-97-6
		Mercury compounds	*****
		Mercury fulminate	628-86-4
		Merphos	150-50-5
		Metaphosphoric acid, trisodium salt	7785-84-4
		Methacrolein diacetate	10476-95-6
		Methacrylic anhydride	760-93-0
		Methacryloyl chloride	920-46-7
		Methacryloyloxyethyl isocyanate	30674-80-7

Name	CAS Number	Name	CAS Number
Methamidophos	10265-92-6	Methylthiouracil	56-04-2
Metham sodium	137-42-8	Methyltrichlorosilane	75-79-6
Methane*	74-82-8	Methyl vinyl ketone	78-94-4
Methanesulfonyl fluoride	558-25-8	2-Methyl-5-vinylpyridine	140-76-1
Methanol	67-56-1	Metiram	9006-42-2
Methapyrilene	91-80-5	Metolcarb	1129-41-5
Methazole	20354-26-1	Metribuzin	21087-64-9
Methidathion	950-37-8	Mevinphos	7786-34-7
Methiocarb (concentrations above 2%)	2032-65-7	Mexacarbate (concentrations above 2%)	315-18-4
Methomyl	16752-77-5	Michler's ketone	90-94-8
Methoxone	94-74-6	Mirex	2385-85-5
Methoxone sodium salt	3653-48-3	Mitomycin C	50-07-7
Methoxychlor	72-43-5	Molinate	2212-67-1
2-Methoxyethanol	109-86-4	Molybdenum trioxide	1313-27-5
Methoxyethylmercuric acetate	151-38-2	Monocrotophos	6923-22-4
Methyl acrylate	96-33-3	Monuron	150-68-5
Methylacrylonitrile	126-98-7	Muscimol	2763-96-4
Methylamine	74-89-5	Mustard gas	505-60-2
Methyl bromide	74-83-9	Myclobutanil	88671-89-0
1-Methylbutadiene	504-60-9	Nabam	142-59-6
2-Methyl-1-butene*	563-46-2	Naled	300-76-5
3-Methyl-1-butene*	563-45-1	Naphthalene	91-20-3
Methyl chloride	74-87-3	1,5-Naphthalene diisocyanate	3173-72-6
Methyl 2-chloroacrylate	80-63-7	1,4-Naphthalenedione	130-15-4
Methyl chloroformate	79-22-1	Naphthenic acid	1338-24-5
3-Methylcholanthrene	56-49-5	1-Naphthylamine	134-32-7
5-Methylchrysene	3697-24-3	2-Naphthylamine	91-59-8
Methylcyclopentadienylmanganese tricarbonyl	12108-13-3	Nickel	7440-02-0
Methyl demeton (concentrations above 7%)	919-86-8	Nickel ammonium sulfate	15699-18-0
Methyl demeton methyl	2587-90-8	Nickel carbonyl	13463-39-3
4-Methyldiphenylmethane-3,4-diisocyanate	75790-84-0	Nickel chloride	37211-05-5
4,4'-Methylenebis(2-chloroaniline)	101-14-4	Nickel(II) chloride	7718-54-9
4,4'-Methylenebis(N,N-dimethyl)benzenamine	101-61-1	Nickel compounds	*****
1,1-Methylene bis(4-isocyanatocyclohexane)	5124-30-1	Nickel cyanide	557-19-7
Methylenebis(phenylisocyanate)	101-68-8	Nickel hydroxide	12054-48-7
Methylene bromide	74-95-3	Nickel nitrate	14216-75-2
Methylene chloride	75-09-2	Nickel sulfate	7786-81-4
4,4'-Methylenedianiline	101-77-9	Nicotine	54-11-5
Methyl ether*	115-10-6	Nicotine salts	*****
Methyl ethyl ketone	78-93-3	Nicotine sulfate	65-30-5
Methyl ethyl ketone peroxide	1338-23-4	Nitrapyrin	1929-82-4
3-(1-Methylethyl)phenol methylcarbamate	64-00-6	Nitrate compounds (water dissociable)	*****
Methyl formate*	107-31-3	Nitric acid	7697-37-2
Methyl hydrazine	60-34-4	Nitric oxide	10102-43-9
Methyl iodide	74-88-4	Nitrioltriacetic acid	139-13-9
Methyl isobutyl ketone	108-10-1	p-Nitroaniline	100-01-6
Methyl isocyanate	624-83-9	5-Nitro-o-anisidine	99-59-2
Methyl isothiocyanate	556-61-6	Nitrobenzene	98-95-3
Methyl mercaptan	74-93-1	4-Nitrobiphenyl	92-93-3
Methylmercuric dicyanamide	502-39-6	Nitrocyclohexane	1122-60-7
Methyl methacrylate	80-62-6	Nitrofen	1836-75-5
N-Methyl-N'-nitro-N-nitrosoguanidine	70-25-7	Nitrogen dioxide	10102-44-0
N-Methylolacrylamide	924-42-5	Nitrogen mustard	51-75-2
Methyl parathion	298-00-0	Nitrogen tetroxide	10544-72-6
Methyl phenkapton	3735-23-7	Nitroglycerin	55-63-0
(2-Methylphenyl)thiourea	614-78-8	Nitrophenol (mixed isomers)	25154-55-6
Methyl phosphonic dichloride	676-97-1	m-Nitrophenol	554-84-7
Methylphosphonothioic acid-O-ethyl O-(p-(methylthio)phenyl)ester	2703-13-1	o-Nitrophenol	88-75-5
Methylphosphonothioic acid-O-(4-nitrophenyl)-O-phenyl ester	2665-30-7	p-Nitrophenol	100-02-7
Methylpropene*	115-11-7	2-Nitropropane	79-46-9
N-Methyl-2-pyrrolidone	872-50-4	1-Nitropyrene	5522-43-0
Methyl tert-butyl ether	1634-04-4	4-Nitropyridine 1-oxide	1124-33-0
Methyl thiocyanate	556-64-9	Nitrosamines	*****
		N-Nitrosodi-n-butylamine	924-16-3
		N-Nitrosodiethanolamine	1116-54-7
		N-Nitrosodiethylamine	55-18-5

Name	CAS Number	Name	CAS Number
N-Nitrosodimethylamine	62-75-9	1,4-Phenylenediamine dihydrochloride	624-18-0
p-Nitrosodimethylaniline	138-89-6	1,3-Phenylene diisocyanate	123-61-5
N-Nitrosodiphenylamine	86-30-6	1,4-Phenylene diisocyanate	104-49-4
p-Nitrosodiphenylamine	156-10-5	Phenylhydrazine hydrochloride	59-88-1
N-Nitrosodi-n-propylamine	621-64-7	Phenylmercuric acetate	62-38-4
N-Nitroso-N-ethylurea	759-73-9	2-Phenylphenol	90-43-7
N-Nitroso-N-methylurea	684-93-5	Phenylsilatrane	2097-19-0
N-Nitroso-N-methylurethane	615-53-2	Phenylthiourea	103-85-5
N-Nitrosomethylvinylamine	4549-40-0	Phenytoin	57-41-0
N-Nitrosomorpholine	59-89-2	Phorate	298-02-2
N-Nitrosornicotine	16543-55-8	Phosacetim	4104-14-7
N-Nitrosopiperidine	100-75-4	Phosfolan	947-02-4
N-Nitrosopyrrolidine	930-55-2	Phosgene	75-44-5
Nitrotoluene (mixed isomers)	1321-12-6	Phosmet (concentrations above 20%)	732-11-6
m-Nitrotoluene	99-08-1	Phosphamidon	13171-21-6
o-Nitrotoluene	88-72-2	Phosphine	7803-51-2
p-Nitrotoluene	99-99-0	Phosphoric acid	7664-38-2
5-Nitro-o-toluidine	99-55-8	Phosphoric acid, dimethyl 4-(methylthio) phenyl ester	3254-63-5
Norbormide	991-42-4	Phosphoric acid, disodium salt, dodecahydrate	10039-32-4
Norflurazon	27314-13-2	Phosphoric acid, disodium salt, hydrate	10140-65-5
Octachloronaphthalene	2234-13-1	Phosphoric acid, trisodium salt, decahydrate	10361-89-4
Octachlorostyrene	29082-74-4	Phosphorus	7723-14-0
Octamethyl pyrophosphoramidate	152-16-9	Phosphorus oxychloride	10025-87-3
Organorhodium Complex (PMN-82-147)	*****	Phosphorus pentachloride	10026-13-8
Oryzalin	19044-88-3	Phosphorus pentasulfide	1314-80-3
Osmium tetroxide	20816-12-0	Phosphorus trichloride	7719-12-2
Ouabain	630-60-4	Phthalate esters	*****
Oxamyl	23135-22-0	Phthalic anhydride	85-44-9
10,10'-Oxybisphenoxarsine	58-36-6	Physostigmine	57-47-6
Oxydemeton methyl	301-12-2	Physostigmine salicylate (1:1)	57-64-7
Oxydiazon	19666-30-9	Picloram	1918-02-1
Oxydisulfoton	2497-07-6	2-Picoline	109-06-8
Oxyfluorfen	42874-03-3	Picrotoxin	124-87-8
Ozone	10028-15-6	Piperidine	110-89-4
Paraformaldehyde	30525-89-4	Piperonyl butoxide	51-03-6
Paraldehyde	123-63-7	Pirimifos-ethyl (concentrations above 20%)	23505-41-1
Paraquat	1910-42-5	Pirimiphos methyl	29232-93-7
Paraquat methosulfate	2074-50-2	Polybrominated biphenyls	*****
Parathion	56-38-2	Polychlorinated alkanes (C10 to C13)	*****
Pebulate	1114-71-2	Polychlorinated biphenyls (PCBs)	1336-36-3
Pendimethalin	40487-42-1	Polycyclical Organic Matter with more than one benzene ring and a boiling point greater than or equal to 100°C	*****
Pentaborane	19624-22-7	Polymeric diphenylmethane diisocyanate	9016-87-9
Pentachlorobenzene	608-93-5	Polynuclear aromatic hydrocarbons	*****
Pentachloroethane	76-01-7	Potassium arsenate	7784-41-0
Pentachloronitrobenzene	82-68-8	Potassium arsenite	10124-50-2
Pentachlorophenol (concentrations above 5%)	87-86-5	Potassium bichromate	778-50-9
Pentadecylamine	2570-26-5	Potassium bromate	7758-01-2
Pentane*	109-66-0	Potassium chromate	7789-00-6
iso-Pentane*	78-78-4	Potassium cyanide	151-50-8
Pentasodium triphosphate	7758-29-4	Potassium dimethyldithiocarbamate	128-03-0
1-Pentene*	109-67-1	Potassium hydroxide	1310-58-3
2-Pentene, (Z)-*	627-20-3	Potassium N-methyldithiocarbamate	137-41-7
2-Pentene, (E)-*	646-04-8	Potassium permanganate	7722-64-7
Pentobarbital sodium	57-33-0	Potassium silver cyanide	506-61-6
Perchloromethylmercaptan	594-42-3	Profenofos	41198-08-7
Permethrin	52645-53-1	Promecarb	2631-37-0
Peroxyacetic acid	79-21-0	Prometryn	7287-19-6
Phenacetin	62-44-2	Pronamide	23950-58-5
Phenanthrene	85-01-8	Propachlor	1918-16-7
Phenol	108-95-2	Propadiene*	463-49-0
Phenothrin	26002-80-2	2-Propanamine	75-31-0
p-Phenylenediamine	106-50-3	1-Propanamine	107-10-8
1,2-Phenylenediamine	95-54-5	Propane*	74-98-6
1,3-Phenylenediamine	108-45-2		
1,2-Phenylenediamine dihydrochloride	615-28-1		

Name	CAS Number	Name	CAS Number
1,3-Propane sultone	1120-71-4	Sodium dodecylbenzenesulfonate	25155-30-0
Propanil	709-98-8	Sodium fluoride	7681-49-4
Propargite	2312-35-8	Sodium fluoroacetate	62-74-8
Propargyl alcohol	107-19-7	Sodium hexametaphosphate	10124-56-8
Propargyl bromide	106-96-7	Sodium hydrosulfide	16721-80-5
Propetamphos	31218-83-4	Sodium hydroxide	1310-73-2
Propham	122-49-9	Sodium hypochlorite	7681-52-9
Propiconazole	60207-90-1	Sodium hypochlorite, pentahydrate	10022-70-5
beta-Propiolactone	57-57-8	Sodium methylate	124-41-4
Propionaldehyde	123-38-6	Sodium nitrite	7632-00-0
Propionic acid	79-09-4	Sodium pentachlorophenate	131-52-2
Propionic anhydride	123-62-6	Sodium o-phenylphenoxide	132-27-4
Propionitrile	107-12-0	Sodium phosphate dibasic	7558-79-4
Propoxur (concentrations above 2%)	114-26-1		10028-24-7
Propyl chloroformate	109-61-5	Sodium selenate	13410-01-0
Propylene*	115-07-1	Sodium selenite	7782-82-3
Propyleneimine	75-55-8		10102-18-8
Propylene oxide	75-56-9	Sodium tellurite	10102-20-2
Propyne*	74-99-7	Streptozotocin	18883-66-4
Prosulfocarb	52888-80-9	Strobane	8001-50-1
Prothoate	2275-18-5	Strontium chromate	7789-06-2
Pyrene	129-00-0	Strychnine	57-24-9
Pyrethrin I	121-21-1	Strychnine salts	*****
Pyrethrin II	121-29-9	Strychnine, sulfate	60-41-3
Pyrethrum	8003-34-7	Styrene	100-42-5
Pyridine	110-86-1	Styrene oxide	96-09-3
Pyriminil	53558-25-1	Sulfotep	3689-24-5
Quinoline	91-22-5	Sulfur chloride	12771-08-3
Quinone	106-51-4	Sulfur dioxide	7446-09-5
Quizalofop-ethyl	76578-14-8	Sulfuric acid	7664-93-9
Radionuclides	*****		8014-95-7
Reserpine	50-55-5	Sulfur tetrafluoride	7783-60-0
Resmethrin	10453-86-8	Sulfur trioxide	7446-11-9
Resorcinol	108-46-3	Sulfuryl fluoride	2699-79-8
Saccharin	81-07-2	Sulprofos	35400-43-2
Saccharin salts	*****	2,4,5-T amines	1319-72-8
Safrole	94-59-7		2008-46-0
Salcomine	14167-18-1		3813-14-7
Sarin	107-44-8		6369-96-6
Selenium	7782-49-2		6369-97-7
Selenium compounds	*****	2,4,5-T sodium salt	13560-99-1
Selenium dioxide	7446-08-4	Tabun	77-81-6
Selenium oxychloride	7791-23-3	Tebuthiuron	34014-18-1
Selenium sulfide	7488-56-4	Tellurium hexafluoride	7783-80-4
Selenous acid	7783-00-8	Temephos	3383-96-8
Semicarbazide hydrochloride	563-41-7	Terbacil	902-51-2
Sethoxydim	74051-80-2	Terbufos	13071-79-9
Silane*	7803-62-5	Tetrabromobisphenol A	79-94-7
Silver	7440-22-4	1,2,4,5-Tetrachlorobenzene	95-94-3
Silver compounds	*****	2,3,7,8-Tetrachlorodibenzo-p-dioxin (TCDD)	1746-01-6
Silver cyanide	506-64-9	1,1,1,2-Tetrachloroethane	630-20-6
Silver nitrate	7761-88-8	1,1,2,2-Tetrachloroethane	79-34-5
Silvex	93-72-1	Tetrachloroethylene	127-18-4
Simazine	122-34-9	1,1,1,2-Tetrachloro-2-fluoroethane (HCFC-121a)*	354-11-0
Sodium	7440-23-5	1,1,2,2-Tetrachloro-1-fluoroethane (HCFC-121)*	354-14-3
Sodium arsenate	7631-89-2	2,3,4,6-Tetrachlorophenol	58-90-2
Sodium arsenite	7784-46-5	Tetrachlorvinphos	961-11-5
Sodium azide (concentrations above 0.5%)	26628-22-8	Tetracycline hydrochloride	64-75-5
Sodium bichromate	10588-01-9	Tetraethyllead	78-00-2
Sodium bifluoride	1333-83-1	Tetraethylpyrophosphate (TEPP)	107-49-3
Sodium bisulfite	7631-90-5	Tetraethyltin	597-64-8
Sodium cacodylate	124-65-2	Tetrafluoroethylene*	116-14-3
Sodium chromate	7775-11-3	Tetrahydrofuran	109-99-9
Sodium cyanide	143-33-9	Tetramethrin	7696-12-0
Sodium dicamba	1982-69-0		
Sodium dimethyldithiocarbamate	128-04-1		

Name	CAS Number	Name	CAS Number
Tetramethyllead	75-74-1	2,3,6-Trichlorophenol	933-75-5
Tetramethylsilane*	75-76-3	2,4,5-Trichlorophenol	95-95-4
Tetranitromethane	509-14-8	2,4,6-Trichlorophenol	88-06-2
Thallic oxide	1314-32-5	3,4,5-Trichlorophenol	609-19-8
Thallium	7440-28-0	2,4,5-Trichlorophenoxyacetic acid (2,4,5-T)	93-76-5
Thallium(I) acetate	563-68-8	2,4,5-Trichlorophenoxyacetic acid butyl ester	93-79-8
Thallium compounds	*****	2,4,5-Trichlorophenoxyacetic acid 2-butoxyethyl ester	2545-59-7
Thallium(I) nitrate	10102-45-1	2,4,5-Trichlorophenoxyacetic acid 2-ethylhexyl ester	1928-47-8
Thallium(I) selenide	12039-52-0	2,4,5-Trichlorophenoxyacetic acid isooctyl ester	25168-15-4
Thallium sulfate	10031-59-1	2,4,5-Trichlorophenoxyacetic acid 1-methylpropyl ester	61792-07-2
Thallos carbonate	6533-73-9	2-(2,4,5-Trichlorophenoxy)propanoic acid isooctyl ester	32534-95-5
Thallos chloride	7791-12-0	Trichlorophenylsilane	98-13-5
Thallos malonate	2757-18-8	1,2,3-Trichloropropane	96-18-4
Thallos sulfate	7446-18-6	Trichlorosilane	10025-78-2
Thiabendazole	148-79-8	Triclopyr triethylammonium salt	57213-69-1
Thioacetamide	62-55-5	Triethanolamine dodecylbenzene sulfonate	27323-41-7
Thiobencarb	28249-77-6	Triethoxysilane	998-30-1
2,2'-Thiobis(4-chloro-6-methyl)phenol	4418-66-0	Triethylamine	121-44-8
Thiocarbazine	2231-57-4	Trifluorochloethylene	79-38-9
4,4'-Thiodianiline	139-65-1	3-(Trifluoromethyl)benzenamine	98-16-8
Thiodicarb	59669-26-0	Trifluralin	1582-09-8
Thiofanox	39196-18-4	Triforine	26644-46-2
Thionazin	297-97-2	Trimethylamine	75-50-3
Thiophanate ethyl	23564-06-9	2,4,6-Trimethylaniline	88-05-1
Thiophanate methyl	23564-05-8	1,2,4-Trimethylbenzene	95-63-6
Thiosemicarbazide	79-19-6	Trimethylchlorosilane	75-77-4
Thiourea	62-56-6	2,2,4-Trimethylhexamethylene diisocyanate	16938-22-0
Thiram	137-26-8	2,4,4-Trimethylhexamethylene diisocyanate	15646-96-5
Thorium dioxide	1314-20-1	Trimethylolpropane phosphite	824-11-3
Titanium tetrachloride	7550-45-0	2,2,4-Trimethylpentane	540-84-1
o-Tolidine dihydrochloride	612-82-2	2,3,5-Trimethylphenyl methylcarbamate	2655-15-4
o-Tolidine dihydrofluoride	41766-75-0	Trimethyltin chloride	1066-45-1
Toluene	108-88-3	Trinitroanisole	606-35-9
Toluene diisocyanate (mixed isomers)	26471-62-5	1,3,5-Trinitrobenzene	99-35-4
Toluene-2,4-diisocyanate	584-84-9	Triphenyltin chloride	639-58-7
Toluene-2,6-diisocyanate	91-08-7	Triphenyltin hydroxide (conc. above 10%)	76-87-9
o-Toluidine	95-53-4	Tris(2-chloroethyl)amine	555-77-1
p-Toluidine	106-49-0	Tris(2,3-dibromopropyl) phosphate	126-72-7
o-Toluidine hydrochloride	636-21-5	Trisodium phosphate	7601-54-9
Toxaphene	8001-35-2	Trypan blue	72-57-1
Triadimefon	43121-43-3	Uracil mustard	66-75-1
Triallate	2303-17-5	Uranyl acetate	541-09-3
Triamiphos	1031-47-6	Uranyl nitrate	10102-06-4
Triaziquone	68-76-8	Urethane	36478-76-9
Triazofos	24017-47-8	Valinomycin	51-79-6
Tribasic sodium phosphate dodecahydrate	10101-89-0	Vanadium (except when contained in an alloy)	2001-95-8
Tribenuron methyl	101200-48-0	Vanadium compounds	7440-62-2
Tributyltin fluoride	1983-10-4	Vanadium pentoxide	*****
Tributyltin methacrylate	2155-70-6	Vanadium sulfate	1314-62-1
S,S,S-Tributyltrithiophosphate	78-48-8	Vinaclozolin	27774-13-6
Trichlorfon (concentrations above 15%)	52-68-6	Vinyl acetate	50471-44-8
Trichloroacetaldehyde	75-87-6	Vinyl acetylene*	108-05-4
Trichloroacetyl chloride	76-02-8	Vinyl bromide	689-97-4
1,2,4-Trichlorobenzene	120-82-1	Vinyl chloride*	593-60-2
Trichloro(chloromethyl)silane	1558-25-4	Vinyl ethyl ether*	75-01-4
Trichloro(dichlorophenyl)silane	27137-85-5	Vinyl fluoride*	109-92-2
1,1,1-Trichloroethane	71-55-6	Vinylidene chloride*	75-02-5
1,1,2-Trichloroethane	79-00-5	Vinylidene fluoride*	75-35-4
Trichloroethylene	79-01-6	Vinyl methyl ether*	75-38-7
Trichloroethylsilane	115-21-9		107-25-5
Trichlorofluoromethane (CFC-11)*	76-69-4		
Trichlorofluoromethane (CFC-11)	75-69-4		
Trichloronate	327-98-0		
Trichlorophenol	25167-82-2		
2,3,4-Trichlorophenol	15950-66-0		
2,3,5-Trichlorophenol	933-78-8		

Name	CAS Number	CAS Number	Name
Warfarin (concentrations above 3%)	81-81-2	*****	Ethylenebisdithiocarbamic acid, salts and esters
Warfarin salts (concentrations above 3%)	*****		
Warfarin sodium	129-06-6	*****	F001: The following spent halogenated solvents used in degreasing; all spent solvent mixtures/blends used in degreasing containing, before use, a total of ten percent or more (by volume) of one or more of the above halogenated solvents or those listed in F002, F004, and F005; and still bottoms from the recovery of these spent solvents and spent solvent mixtures: (a) tetrachloroethylene; (b) trichloroethylene; (c) methylene chloride; (d) 1,1,1-trichloroethane; (e) carbon tetrachloride; (f) chlorinated fluorocarbons
Xylene (mixed isomers)	1330-20-7		
m-Xylene	108-38-3		
o-Xylene	95-47-6		
p-Xylene	106-42-3		
Xylenol	1300-71-6		
2,6-Xylydine	87-62-7		
Xylylene dichloride	28347-13-9		
Zinc (fume or dust)	7440-66-6		
Zinc acetate	557-34-6		
Zinc ammonium chloride (Zn.Cl4.2H4-N)	14639-97-5		
Zinc ammonium chloride (Zn.Cl5.3H4-N)	14639-98-6		
Zinc ammonium chloride	52628-25-8		
Zinc borate	1332-07-6	*****	F002: The following spent halogenated solvents; all spent solvent mixtures/blends containing, before use, a total of ten percent or more (by volume) of one or more of the above halogenated solvents or those listed in F001, F004, or F005; and still bottoms from the recovery of these spent solvents and spent solvent mixtures: (a) tetrachloroethylene; (b) methylene chloride; (c) trichloroethylene; (d) 1,1,1-trichloroethane; (e) chlorobenzene; (f) 1,1,2-trichloro-1,2,2-trifluoroethane; (g) o-dichlorobenzene; (h) trichlorofluoromethane; (i) 1,1,2-trichloroethane
Zinc bromide	7699-45-8		
Zinc carbonate	3486-35-9		
Zinc chloride	7646-85-7		
Zinc compounds	*****		
Zinc cyanide	557-21-1		
Zinc fluoride	7783-49-5		
Zinc formate	557-41-5		
Zinc hydrosulfite	7779-86-4		
Zinc nitrate	7779-88-6		
Zinc phenolsulfonate	127-82-2		
Zinc phosphide (concentrations greater than 10%)	1314-84-7		
Zinc silicofluoride	16871-71-9		
Zinc sulfate	7733-02-0		
Zineb	12122-67-7	*****	F003: The following spent non-halogenated solvents and the still bottoms from the recovery of these solvents: (a) xylene; (b) acetone; (c) ethyl acetate; (d) ethylbenzene; (e) ethyl ether; (f) methyl isobutyl ketone; (g) n-butyl alcohol; (h) cyclohexanone; (i) methanol
Ziram	137-30-4		
Zirconium nitrate	13746-89-9		
Zirconium potassium fluoride	16923-95-8		
Zirconium sulfate	14644-61-2		
Zirconium tetrachloride	10026-11-6		

## LIST OF HAZARDOUS SUBSTANCES

(Listed by CAS Number)

CAS Number	Name
*****	Antimony compounds
*****	Arsenic compounds
*****	Barium compounds (except Barium sulfate)
*****	Beryllium compounds
*****	Cadmium compounds
*****	Chlordane metabolites
*****	Chlorinated benzenes
*****	Chlorinated ethanes
*****	Chlorinated naphthalene
*****	Chlorinated phenols
*****	Chloroalkyl ethers
*****	Chlorophenols
*****	Chromium compounds
*****	Cobalt compounds
*****	Coke oven emissions
*****	Copper compounds
*****	Cyanide compounds
*****	DDT metabolites
*****	Dichloroethylenes (1,1-, and 1,2-Dichloroethylene)
*****	Dioxin and dioxin-like compounds
*****	Endosulfan metabolites
*****	Endrin metabolites
*****	F004: The following spent non-halogenated solvents and the still bottoms from the recovery of these solvents: (a) cresols/cresylic acid; (b) nitrobenzene
*****	F005: The following spent non-halogenated solvents and the still bottoms from the recovery of these solvents: (a) toluene; (b) methyl ethyl ketone; (c) carbon disulfide; (d) isobutanol; (e) pyridine
*****	F006: Wastewater treatment sludges from electroplating operations except from the following processes: (1) sulfuric acid anodizing of aluminum; (2) tin plating on carbon steel; (3) zinc plating (segregated basis) on carbon steel; (4) aluminum or zinc-aluminum plating on carbon steel; (5) cleaning/stripping associated with tin, zinc and aluminum plating on carbon steel; and (6) chemical etching and milling of aluminum.
*****	F007: Spent cyanide plating bath solutions from electroplating operations.
*****	F008: Plating bath residues from the bottom of plating baths from electroplating operations where cyanides are used in the process.
*****	F009: Spent stripping and cleaning bath solutions from electroplating operations where cyanides are used in the process.

<u>CAS Number</u>	<u>Name</u>	<u>CAS Number</u>	<u>Name</u>
*****	F010: Quenching bath residues from oil baths from metal heat treating operations where cyanides are used in the process.		lengths ranging from one to and including five, with varying amounts and positions of chlorine substitution.
*****	F011: Spent cyanide solution from salt bath pot cleaning from metal heat treating operations.	*****	F026: Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production of materials on equipment previously used for the manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of tetra-, penta-, or hexachlorobenzene under alkaline conditions.
*****	F012: Quenching wastewater treatment sludges from metal heat treating operations where cyanides are used in the process.		
*****	F019: Wastewater treatment sludges from the chemical conversion coating of aluminum except from zirconium phosphating in aluminum can washing when such phosphating is an exclusive conversion coating process.	*****	F027: Discarded unused formulations containing tri-, tetra-, or pentachlorophenol or discarded unused formulations containing compounds derived from these chlorophenols. (This listing does not include formulations containing hexachlorophene synthesized from prepurified 2,4,5-trichlorophenol as the sole component.)
*****	F020: Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production or manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of tri- or tetrachlorophenol, or of intermediates used to produce their pesticide derivatives. (This listing does not include wastes from the production of hexachlorophene from highly purified 2,4,5-trichlorophenol.)	*****	F028: Residues resulting from the incineration or thermal treatment of soil contaminated with EPA Hazardous Waste Nos. F020, F021, F022, F023, F026, and F027.
*****	F021: Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production or manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of pentachlorophenol, or of intermediates used to produce its derivatives.	*****	F032: Wastewaters (except those that have not come into contact with process contaminants), process residuals, preservative drip-page, and spent formulations from wood preserving processes generated at plants that currently use or have previously used chlorophenolic formulations (except potentially cross-contaminated wastes that have had the F032 waste code deleted in accordance with 40 CFR 261.35 or potentially cross-contaminated wastes that are otherwise currently regulated as hazardous wastes (i.e. F034 or F035), and where the generator does not resume or initiate the use of chlorophenolic formulations). This listing does not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use creosote and/or pentachlorophenol.
*****	F022: Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of tetra-, penta-, or hexachlorobenzenes under alkaline conditions.		
*****	F023: Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production of materials on equipment previously used for the production or manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of tri- and tetrachlorophenols. (This listing does not include wastes from equipment used only for the production or use of hexachlorophene from highly purified 2,4,5-trichlorophenol.)	*****	F034: Wastewaters (except those that have not come into contact with the process contaminants), process residuals, preservative drip-page, and spent formulations from wood preserving processes generated at plants that use creosote formulations. This listing does not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use creosote and/or pentachlorophenol.
*****	F024: Wastes, including but not limited to, distillation residues, heavy ends, tars, and reactor cleanout wastes, from the production of chlorinated aliphatic hydrocarbons, having carbon content from one to five, utilizing free radical catalyzed processes. (This listing does not include light ends, spent filters and filter aids, spent desiccants(sic), wastewater, wastewater treatment sludges, spent catalysts, and wastes listed in 40 CFR 261.32.)	*****	F035: Wastewaters (except those that have not come into contact with process contaminants), process residuals, preservative drip-page, and spent formulations from wood preserving processes generated at plants that use inorganic preservatives containing arsenic or chromium. This listing does not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use creosote and/or pentachlorophenol.
*****	F025: Condensed light ends, spent filters and filter aids, and spent desiccant wastes from the production of certain chlorinated aliphatic hydrocarbons, by free radical catalyzed processes. These chlorinated aliphatic hydrocarbons are those having carbon chain	*****	F037: Petroleum refinery primary oil/water/solids separation sludge—Any sludge generated from the gravitational separation

<u>CAS Number</u>	<u>Name</u>	<u>CAS Number</u>	<u>Name</u>
	of oil/water/solids during the storage or treatment of process wastewaters and oily cooling wastewaters from petroleum refineries. Such sludges include, but are not limited to, those generated in: oil/water/solids separators; tanks and impoundments; ditches and other conveyances; sumps; and stormwater units receiving dry weather flow. Sludge generated in stormwater units that do not receive dry weather flow, sludges generated from non-contact once-through cooling waters segregated for treatment from other process or oily cooling waters, sludges generated in aggressive biological treatment units as defined in 40 CFR § 261.31(b)(2) (including sludges generated in one or more additional units after wastewaters have been treated in aggressive biological treatment units) and K051 wastes are not included in this listing.	*****	K007: Wastewater treatment sludge from the production of iron blue pigments.
*****	F038: Petroleum refinery secondary (emulsified) oil/water/solids separation sludge—Any sludge and/or float generated from the physical and/or chemical separation of oil/water/solids in process wastewaters and oily cooling wastewaters from petroleum refineries. Such wastes include, but are not limited to, all sludges and floats generated in: induced air flotation (IAF) units, tanks and impoundments, and all sludges generated in dissolved air flotation (DAF) units. Sludges generated in stormwater units that do not receive dry weather flow, sludges generated from once-through non-contact cooling waters segregated for treatment from other process or oil cooling wastes, sludges and floats generated in aggressive biological treatment units as defined in 40 CFR § 261.31(b)(2) (including sludges and floats generated in one or more additional units after wastewaters have been treated in aggressive biological treatment units) and F037, K048, and K051 wastes are not included in this listing.	*****	K008: Oven residue from the production of chrome oxide green pigments.
*****	Fine mineral fibers of average diameter 1 micrometer or less	*****	K009: Distillation bottoms from the production of acetaldehyde from ethylene.
*****	Glycol ethers	*****	K010: Distillation side cuts from the production of acetaldehyde from ethylene.
*****	Haloethers	*****	K011: Bottom stream from the wastewater stripper in the production of acrylonitrile.
*****	Halomethanes	*****	K013: Bottom stream from the acetonitrile column in the production of acrylonitrile.
*****	Heptachlor metabolites	*****	K014: Bottoms from the acetonitrile purification column in the production of acrylonitrile.
*****	K001: Bottom sediment sludge from the treatment of wastewaters from wood preserving processes that use creosote and/or pentachlorophenol.	*****	K015: Still bottoms from the distillation of benzyl chloride.
*****	K002: Wastewater treatment sludge from the production of chrome yellow and orange pigments.	*****	K016: Heavy ends or distillation residues from the production of carbon tetrachloride.
*****	K003: Wastewater treatment sludge from the production of molybdate orange pigments.	*****	K017: Heavy ends (still bottoms) from the purification column in the production of epichlorohydrin.
*****	K004: Wastewater treatment sludge from the production of zinc yellow pigments.	*****	K018: Heavy ends from the fractionation column in ethyl chloride production.
*****	K005: Wastewater treatment sludge from the production of chrome green pigments.	*****	K019: Heavy ends from the distillation of ethylene dichloride in ethylene dichloride production.
*****	K006: Wastewater treatment sludge from the production of chrome oxide green pigments (anhydrous and hydrated).	*****	K020: Heavy ends from the distillation of vinyl chloride in vinyl chloride monomer production.
		*****	K021: Aqueous spent antimony catalyst waste from fluoromethanes production.
		*****	K022: Distillation bottom tars from the production of phenol/acetone from cumene.
		*****	K023: Distillation light ends from the production of phthalic anhydride from naphthalene.
		*****	K024: Distillation bottoms from the production of phthalic anhydride from naphthalene.
		*****	K025: Distillation bottoms from the production of nitrobenzene by the nitration of benzene.
		*****	K026: Stripping still tails from the production of methyl ethyl pyridines.
		*****	K027: Centrifuge and distillation residues from toluene diisocyanate production.
		*****	K028: Spent catalyst from the hydrochlorinator reactor in the production of 1,1,1-trichloroethane.
		*****	K029: Waste from the product steam stripper in the production of 1,1,1-trichloroethane.
		*****	K030: Column bottoms or heavy ends from the combined production of trichloroethylene and perchloroethylene.
		*****	K031: By-product salts generated in the production of MSMA and cacodylic acid.
		*****	K032: Wastewater treatment sludge from the production of chlordane.
		*****	K033: Wastewater and scrub water from the chlorination of cyclopentadiene in the production of chlordane.
		*****	K034: Filter solids from the filtration of hexachlorocyclopentadiene in the production of chlordane.

<u>CAS Number</u>	<u>Name</u>	<u>CAS Number</u>	<u>Name</u>
*****	K035: Wastewater treatment sludges generated in the production of creosote.	*****	K083: Distillation bottoms from aniline extraction.
*****	K036: Still bottoms from toluene reclamation distillation in the production of disulfoton.	*****	K084: Wastewater treatment sludges generated during the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.
*****	K037: Wastewater treatment sludges from the production of disulfoton.	*****	K085: Distillation or fractionation column bottoms from the production of chlorobenzenes.
*****	K038: Wastewater from the washing and stripping of phosphate production.	*****	K086: Solvent washes and sludges, caustic washes and sludges, or water washes and sludges from cleaning tubs and equipment used in the formulation of ink from pigments, driers, soaps, and stabilizers containing chromium and lead.
*****	K039: Filter cake from the filtration of diethylphosphorodithioic acid in the production of phosphate.	*****	K087: Decanter tank tar sludge from coking operations.
*****	K040: Wastewater treatment sludge from the production of phosphate.	*****	K088: Spent potliners from primary aluminum reduction.
*****	K041: Wastewater treatment sludge from the production of toxaphene.	*****	K090: Emission control dust or sludge from ferrochromium/silicon production.
*****	K042: Heavy ends or distillation residues from the distillation of tetrachlorobenzene in the production of 2,4,5-T.	*****	K091: Emission control dust or sludge from ferrochromium production.
*****	K043: 2,6-Dichlorophenol waste from the production of 2,4-D.	*****	K093: Distillation light ends from the production of phthalic anhydride from ortho-xylene.
*****	K044: Wastewater treatment sludges from the manufacturing and processing of explosives.	*****	K094: Distillation bottoms from the production of phthalic anhydride from ortho-xylene.
*****	K045: Spent carbon from the treatment of wastewater containing explosives.	*****	K095: Distillation bottoms from the production of 1,1,1-trichloroethane.
*****	K046: Wastewater treatment sludges from the manufacturing, formulation and loading of lead-based initiating compounds.	*****	K096: Heavy ends from the heavy ends column from the production of 1,1,1-trichloroethane.
*****	K047: Pink/red water from TNT operations.	*****	K097: Vacuum stripper discharge from the chlordane chlorinator in the production of chlordane.
*****	K048: Dissolved air flotation (DAF) float from the petroleum refining industry.	*****	K098: Untreated process wastewater from the production of toxaphene.
*****	K049: Slop oil emulsion solids from the petroleum refining industry.	*****	K099: Untreated wastewater from the production of 2,4-D.
*****	K050: Heat exchanger bundle cleaning sludge from the petroleum refining industry.	*****	K100: Waste leaching solution from acid leaching of emission control dust/sludge from secondary lead smelting.
*****	K051: API separator sludge from the petroleum refining industry.	*****	K101: Distillation tar residues from the distillation of aniline-based compounds in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.
*****	K052: Tank bottoms (leaded) from the petroleum refining industry.	*****	K102: Residue from the use of activated carbon for decolorization in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.
*****	K060: Ammonia still lime sludge from coking operations.	*****	K103: Process residues from aniline extraction from the production of aniline.
*****	K061: Emission control dust/sludge from the primary production of steel in electric furnaces.	*****	K104: Combined wastewater streams generated from nitrobenzene/aniline production.
*****	K062: Spent pickle liquor generated by steel finishing operations of facilities within the iron and steel industry (SIC Codes 331 and 332, NAICS Codes 3311, 3312 and 33151).	*****	K105: Separated aqueous stream from the reactor product washing step in the production of chlorobenzenes.
*****	K064: Acid plant blowdown slurry/sludge resulting from thickening of blowdown slurry from primary copper production.	*****	K106: Wastewater treatment sludge from the mercury cell process in chlorine production.
*****	K065: Surface impoundment solids contained in and dredged from surface impoundments at primary lead smelting facilities.	*****	K107: Column bottoms from product separation from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazines.
*****	K066: Sludge from treatment of process wastewater and/or acid plant blowdown from primary zinc production.		
*****	K069: Emission control dust/sludge from secondary lead smelting.		
*****	K071: Brine purification muds from the mercury cell process in chlorine production, where separately prepurified brine is not used.		
*****	K073: Chlorinated hydrocarbon waste from the purification step of the diaphragm cell process using graphite anodes in chlorine production.		

<u>CAS Number</u>	<u>Name</u>	<u>CAS Number</u>	<u>Name</u>
*****	K108: Condensed column overheads from product separation and condensed reactor vent gases from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.	*****	production or formulation of ethylenedisithiocarbamic acid and its salts.
*****	K109: Spent filter cartridges from product purification from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.	*****	K131: Wastewater from the reactor and spent sulfuric acid from the acid dryer in the production of methyl bromide.
*****	K110: Condensed column overheads from intermediate separation from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.	*****	K132: Spent absorbent and wastewater solids from the production of methyl bromide.
*****	K111: Product washwaters from the production of dinitrotoluene via nitration of toluene.	*****	K136: Still bottoms from the purification of ethylene bromide in the production of ethylene dibromide via bromination of ethene.
*****	K112: Reaction by-product water from the drying column in the production of toluenediamine via hydrogenation of dinitrotoluene.	*****	K141: Process residues from the recovery of coal tar, including, but not limited to, tar collecting sump residues from the production of coke from coal or the recovery of coke by-products produced from coal. This listing does not include K087 (decanter tank tar sludge from coking operations.)
*****	K113: Condensed liquid light ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.	*****	K142: Tar storage tank residues from the production of coke from coal or from the recovery of coke by-products produced from coal.
*****	K114: Vicinals from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.	*****	K143: Process residues from the recovery of light oil, including, but not limited to, those generated in stills, decanters, and wash oil recovery units from the recovery of coke by-products produced from coal.
*****	K115: Heavy ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.	*****	K144: Wastewater treatment sludges from light oil refining, including, but not limited to, intercepting or contamination sump sludges from the recovery of coke by-products from coal.
*****	K116: Organic condensate from the solvent recovery column in the production of toluene diisocyanate via phosgenation of toluenediamine.	*****	K145: Residues from naphthalene collection and recovery operations from the recovery of coke by-products produced from coal.
*****	K117: Wastewater from the reactor vent gas scrubber in the production of ethylene bromide via bromination of ethene.	*****	K147: Tar storage tank residues from coal tar refining.
*****	K118: Spent absorbent solids from purification of ethylene dibromide in the production of ethylene dibromide.	*****	K148: Residues from coal tar distillation, including, but not limited to, still bottoms.
*****	K123: Process wastewater (including supernates, filtrates, and washwaters) from the production of ethylenedisithiocarbamic acid and its salts.	*****	K156: Organic waste (including heavy ends, still bottoms, light ends, spent solvents, filtrates, and decantates) from the production of carbamates and carbamoyl oximes. (This listing does not apply to wastes generated from the manufacture of 3-iodo-2-propynyl n-butylcarbamate.)
*****	K124: Reactor vent scrubber water from the production of ethylenedisithiocarbamic acid and its salts.	*****	K157: Wastewaters (including scrubber waters, condenser waters, washwaters, and separation waters) from the production of carbamates and carbamoyl oximes (This listing does not apply to wastes generated from the manufacture of 3-iodo-2-propynyl n-butylcarbamate.)
*****	K125: Filtration, evaporation, and centrifugation solids from the production of ethylenedisithiocarbamic acid and its salts.		
*****	K126: Baghouse dust and floor sweepings in milling and packaging operations from the		

<u>CAS Number</u>	<u>Name</u>	<u>CAS Number</u>	<u>Name</u>
*****	K158: Bag house dusts and filter/separation solids from the production of carbamates and carbamoyl oximes. (This listing does not apply to wastes generated from the manufacture of 3-iodo-2-propynyl n-butylcarbamate.)	53-96-3	2-Acetylaminofluorene
*****	K159: Organics from the treatment of thiocarbamate wastes.	54-11-5	Nicotine
*****	K161: Purification solids (including filtration, evaporation, and centrifugation solids), bag house dust, and floor sweepings from the production of dithiocarbamate acids and their salts (This listing does not include K125 or K126).	54-62-6	Aminopterin
*****	K169: Crude oil storage tank sediment from petroleum refining operations.	55-18-5	N-Nitrosodiethylamine
*****	K170: Clarified slurry oil tank sediment and/or in-line filter/separation solids from petroleum refining operations.	55-21-0	Benzamide
*****	K171: Spent hydrotreating catalyst from petroleum operations. (This listing does not include inert support media.)	55-38-9	Fenthion (conc. above 0.5%)
*****	K172: Spent hydrorefining catalyst from petroleum refining operations. (This listing does not include inert support media.)	55-63-0	Nitroglycerin
*****	Lead compounds	55-91-4	Isofluorophate
*****	Manganese compounds	56-04-2	Methylthiouracil
*****	Mercury compounds	56-23-5	Carbon tetrachloride
*****	Nickel compounds	56-25-7	Cantharidin
*****	Nicotine salts	56-38-2	Parathion
*****	Nitrate compounds (water dissociable)	56-49-5	3-Methylcholanthrene
*****	Nitrosamines	56-53-1	Diethylstilbestrol
*****	Organorhodium Complex (PMN-82-147)	56-55-3	Benzanthracene
*****	Phthalate esters	56-72-4	Coumaphos (concentrations above 5%)
*****	Polybrominated biphenyls	57-12-5	Cyanide
*****	Polychlorinated alkanes (C10 to C13)	57-14-7	1,1-Dimethylhydrazine
*****	Polycyclic Organic Matter with more than one benzene ring and a boiling point greater than or equal to 100°C	57-24-9	Strychnine
*****	Polynuclear aromatic hydrocarbons	57-33-0	Pentobarbital sodium
*****	Radionuclides	57-41-0	Phenytoin
*****	Saccharin salts	57-47-6	Physostigmine
*****	Selenium compounds	57-57-8	beta-Propiolactone
*****	Silver compounds	57-64-7	Physostigmine salicylate (1:1)
*****	Strychnine salts	57-74-9	Chlordane
*****	Thallium compounds	57-97-6	7,12-Dimethylbenzanthracene
*****	Vanadium compounds	58-36-6	10,10'-Oxybisphenoxarsine
*****	Warfarin salts (concentrations above 3%)	58-89-9	Lindane (concentrations above 20%)
*****	Zinc compounds	58-90-2	2,3,4,6-Tetrachlorophenol
50-00-0	Formaldehyde	59-50-7	4-Chloro-m-cresol
50-07-7	Mitomycin C	59-88-1	Phenylhydrazine hydrochloride
50-14-6	Ergocalciferol	59-89-2	N-Nitrosomorpholine
50-18-0	Cyclophosphamide	60-00-4	Ethylenediamine-tetraacetic acid (EDTA)
50-29-3	Dichlorodiphenyltrichloroethane (DDT)	60-09-3	4-Aminoazobenzene
50-32-8	Benzopyrene	60-11-7	4-Dimethylaminoazobenzene
50-55-5	Reserpine	60-29-7	Ethyl ether*
51-03-6	Piperonyl butoxide	60-34-4	Methyl hydrazine
51-21-8	Fluorouracil	60-35-5	Acetamide
51-28-5	2,4-Dinitrophenol	60-41-3	Strychnine, sulfate
51-43-4	Epinephrine	60-51-5	Dimethoate (concentrations above 25%)
51-75-2	Nitrogen mustard	60-57-1	Dieldrin
51-79-6	Urethane	61-82-5	Amitrole
51-83-2	Carbachol chloride	62-38-4	Phenylmercuric acetate
52-68-6	Trichlorfon (concentrations above 15%)	62-44-2	Phenacetin
52-85-7	Fampfur	62-50-0	Ethyl methanesulfonate
53-70-3	Dibenzanthracene	62-53-3	Aniline (and salts)
		62-55-5	Thioacetamide
		62-56-6	Thiourea
		62-73-7	Dichlorvos (concentrations above 3%)
		62-74-8	Sodium fluoroacetate
		62-75-9	N-Nitrosodimethylamine
		63-25-2	Carbaryl
		64-00-6	3-(1-Methylethyl)phenol methylcarbamate
		64-18-6	Formic acid
		64-19-7	Acetic acid
		64-67-5	Diethyl sulfate
		64-75-5	Tetracycline hydrochloride
		64-86-8	Colchicine
		65-30-5	Nicotine sulfate
		65-85-0	Benzoic acid
		66-75-1	Uracil mustard
		66-81-9	Cycloheximide
		67-56-1	Methanol
		67-63-0	Isopropyl alcohol
		67-64-1	Acetone
		67-66-3	Chloroform

CAS Number	Name	CAS Number	Name
67-72-1	Hexachloroethane	75-76-3	Tetramethylsilane*
68-12-2	N,N-Dimethylformamide	75-77-4	Trimethylchlorosilane
68-76-8	Triaziquone	75-78-5	Dimethyldichlorosilane
70-25-7	N-Methyl-N'-nitro-N-nitrosoguanidine	75-79-6	Methyltrichlorosilane
70-30-4	Hexachlorophene	75-86-5	Acetone cyanohydrin
70-69-9	p-Aminopropiophenone	75-87-6	Trichloroacetaldehyde
71-36-3	n-Butyl alcohol	75-88-7	2-Chloro-1,1,1-trifluoroethane (HCFC-133a)*
71-43-2	Benzene	75-99-0	2,2-Dichloropropionic acid
71-55-6	1,1,1-Trichloroethane	76-01-7	Pentachloroethane
71-63-6	Digitoxin	76-02-8	Trichloroacetyl chloride
72-20-8	Endrin	76-06-2	Chloropicrin
72-43-5	Methoxychlor	76-13-1	Freon 113
72-54-8	Dichlorodiphenyldichloroethane (DDD)	76-14-2	Dichlorotetrafluoroethane (CFC-114)*
72-55-9	1,1-Dichloro-2,2-bis(p-chlorophenyl)ethylene (DDE)	76-15-3	Chloropentafluoroethane (CFC-115)*
72-57-1	Trypan blue	76-44-8	Heptachlor
74-45-6	Chlorodifluoromethane (HCFC-22)*	76-87-9	Triphenyltin hydroxide (conc. above 10%)
74-82-8	Methane*	77-47-4	Hexachlorocyclopentadiene
74-83-9	Methyl bromide	77-73-6	Dicyclopentadiene
74-84-0	Ethane*	77-78-1	Dimethyl sulfate
74-85-1	Ethylene*	77-81-6	Tabun
74-86-2	Acetylene*	78-00-2	Tetraethyllead
74-87-3	Methyl chloride	78-34-2	Dioxathion
74-88-4	Methyl iodide	78-48-8	S,S,S-Tributyltrithiophosphate
74-89-5	Methylamine	78-53-5	Amiton
74-90-8	Hydrogen cyanide	78-59-1	Isophorone
74-93-1	Methyl mercaptan	78-71-7	3,3-Bis(chloromethyl)oxetane
74-95-3	Methylene bromide	78-78-4	iso-Pentane*
74-98-6	Propane*	78-79-5	Isoprene*
74-99-7	Propyne*	78-81-9	iso-Butylamine
75-00-3	Chloroethane	78-82-0	Isobutyronitrile
75-01-4	Vinyl chloride*	78-83-1	iso-Butyl alcohol
75-02-5	Vinyl fluoride*	78-84-2	iso-Butyraldehyde
75-04-7	Ethylamine	78-87-5	1,2-Dichloropropane
75-05-8	Acetonitrile	78-88-6	2,3-Dichloropropene
75-07-0	Acetaldehyde	78-92-2	sec-Butyl alcohol
75-08-1	Ethyl mercaptan	78-93-3	Methyl ethyl ketone
75-09-2	Methylene chloride	78-94-4	Methyl vinyl ketone
75-15-0	Carbon disulfide	78-97-7	Lactonitrile
75-19-4	Cyclopropane*	78-99-9	1,1-Dichloropropane
75-20-7	Calcium carbide	79-00-5	1,1,2-Trichloroethane
75-21-8	Ethylene oxide	79-01-6	Trichloroethylene
75-25-2	Bromoform	79-06-1	Acrylamide
75-27-4	Dichlorobromomethane	79-09-4	Propionic acid
75-28-5	iso-Butane*	79-10-7	Acrylic acid
75-29-6	Isopropyl chloride*	79-11-8	Chloroacetic acid
75-31-0	2-Propanamine	79-19-6	Thiosemicarbazide
75-34-3	1,1-Dichloroethane	79-21-0	Peroxyacetic acid
75-35-4	Vinylidene chloride*	79-22-1	Methyl chloroformate
75-36-5	Acetyl chloride	79-31-2	iso-Butyric acid
75-37-6	Difluoroethane	79-34-5	1,1,2,2-Tetrachloroethane
75-38-7	Vinylidene fluoride*	79-38-9	Trifluorochloethylene
75-43-4	Dichlorofluoromethane (HCFC-21)*	79-44-7	Dimethylcarbanyl chloride
75-44-5	Phosgene	79-46-9	2 Nitropropane
75-50-3	Trimethylamine	79-94-7	Tetrabromobisphenol A
75-55-8	Propyleneimine	80-05-7	Bisphenol A
75-56-9	Propylene oxide	80-15-9	Cumene hydroperoxide
75-60-5	Cacodylic acid	80-62-6	Methyl methacrylate
75-63-8	Bromotrifluoromethane (Halon 1301)*	80-63-7	Methyl 2-chloroacrylate
75-64-9	tert-Butylamine	81-07-2	Saccharin
75-65-0	tert-Butyl alcohol	81-81-2	Warfarin (concentrations above 3%)
75-68-3	1-Chloro-1,1-difluoroethane (HCFC-142b)*	81-88-9	C.I. Food Red 15
75-69-4	Trichlorofluoromethane (CFC-11)*	82-28-0	1-Amino-2-methylantraquinone
75-71-8	Dichlorodifluoromethane (CFC-12)*	82-66-6	Diphacinone (concentrations above 3%)
75-72-9	Chlorotrifluoromethane (CFC-13)*	82-68-8	Pentachloronitrobenzene
75-74-1	Tetramethyllead	83-32-9	Acenaphthene

CAS Number	Name	CAS Number	Name
84-66-2	Diethyl phthalate	96-33-3	Methyl acrylate
84-74-2	Dibutyl phthalate	96-45-7	2 Imidazolidinethione
85-00-7	Diquat bromide	97-23-4	Dichlorophene
85-01-8	Phenanthrene	97-56-3	C.I. Solvent Yellow 3
85-44-9	Phthalic anhydride	97-63-2	Ethyl methacrylate
85-68-7	Butyl benzyl phthalate	98-01-1	Furfural
86-30-6	N-Nitrosodiphenylamine	98-05-5	Benzearsonic acid
86-50-0	Azinphos-methyl	98-07-7	Benzotrichloride
86-73-7	Fluorene	98-09-9	Benzenesulfonyl chloride
86-88-4	ANTU (concentrations above 4%)	98-13-5	Trichlorophenylsilane
87-62-7	2,6 Xylidine	98-16-8	3-(Trifluoromethyl)benzenamine
87-65-0	2,6-Dichlorophenol	98-82-8	Cumene
87-68-3	Hexachlorobutadiene	98-86-2	Acetophenone
87-86-5	Pentachlorophenol (concentrations above 5%)	98-87-3	Benzal chloride
88-05-1	2,4,6-Trimethylaniline	98-88-4	Benzoyl chloride
88-06-2	2,4,6-Trichlorophenol	98-95-3	Nitrobenzene
88-72-2	o-Nitrotoluene	99-08-1	m-Nitrotoluene
88-75-5	o-Nitrophenol	99-30-9	Dichloran
88-85-7	Dinoseb	99-35-4	1,3,5-Trinitrobenzene
90-04-0	o-Anisidine	99-55-8	5-Nitro-o-toluidine
90-43-7	2-Phenylphenol	99-59-2	5-Nitro-o-anisidine
90-94-8	Michler's ketone	99-65-0	m-Dinitrobenzene
91-08-7	Toluene-2,6-diisocyanate	99-98-9	Dimethyl-p-phenylenediamine
91-20-3	Naphthalene	99-99-0	p-Nitrotoluene
91-22-5	Quinoline	100-01-6	p-Nitroaniline
91-58-7	2-Chloronaphthalene	100-02-7	p-Nitrophenol
91-59-8	2-Naphthylamine	100-14-1	1-Chloromethyl-4-nitrobenzene
91-66-7	N,N-Diethylaniline	100-25-4	p-Dinitrobenzene
91-80-5	Methapyrilene	100-41-4	Ethylbenzene
91-93-0	3,3'-Dimethoxybenzidine-4,4'-diisocyanate	100-42-5	Styrene
91-94-1	3,3'-Dichlorobenzidine	100-44-7	Benzyl chloride
91-97-4	3,3'-Dimethyl-4,4'-diphenylene diisocyanate	100-47-0	Benzonitrile
92-52-4	Biphenyl	100-75-4	N-Nitrosopiperidine
92-67-1	4-Aminobiphenyl	101-05-3	Anilazine
92-87-5	Benzidine	101-14-4	4,4'-Methylenebis(2-chloroaniline)
92-93-3	4-Nitrobiphenyl	101-27-9	Barban
93-65-2	Mecoprop	101-55-3	4-Bromophenyl phenyl ether
93-72-1	Silvex	101-61-1	4,4'-Methylenebis(N,N-dimethyl)benzenamine
93-76-5	2,4,5-Trichlorophenoxyacetic acid (2,4,5-T)	101-68-8	Methylenebis(phenylisocyanate)
93-79-8	2,4,5-Trichlorophenoxyacetic acid butyl ester	101-77-9	4,4'-Methylenedianiline
94-11-1	2,4-Dichlorophenoxyacetic acid isopropyl ester	101-80-4	4,4'-Diaminodiphenyl ether
94-36-0	Benzoyl peroxide	101-90-6	Diglycidyl resorcinol ether
94-58-6	Dihydrosafrole	102-36-3	Isocyanic acid, 3,4-dichlorophenyl ester
94-59-7	Safrole	103-85-5	Phenylthiourea
94-74-6	Methoxone	104-12-1	p-Chlorophenyl isocyanate
94-75-7	2,4-Dichlorophenoxyacetic acid (2,4-D) (concentrations above 20%)	104-49-4	1,4-Phenylene diisocyanate
94-79-1	2,4-Dichlorophenoxyacetic acid sec-butyl ester	104-94-9	p-Anisidine
94-80-4	2,4-Dichlorophenoxyacetic acid n-butyl ester	105-46-4	sec-Butyl acetate
94-82-6	4-(2,4 Dichlorophenoxy)butyric acid	105-67-9	2,4-Dimethylphenol
95-47-6	o-Xylene	106-42-3	p-Xylene
95-48-7	o-Cresol	106-44-5	p-Cresol
95-50-1	o-Dichlorobenzene	106-46-7	p-Dichlorobenzene
95-53-4	o-Toluidine	106-47-8	p-Chloroaniline
95-54-5	1,2-Phenylenediamine	106-49-0	p-Toluidine
95-57-8	o-Chlorophenol	106-50-3	p-Phenylenediamine
95-63-6	1,2,4-Trimethylbenzene	106-51-4	Quinone
95-69-2	p-Chloro-o-toluidine	106-88-7	1,2-Butylene oxide
95-80-7	2,4-Diaminotoluene	106-89-8	Epichlorohydrin
95-94-3	1,2,4,5-Tetrachlorobenzene	106-93-4	Ethylene dibromide*
95-95-4	2,4,5-Trichlorophenol	106-96-7	Propargyl bromide
96-09-3	Styrene oxide	106-97-8	Butane*
96-12-8	1,2-Dibromo-3-chloropropane	106-98-9	1-Butene*
96-18-4	1,2,3-Trichloropropane	106-99-0	1,3-Butadiene
		107-00-6	Ethyl acetylene*
		107-01-7	2-Butene*

<u>CAS Number</u>	<u>Name</u>	<u>CAS Number</u>	<u>Name</u>
107-02-8	Acrolein	115-07-1	Propylene*
107-05-1	Allyl chloride	115-10-6	Methyl ether*
107-06-2	Ethylene dichloride	115-11-7	Methylpropene*
107-07-3	Chloroethanol	115-21-9	Trichloroethylsilane
107-10-8	1-Propanamine	115-26-4	Dimefox
107-11-9	Allyl amine	115-28-6	Chlorendic acid
107-12-0	Propionitrile	115-29-7	Endosulfan
107-13-1	Acrylonitrile	115-32-2	Dicofol
107-15-3	Ethylenediamine	115-90-2	Fensulfothion
107-16-4	Formaldehyde cyanohydrin	116-06-3	Aldicarb
107-18-6	Allyl alcohol	116-14-3	Tetrafluoroethylene*
107-19-7	Propargyl alcohol	117-79-3	2-Aminoanthraquinone
107-20-0	Chloroacetaldehyde	117-80-6	Dichlone
107-21-1	Ethylene glycol	117-81-7	Di(2-ethylhexyl)phthalate (DEHP)
107-25-5	Vinyl methyl ether*	117-84-0	Di-n-octyl phthalate
107-30-2	Chloromethyl methyl ether	118-74-1	Hexachlorobenzene
107-31-3	Methyl formate*	119-38-0	Isopropylmethylpyrazolyl dimethylcarbamate
107-44-8	Sarin	119-90-4	3,3'-Dimethoxybenzidine
107-49-3	Tetraethylpyrophosphate (TEPP)	119-93-7	3,3'-Dimethylbenzidine
107-92-6	Butyric acid	120-12-7	Anthracene
108-05-4	Vinyl acetate	120-36-5	2-(2,4-Dichlorophenoxy)propionic acid
108-10-1	Methyl isobutyl ketone	120-58-1	Isosafrole
108-23-6	Isopropyl chloroformate	120-71-8	p-Cresidine
108-24-7	Acetic anhydride	120-80-9	Catechol
108-31-6	Maleic anhydride	120-82-1	1,2,4-Trichlorobenzene
108-38-3	m-Xylene	120-83-2	2,4-Dichlorophenol
108-39-4	m-Cresol	121-14-2	2,4-Dinitrotoluene
108-45-2	1,3-Phenylenediamine	121-21-1	Pyrethrin I
108-46-3	Resorcinol	121-29-9	Pyrethrin II
108-60-1	Bis(2-chloroisopropyl)ether	121-44-8	Triethylamine
108-88-3	Toluene	121-69-7	Dimethylaniline
108-90-7	Chlorobenzene	121-75-5	Malathion
108-91-8	Cyclohexylamine	122-09-8	alpha,alpha-Dimethylphenethylamine
108-93-0	Cyclohexanol	122-34-9	Simazine
108-94-1	Cyclohexanone	122-39-4	Diphenylamine
108-95-2	Phenol	122-49-9	Propham
108-98-5	Benzenethiol	122-66-7	1,2-Diphenylhydrazine
109-06-8	2-Picoline	123-31-9	Hydroquinone
109-61-5	Propyl chloroformate	123-33-1	Maleic hydrazide
109-66-0	Pentane*	123-38-6	Propionaldehyde
109-67-1	1-Pentene*	123-61-5	1,3-Phenylene diisocyanate
109-73-9	Butylamine	123-62-6	Propionic anhydride
109-77-3	Malononitrile	123-63-7	Paraldehyde
109-86-4	2-Methoxyethanol	123-72-8	Butyraldehyde
109-89-7	Diethylamine	123-73-9	Crotonaldehyde, (E)-
109-92-2	Vinyl ethyl ether*	123-86-4	n-Butyl acetate
109-95-5	Ethyl nitrite*	123-91-1	1,4-Dioxane
109-99-9	Tetrahydrofuran	123-92-2	iso-Amyl acetate
110-00-9	Furan	124-04-9	Adipic acid
110-16-7	Maleic acid	124-40-3	Dimethylamine
110-17-8	Fumaric acid	124-41-4	Sodium methylate
110-19-0	iso-Butyl acetate	124-48-1	Chlorodibromomethane
110-54-3	n-Hexane	124-65-2	Sodium cacodylate
110-57-6	trans-1,4-Dichlorobutene	124-73-2	Dibromotetrafluoroethane (Halon 2402)
110-75-8	2-Chloroethyl vinyl ether	124-87-8	Picrotoxin
110-80-5	2-Ethoxyethanol	126-72-7	Tris(2,3-dibromopropyl) phosphate
110-82-7	Cyclohexane	126-98-7	Methylacrylonitrile
110-86-1	Pyridine	126-99-8	Chloroprene
110-89-4	Piperidine	127-18-4	Tetrachloroethylene
111-42-2	Diethanolamine	127-82-2	Zinc phenolsulfonate
111-44-4	Dichloroethyl ether	128-03-0	Potassium dimethyldithiocarbamate
111-54-6	1,2-Ethanediyldisulfocarbamodithioic acid	128-04-1	Sodium dimethyldithiocarbamate
111-69-3	Adiponitrile	128-66-5	C.I. Vat Yellow 4
111-91-1	Bis(2-chloroethoxy) methane	129-00-0	Pyrene
114-26-1	Propoxur (concentrations above 2%)	129-06-6	Warfarin sodium
115-02-6	Azaserine	129-17-9	C.I. Acid Blue 1, sodium salt

CAS Number	Name	CAS Number	Name
130-15-4	1,4-Naphthalenedione	225-51-4	Benzacridine
131-11-3	Dimethyl phthalate	226-36-8	Dibenz(a,h)acridine
131-52-2	Sodium pentachlorophenate	297-78-9	Isobenzan
131-74-8	Ammonium picrate	297-97-2	Thionazin
131-89-5	2-Cyclohexyl-4,6-dinitrophenol	298-00-0	Methyl parathion
132-27-4	Sodium o-phenylphenoxide	298-02-2	Phorate
132-64-9	Dibenzofuran	298-04-4	Disulfoton (concentrations above 2%)
133-06-2	Captan	300-62-9	Amphetamine
133-07-3	Folpet	300-76-5	Naled
133-90-4	Chloramben	301-04-2	Lead acetate
134-29-2	o-Anisidine hydrochloride	301-12-2	Oxydemeton methyl
134-32-7	1-Naphthylamine	302-01-2	Hydrazine
135-20-6	Cupferron	303-34-4	Lasiocarpine
136-45-8	Dipropyl isocinchomeronate	305-03-3	Chlorambucil
137-26-8	Thiram	306-83-2	2,2-Dichloro-1,1,1-trifluoroethane (HCFC-123)*
137-30-4	Ziram		
137-41-7	Potassium N-methyldithiocarbamate	309-00-2	Aldrin
137-42-8	Metham sodium	311-45-5	Diethyl-p-nitrophenyl phosphate
138-89-6	p-Nitrosodimethylaniline	314-40-9	Bromacil
138-93-2	Disodium cyanodithioimidocarbonate	315-18-4	Mexacarbate (concentrations above 2%)
139-13-9	Nitrilotriacetic acid	316-42-7	Emetine dihydrochloride
139-25-3	3,3'-Dimethyldiphenylmethane-4,4'-diisocyanate	319-84-6	alpha-BHC
		319-85-7	beta-BHC
139-65-1	4,4'-Thiodianiline	319-86-8	delta-BHC
140-29-4	Benzyl cyanide	327-98-0	Trichloronate
140-76-1	2-Methyl-5-vinylpyridine	329-71-5	2,5-Dinitrophenol
140-88-5	Ethyl acrylate	330-54-1	Diuron
141-32-2	Butyl acrylate	330-55-2	Linuron
141-66-2	Dicrotophos	333-41-5	Diazinon (concentrations above 25%)
141-78-6	Ethyl acetate	334-88-3	Diazomethane
142-28-9	1,3-Dichloropropane	353-42-4	Boron trifluoride compound with methyl ether (1:1) (conc. above 0.0005%)
142-59-6	Nabam		
142-71-2	Cupric acetate	353-50-4	Carbonyl fluoride
142-84-7	Dipropylamine	353-59-3	Bromochlorodifluoromethane (Halon 1211)*
143-33-9	Sodium cyanide	354-11-0	1,1,1,2-Tetrachloro-2-fluoroethane (HCFC-121a)*
143-50-0	Kepone		
144-49-0	Fluoroacetic acid	354-14-3	1,1,2,2-Tetrachloro-1-fluoroethane (HCFC-121)*
145-73-3	Endothall		
148-79-8	Thiabendazole	354-23-4	1,2-Dichloro-1,1,2-trifluoroethane (HCFC-123a)*
148-82-3	Melphalan		
149-30-4	2-Mercaptobenzothiazole	354-25-6	1-Chloro-1,1,2,2-tetrafluoroethane (HCFC-124a)*
149-74-6	Dichloromethylphenylsilane		
150-50-5	Merphos	357-57-3	Brucine
150-68-5	Monuron	359-06-8	Fluoroacetyl chloride
151-38-2	Methoxyethylmercuric acetate	371-62-0	Ethylene fluorohydrin
151-50-8	Potassium cyanide	379-79-3	Ergotamine tartrate
151-56-4	Ethylenimine	422-44-6	1,2-Dichloro-1,1,2,3,3-pentafluoropropane (HCFC-225bb)*
152-16-9	Octamethyl pyrophosphoramidate		
156-10-5	p-Nitrosodiphenylamine	422-48-0	2,3-Dichloro-1,1,1,2,3-pentafluoropropane (HCFC-225ba)*
156-60-5	1,2-trans-Dichloroethylene		
156-62-7	Calcium cyanamide	422-56-0	3,3-Dichloro-1,1,1,2,2-pentafluoropropane (HCFC-225ca)*
189-55-9	Dibenzopyrene		
189-64-0	Dibenzo(a,h)pyrene	431-86-7	1,2-Dichloro-1,1,3,3,3-pentafluoropropane (HCFC-225da)*
191-24-2	Benzoperylene		
191-30-0	Dibenzo(a,l)pyrene	460-19-5	Cyanogen
192-65-4	Dibenzo(a,e)pyrene	460-35-5	3-Chloro-1,1,1-trifluoropropane (HCFC-253fb)*
193-39-5	Indeno(1,2,3-cd)pyrene		
194-59-2	7H-Dibenzo(c,g)carbazole	463-49-0	Propadiene*
203-65-7	Mercaptodimethur	463-58-1	Carbonyl sulfide
205-82-3	Benzo(j)fluoranthene	463-82-1	2,2-Dimethylpropane*
205-99-2	Benzo(b)fluoranthene	465-73-6	Isodrin
206-44-0	Fluoranthene	470-90-6	Chlorfenvinfos
207-08-9	Benzo(k)fluoranthene	492-80-8	Auramine
208-96-8	Acenaphthylene	494-03-1	Chlornaphazine
218-01-9	Chrysene	496-72-0	3,4-Diaminotoluene
224-42-0	Dibenz(a,j)acridine	502-39-6	Methylmercuric dicyanamide

CAS Number	Name	CAS Number	Name
504-24-5	4-Aminopyridine	592-87-0	Lead thiocyanate
504-60-9	1-Methylbutadiene	593-60-2	Vinyl bromide
505-60-2	Mustard gas	594-42-3	Perchloromethylmercaptan
506-61-6	Potassium silver cyanide	597-64-8	Tetraethyltin
506-64-9	Silver cyanide	598-31-2	Bromoacetone
506-68-3	Cyanogen bromide	598-73-2	Bromotrifluorethylene*
506-77-4	Cyanogen chloride	606-20-2	2,6-Dinitrotoluene
506-78-5	Cyanogen iodide	608-73-1	Hexachlorocyclohexane (mixed isomers)
506-87-6	Ammonium carbonate	608-93-5	Pentachlorobenzene
506-96-7	Acetyl bromide	609-19-8	3,4,5-Trichlorophenol
507-55-1	1,3-Dichloro-1,1,2,2,3-pentafluoropropane (HCFC-225cb)*	610-39-9	3,4-Dinitrotoluene
509-14-8	Tetranitromethane	612-82-2	o-Tolidine dihydrochloride
510-15-6	Chlorobenzilate	612-83-9	3,3'-Dichlorobenzidine dihydrochloride
513-49-5	sec-Butylamine	614-78-8	(2-Methylphenyl)thiourea
514-73-8	Dithiazanine iodide	615-05-4	2,4-Diaminoanisole
528-29-0	o-Dinitrobenzene	615-28-1	1,2-Phenylenediamine dihydrochloride
532-27-4	2-Chloroacetophenone	615-53-2	N-Nitroso-N-methylurethane
533-74-4	Dazomet	616-23-9	2,3-Dichloropropanol
534-07-6	Bis(chloromethyl) ketone	621-64-7	N-Nitrosodi-n-propylamine
535-89-7	Crimidine	624-18-0	1,4-Phenylenediamine dihydrochloride
538-07-8	Ethylbis(2-chloroethyl)amine	624-64-6	2-Butene-trans*
540-59-0	1,2-Dichloroethylene	624-83-9	Methyl isocyanate
540-73-8	1,2-Dimethylhydrazine	625-16-1	tert-Amyl acetate
540-84-1	2,2,4-Trimethylpentane	626-38-0	sec-Amyl acetate
540-88-5	tert-Butyl acetate	627-11-2	Chloroethyl chloroformate
541-09-3	Uranyl acetate	627-20-3	2-Pentene, (Z)-*
541-25-3	Lewisite	628-63-7	n-Amyl acetate
541-41-3	Ethyl chloroformate	628-86-4	Mercury fulminate
541-53-7	Dithiobiuret	630-10-4	Carbamimidoseleonic acid
541-73-1	m-Dichlorobenzene	630-20-6	1,1,1,2-Tetrachloroethane
542-62-1	Barium cyanide	630-60-4	Ouabain
542-75-6	1,3-Dichloropropene	631-61-8	Ammonium acetate
542-76-7	3-Chloropropionitrile	636-21-5	o-Toluidine hydrochloride
542-88-1	Bis(chloromethyl) ether	639-58-7	Triphenyltin chloride
542-90-5	Ethylthiocyanate	640-19-7	Fluoroacetamide
543-90-8	Cadmium acetate	644-64-4	Dimetilan
544-18-3	Cobaltous formate	646-04-8	2-Pentene, (E)-*
544-92-3	Copper cyanide	675-14-9	Cyanuric fluoride
554-13-2	Lithium carbonate	676-97-1	Methyl phosphonic dichloride
554-84-7	m-Nitrophenol	680-31-9	Hexamethylphosphoramide
555-77-1	Tris(2-chloroethyl)amine	684-93-5	N-Nitroso-N-methylurea
556-61-6	Methyl isothiocyanate	689-97-4	Vinyl acetylene*
556-64-9	Methyl thiocyanate	692-42-2	Diethylarsine
557-19-7	Nickel cyanide	696-28-6	Dichlorophenylarsine
557-21-1	Zinc cyanide	709-98-8	Propanil
557-34-6	Zinc acetate	732-11-6	Phosmet (concentrations above 20%)
557-41-5	Zinc formate	757-58-4	Hexaethyl tetraphosphate
557-98-2	2-Chloropropylene*	759-73-9	N-Nitroso-N-ethylurea
558-25-8	Methanesulfonyl fluoride	759-94-4	Ethyl dipropylthiocarbamate (EPTC)
563-12-2	Ethion (concentrations above 6% granular and 3% other formulations)	760-93-0	Methacrylic anhydride
563-41-7	Semicarbazide hydrochloride	764-41-0	1,4-Dichloro-2-butene
563-45-1	3-Methyl-1-butene*	765-34-4	Glycidylaldehyde
563-46-2	2-Methyl-1-butene*	786-19-6	Carbophenothion
563-47-3	3-Chloro-2-methyl-1-propene	812-04-4	1,1-Dichloro-1,2,2-trifluoroethane (HCFC-123b)*
563-68-8	Thallium(I) acetate	814-49-3	Diethyl chlorophosphate
569-64-2	C.I. Basic Green 4	814-68-6	Acrylyl chloride
573-56-8	2,6-Dinitrophenol	815-82-7	Cupric tartrate
584-84-9	Toluene-2,4-diisocyanate	822-06-0	Hexamethylene-1,6-diisocyanate
590-18-1	2-Butene-cis*	823-40-5	2,6-Diaminotoluene
590-21-6	1-Chloropropylene*	824-11-3	Trimethylolpropane phosphite
591-08-2	1-Acetyl-2-thiourea	834-12-8	Ametryn
592-01-8	Calcium cyanide	842-07-9	C.I. Solvent Yellow 14
592-04-1	Mercuric cyanide	872-50-4	N-Methyl-2-pyrrolidone
592-85-8	Mercuric thiocyanate	900-95-8	Acetoxytriphenylstannane
		919-86-8	Methyl demeton (concentrations above 7%)

CAS Number	Name	CAS Number	Name
920-46-7	Methacryloyl chloride	1336-36-3	Polychlorinated biphenyls (PCBs)
924-16-3	N-Nitrosodi-n-butylamine	1338-23-4	Methyl ethyl ketone peroxide
924-42-5	N-Methylolacrylamide	1338-24-5	Naphthenic acid
930-55-2	N-Nitrosopyrrolidine	1341-49-7	Ammonium bifluoride
933-75-5	2,3,6-Trichlorophenol	1344-28-1	Aluminum oxide (fibrous forms)
933-78-8	2,3,5-Trichlorophenol	1397-94-0	Antimycin A
944-22-9	Fonofos	1420-07-1	Dinoterb
947-02-4	Phosfolan	1464-53-5	Diepoxybutane
950-10-7	Mephosfolan	1558-25-4	Trichloro(chloromethyl)silane
950-37-8	Methidathion	1563-38-8	Carbofuran phenol
957-51-7	Diphenamid	1563-66-2	Carbofuran
959-98-8	alpha-Endosulfan	1582-09-8	Trifluralin
961-11-5	Tetrachlorvinphos	1600-27-7	Mercuric acetate
989-38-8	C.I. Basic Red 1	1615-80-1	1,2-Diethylhydrazine
991-42-4	Norbormide	1622-32-8	2-Chloroethanesulfonyl chloride
998-30-1	Triethoxysilane	1634-04-4	Methyl tert-butyl ether
999-81-5	Chlormequat chloride	1646-88-4	Aldicarb sulfone
1024-57-3	Heptachlor epoxide	1649-08-7	1,2-Dichloro-1,1-difluoroethane (HCFC-132b)*
1031-07-8	Endosulfan sulfate	1689-84-5	Bromoxynil
1031-47-6	Triamphos	1689-99-2	Bromoxynil octanoate
1066-30-4	Chromic acetate	1717-00-6	1,1-Dichloro-1-fluoroethane (HCFC-141b)*
1066-33-7	Ammonium bicarbonate	1746-01-6	2,3,7,8-Tetrachlorodibenzo-p-dioxin (TCDD)
1066-45-1	Trimethyltin chloride	1752-30-3	Acetone thiosemicarbazide
1072-35-1	Lead stearate (stearic acid, lead(2+) salt)	1762-95-4	Ammonium thiocyanate
1111-78-0	Ammonium carbamate	1836-75-5	Nitrofen
1114-71-2	Pebulate	1861-40-1	Benfluralin
1116-54-7	N-Nitrosodiethanolamine	1863-63-4	Ammonium benzoate
1120-71-4	1,3-Propane sultone	1888-71-7	Hexachloropropene
1122-60-7	Nitrocyclohexane	1897-45-6	Chlorothalonil
1124-33-0	4-Nitropyridine 1-oxide	1910-42-5	Paraquat
1129-41-5	Metolcarb	1912-24-9	Atrazine
1134-23-2	Cycloate	1918-00-9	Dicamba
1163-19-5	Decabromodiphenyl oxide	1918-02-1	Picloram
1185-57-5	Ferric ammonium citrate	1918-16-7	Propachlor
1194-65-6	Dichlobenil	1928-38-7	2,4-Dichlorophenoxyacetic acid methyl ester
1300-71-6	Xylenol	1928-43-4	2,4-Dichlorophenoxyacetic acid 2-ethylhexyl ester (concentrations above 20%)
1303-28-2	Arsenic pentoxide	1928-47-8	2,4,5-Trichlorophenoxyacetic acid 2-ethylhexyl ester
1303-32-8	Arsenic disulfide	1928-61-6	2,4-Dichlorophenoxyacetic acid propyl ester
1303-33-9	Arsenic trisulfide	1929-73-3	2,4-Dichlorophenoxyacetic acid butoxyethanol ester (conc. above 20%)
1306-19-0	Cadmium oxide	1929-82-4	Nitrapyrin
1309-64-4	Antimony trioxide	1937-37-7	C.I. Direct Black 38
1310-58-3	Potassium hydroxide	1982-47-4	Chloroxuron
1310-73-2	Sodium hydroxide	1982-69-0	Sodium dicamba
1313-27-5	Molybdenum trioxide	1983-10-4	Tributyltin fluoride
1314-20-1	Thorium dioxide	2001-95-8	Valinomycin
1314-32-5	Thallic oxide	2008-46-0	2,4,5-T amines
1314-62-1	Vanadium pentoxide	2032-65-7	Methiocarb (concentrations above 2%)
1314-80-3	Phosphorus pentasulfide	2074-50-2	Paraquat methosulfate
1314-84-7	Zinc phosphide (concentrations greater than 10%)	2097-19-0	Phenylsilatrane
1314-87-0	Lead sulfide	2104-64-5	EPN
1319-72-8	2,4,5-T amines	2155-70-6	Tributyltin methacrylate
1319-77-3	Cresol (mixed isomers)	2164-07-0	Dipotassium endothall
1320-18-9	2,4-Dichlorophenoxyacetic acid propylene glycol butyl ether ester	2164-17-2	Fluometuron
1321-12-6	Nitrotoluene (mixed isomers)	2212-67-1	Molinate
1327-52-2	Arsenic acid	2223-93-0	Cadmium stearate
1327-53-3	Arsenic trioxide (concentrations above 1.5%)	2231-57-4	Thiocarbazine
1330-20-7	Xylene (mixed isomers)	2234-13-1	Octachloronaphthalene
1332-07-6	Zinc borate	2238-07-5	Diglycidyl ether
1332-21-4	Asbestos (friable)	2275-18-5	Prothoate
1333-74-0	Hydrogen*	2300-66-5	Dimethylamine dicamba
1333-83-1	Sodium bifluoride	2303-16-4	Diallate
1335-32-6	Lead subacetate	2303-17-5	Triallate
1335-87-1	Hexachloronaphthalene		
1336-21-6	Ammonium hydroxide		

CAS Number	Name	CAS Number	Name
2312-35-8	Propargite	4080-31-3	1-(3-Chloroallyl)-3,5,7-triaza-1-azoniaadamantane chloride
2349-01-2	Chinomethionat	4098-71-9	Isophorone diisocyanate
2385-85-5	Mirex	4104-14-7	Phosacetim
2439-10-3	Dodine	4109-96-0	Dichlorosilane
2497-07-6	Oxydisulfoton	4128-73-8	4,4'-Diisocyanatodiphenyl ether
2524-03-0	Dimethyl phosphorochloridothioate	4170-30-3	Crotonaldehyde
2540-82-1	Formothion	4301-50-2	Fluenetil
2545-59-7	2,4,5-Trichlorophenoxyacetic acid 2-butoxyethyl ester	4418-66-0	2,2'-Thiobis(4-chloro-6-methyl)phenol
2556-36-7	1,4-Cyclohexane diisocyanate	4549-40-0	N-Nitrosomethylvinylamine
2570-26-5	Pentadecylamine	4680-78-8	C.I. Acid Green 3
2587-90-8	Methyl demeton methyl	4835-11-4	N,N'-Dibutylhexamethylenediamine
2602-46-2	C.I. Direct Blue 6	5124-30-1	1,1-Methylene bis(4-isocyanatocyclohexane)
2631-37-0	Promecarb	5141-20-8	C.I. Acid Green 5
2636-26-2	Cyanophos	5234-68-4	Carboxin
2642-71-9	Azinphos-ethyl	5344-82-1	1-(o-Chlorophenyl)thiourea
2646-17-5	C.I. Solvent orange 2	5385-75-1	Dibenzo(a,e)fluoranthene
2650-18-2	C.I. Acid Blue 9, diammonium salt	5522-43-0	1-Nitropyrene
2655-15-4	2,3,5-Trimethylphenyl methylcarbamate	5598-13-0	Chlorpyrifos methyl
2665-30-7	Methylphosphonothioic acid-O-(4-nitrophenyl)-O-phenyl ester	5836-29-3	Coumatetralyl
2699-79-8	Sulfuryl fluoride	5893-66-3	Cupric oxalate
2702-72-9	2,4-Dichlorophenoxyacetic acid sodium salt (conc. above 20%)	5902-51-2	Terbacil
2703-13-1	Methylphosphonothioic acid-O-ethyl O-(p-(methylthio)phenyl)ester	5952-26-1	Diethylene glycol dicarbamate
2757-18-8	Thalious malonate	5972-73-6	Ammonium oxalate, unspecified hydrate
2763-96-4	Muscimol	6009-70-7	Ammonium oxalate, monohydrate
2764-72-9	Diquat	6358-53-8	C.I. Solvent Red 80
2778-04-3	Endothion	6369-96-6	2,4,5-T amines
2832-40-8	C.I. Disperse Yellow 3	6369-97-7	2,4,5-T amines
2837-89-0	2-Chloro-1,1,1,2-tetrafluoroethane (HCFC-124)*	6459-94-5	C.I. Acid Red 114
2921-88-2	Chlorpyrifos (concentrations above 15%)	6533-73-9	Thalious carbonate
2944-67-4	Ferric ammonium oxalate	6923-22-4	Monocrotophos
2971-38-2	2,4-Dichlorophenoxyacetic acid chlorocrotyl ester	7005-72-3	4-Chlorophenyl phenyl ether
3012-65-5	Ammonium citrate dibasic	7287-19-6	Prometryn
3037-72-7	(4-Aminobutyl)diethoxymethylsilane	7421-93-4	Endrin aldehyde
3118-97-6	C.I. Solvent Orange 7	7428-48-0	Lead stearate
3164-29-2	Ammonium tartrate, diammonium salt	7429-90-5	Aluminum (fume or dust)
3165-93-3	4-Chloro-o-toluidine hydrochloride	7439-92-1	Lead
3173-72-6	1,5-Naphthalene diisocyanate	7439-96-5	Manganese
3251-23-8	Cupric nitrate	7439-97-6	Mercury
3254-63-5	Phosphoric acid, dimethyl 4-(methylthio)phenyl ester	7440-02-0	Nickel
3288-58-2	O,O-Diethyl S-methyl dithiophosphate	7440-22-4	Silver
3383-96-8	Temephos	7440-23-5	Sodium
3486-35-9	Zinc carbonate	7440-28-0	Thallium
3547-04-4	p,p'-Dichlorodiphenylethane	7440-36-0	Antimony
3564-09-8	C.I. Food Red 6	7440-38-2	Arsenic
3569-57-1	3-Chloropropyl octylsulfoxide	7440-39-3	Barium
3615-21-2	4,5-Dichloro-2-(trifluoromethyl)benzimidazole	7440-41-7	Beryllium powder
3653-48-3	Methoxone sodium salt	7440-43-9	Cadmium
3689-24-5	Sulfotop	7440-47-3	Chromium
3691-35-8	Chlorophacinone (concentrations 0.2% and above)	7440-48-4	Cobalt
3697-24-3	5-Methylchrysene	7440-50-8	Copper
3734-97-2	Amiton oxalate	7440-62-2	Vanadium (except when contained in an alloy)
3735-23-7	Methyl phenkapton	7440-66-6	Zinc (fume or dust)
3761-53-3	C.I. Food Red 5	7446-08-4	Selenium dioxide
3813-14-7	2,4,5-T amines	7446-09-5	Sulfur dioxide
3878-19-1	Fuberidazole	7446-11-9	Sulfur trioxide
4044-65-9	Bitoscanate	7446-14-2	Lead sulfate
		7446-18-6	Thalious sulfate
		7446-27-7	Lead phosphate
		7447-39-4	Cupric chloride
		7487-94-7	Mercuric chloride
		7488-56-4	Selenium sulfide
		7550-45-0	Titanium tetrachloride
		7558-79-4	Sodium phosphate dibasic
		7580-67-8	Lithium hydride
		7601-54-9	Trisodium phosphate

<u>CAS Number</u>	<u>Name</u>	<u>CAS Number</u>	<u>Name</u>
7631-89-2	Sodium arsenate	7787-47-5	Beryllium chloride
7631-90-5	Sodium bisulfite	7787-49-7	Beryllium fluoride
7632-00-0	Sodium nitrite	7787-55-5	Beryllium nitrate
7637-07-2	Boron trifluoride	7788-98-9	Ammonium chromate
7645-25-2	Lead arsenate, unspecified	7789-00-6	Potassium chromate
7646-85-7	Zinc chloride	7789-06-2	Strontium chromate
7647-01-0	Hydrogen chloride	7789-09-5	Ammonium bichromate
7647-18-9	Antimony pentachloride	7789-42-6	Cadmium bromide
7664-38-2	Phosphoric acid	7789-43-7	Cobaltous bromide
7664-39-3	Hydrogen fluoride	7789-61-9	Antimony tribromide
7664-41-7	Ammonia	7790-94-5	Chlorosulfonic acid
7664-93-9	Sulfuric acid	7791-12-0	Thalious chloride
7681-49-4	Sodium hypochlorite	7791-21-1	Chlorine monoxide*
7681-52-9	Sodium hydrochloride	7791-23-3	Selenium oxychloride
7696-12-0	Tetramethrhn	7803-51-2	Phosphine
7697-37-2	Nitric acid	7803-55-6	Ammonium vanadate
7699-45-8	Zinc bromide	7803-62-5	Silane*
7705-08-0	Ferric chloride	8001-35-2	Toxaphene
7718-54-9	Nickel(II) chloride	8001-50-1	Strobane
7719-12-2	Phosphorus trichloride	8001-58-9	Creosote
7720-78-7	Ferrous sulfate	8003-19-8	Dichloropropane-Dichloropropene (mixture)
7722-64-7	Potassium permanganate	8003-34-7	Pyrethrum
7722-84-1	Hydrogen peroxide (Conc. > 52%)	8014-95-7	Sulfuric acid
7723-14-0	Phosphorus	8065-48-3	Demeton
7726-95-6	Bromine	9006-42-2	Metiram
7733-02-0	Zinc sulfate	9016-87-9	Polymeric diphenylmethane diisocyanate
7738-94-5	Chromic acid (H <sub>2</sub> CrO <sub>4</sub> )	10022-70-5	Sodium hypochlorite, pentahydrate
7758-01-2	Potassium bromate	10025-73-7	Chromic chloride
7758-29-4	Pentasodium triphosphate	10025-78-2	Trichlorosilane
7758-94-3	Ferrous chloride	10025-87-3	Phosphorus oxychloride
7758-95-4	Lead chloride	10025-91-9	Antimony trichloride
7758-98-7	Cupric sulfate	10026-11-6	Zirconium tetrachloride
7761-88-8	Silver nitrate	10026-13-8	Phosphorus pentach
7773-06-0	Ammonium sulfamate	10028-15-6	Ozone
7775-11-3	Sodium chromate	10028-22-5	Ferric sulfate
7778-39-4	Arsenic acid	10028-24-7	Sodium phosphate dibasic
7778-44-1	Calcium arsenate	10031-59-1	Thallium sulfate
7778-50-9	Potassium bichromate	10034-93-2	Hydrazine sulfate
7778-54-3	Calcium hypochlorite	10039-32-4	Phosphoric acid, disodium salt, dodecahydrate
7779-86-4	Zinc hydrosulfite	10043-01-3	Aluminum sulfate
7779-88-6	Zinc nitrate	10045-89-3	Ferrous ammonium sulfate
7782-41-4	Fluorine	10045-94-0	Mercuric nitrate
7782-49-2	Selenium	10049-04-4	Chlorine dioxide
7782-50-5	Chlorine	10049-05-5	Chromic(II) chloride
7782-63-0	Ferrous sulfate heptahydrate	10061-02-6	trans-1,3-Dichloropropane
7782-82-3	Sodium selenite	10099-74-8	Lead nitrate
7782-86-7	Mercurous nitrate	10101-53-8	Chromic sulfate
7783-00-8	Selenous acid	10101-63-0	Lead iodide
7783-06-4	Hydrogen sulfide	10101-89-0	Tribasic sodium phosphate dodecahydrate
7783-07-5	Hydrogen selenide	10102-06-4	Uranyl nitrate
7783-35-9	Mercuric sulfate	10102-18-8	Sodium selenite
7783-46-2	Lead fluoride	10102-20-2	Sodium tellurite
7783-49-5	Zinc fluoride	10102-43-9	Nitric oxide
7783-50-8	Ferric fluoride	10102-44-0	Nitrogen dioxide
7783-56-4	Antimony trifluoride	10102-45-1	Thallium(I) nitrate
7783-60-0	Sulfur tetrafluoride	10102-48-4	Lead arsenate
7783-70-2	Antimony pentafluoride	10108-64-2	Cadmium chloride
7783-80-4	Tellurium hexafluoride	10124-50-2	Potassium arsenite
7784-34-1	Arsenous trichloride	10124-56-8	Sodium hexametaphosphate
7784-40-9	Lead arsenate	10140-65-5	Phosphoric acid, disodium salt, hydrate
7784-41-0	Potassium arsenate	10140-87-1	1,2-Dichloroethanol acetate
7784-42-1	Arsine	10192-30-0	Ammonium bisulfite
7784-46-5	Sodium arsenite	10196-04-0	Ammonium sulfite
7785-84-4	Metaphosphoric acid, trisodium salt	10210-68-1	Cobalt carbonyl
7786-34-7	Mevinphos	10265-92-6	Methamidophos
7786-81-4	Nickel sulfate	10294-34-5	Boron trichloride

CAS Number	Name	CAS Number	Name
10311-84-9	Dialifor	16543-55-8	N-Nitrosornicotine
10347-54-3	1,4-Bis(methylisocyanate)cyclohexane	16721-80-5	Sodium hydrosulfide
10361-89-4	Phosphoric acid, trisodium salt, decahydrate	16752-77-5	Methomyl
10380-29-7	Cupric sulfate, ammoniated	16871-71-9	Zinc silicofluoride
10415-75-5	Mercurous nitrate	16919-19-0	Ammonium silicofluoride
10421-48-4	Ferric nitrate	16923-95-8	Zirconium potassium fluoride
10453-86-8	Resmethrin	16938-22-0	2,2,4-Trimethylhexamethylene diisocyanate
10476-95-6	Methacrolein diacetate	17702-41-9	Decaborane(14)
10544-72-6	Nitrogen tetroxide	17702-57-7	Formparanate
10588-01-9	Sodium bichromate	17804-35-2	Benomyl
10605-21-7	Carbendazim	18883-66-4	Streptozotocin
11096-82-5	Aroclor 1260	19044-88-3	Oryzalin
11097-69-1	Aroclor 1254	19287-45-7	Diborane
11104-28-2	Aroclor 1221	19624-22-7	Pentaborane
11115-74-5	Chromic acid	19666-30-9	Oxydiazon
11141-16-5	Aroclor 1232	20325-40-0	3,3'-Dimethoxybenzidine dihydrochloride
12002-03-8	Cupric acetoarsenite	20354-26-1	Methazole
12039-52-0	Thallium(I) selenide	20816-12-0	Osmium tetroxide
12054-48-7	Nickel hydroxide	20830-75-5	Digoxin
12108-13-3	Methylcyclopentadienylmanganese tricarbonyl	20830-81-3	Daunomycin
12122-67-7	Zineb	20859-73-8	Aluminum phosphide
12125-01-8	Ammonium fluoride	21087-64-9	Metribuzin
12125-02-9	Ammonium chloride	21548-32-3	Fosthietan
12135-76-1	Ammonium sulfide	21609-90-5	Leptophos
12427-38-2	Maneb	21725-46-2	Cyanazine (concentrations above 30%)
12642-23-8	Aroclor 5442	21908-53-2	Mercuric oxide
12672-29-6	Aroclor 1248	21923-23-9	Chlorthiophos
12674-11-2	Aroclor 1016	22224-92-6	Fenamiphos
12771-08-3	Sulfur chloride	22781-23-3	Bendiocarb (conc. above 15%)
13071-79-9	Terbufos	22961-82-6	Bendiocarb phenol
13171-21-6	Phosphamidon	23135-22-0	Oxamyl
13194-48-4	Ethoprophos	23422-53-9	Formetanate hydrochloride
13356-08-6	Fenbutatin oxide	23505-41-1	Pirimifos-ethyl (concentrations above 20%)
13410-01-0	Sodium selenate	23564-05-8	Thiophanate methyl
13450-90-3	Gallium trichloride	23564-06-9	Thiophanate ethyl
13463-39-3	Nickel carbonyl	23950-58-5	Pronamide
13463-40-6	Iron pentacarbonyl	24017-47-8	Triazofos
13474-88-9	1,1-Dichloro-1,2,2,3,3-pentafluoropropane (HCFC-225cc)*	24934-91-6	Chlormephos
13560-99-1	2,4,5-T sodium salt	25154-54-5	Dinitrobenzene (mixed isomers)
13597-99-4	Beryllium nitrate	25154-55-6	Nitrophenol (mixed isomers)
13684-56-5	Desmedipham	25155-30-0	Sodium dodecylbenzenesulfonate
13746-89-9	Zirconium nitrate	25167-67-3	Butene*
13765-19-0	Calcium chromate	25167-82-2	Trichlorophenol
13814-96-5	Lead fluoborate	25168-15-4	2,4,5-Trichlorophenoxyacetic acid isooctyl ester
13826-83-0	Ammonium fluoborate	25168-26-7	2,4-Dichlorophenoxyacetic acid isooctyl ester (conc. above 20%)
13952-84-6	sec-Butylamine	25311-71-1	Isufenphos
14017-41-5	Cobaltous sulfamate	25321-14-6	Dinitrotoluene (mixed isomers)
14167-18-1	Salcomine	25321-22-6	Dichlorobenzene (mixed isomers)
14216-75-2	Nickel nitrate	25376-45-8	Diaminotoluene (mixed isomers)
14258-49-2	Ammonium oxalate	25550-58-7	Dinitrophenol (mixed isomers)
14307-35-8	Lithium chromate	26002-80-2	Phenothrin
14307-43-8	Ammonium tartrate	26264-06-2	Calcium dodecylbenzenesulfonate
14484-64-1	Ferbam	26419-73-8	O-((2,4-Dimethyl-1,3-dithiolan-2-yl)methylene)amino)methyl carbamic acid
14639-97-5	Zinc ammonium chloride (Zn.Cl <sub>4</sub> .2H <sub>4</sub> -N)	26471-62-5	Toluene diisocyanate (mixed isomers)
14639-98-6	Zinc ammonium chloride (Zn.Cl <sub>5</sub> .3H <sub>4</sub> -N)	26628-22-8	Sodium azide (concentrations above 0.5%)
14644-61-2	Zirconium sulfate	26638-19-7	Dichloropropane
15271-41-7	3-Chloro-6-cyano-2-norbornanone-o-(methylcarbamoyl)oxime	26644-46-2	Triforine
15339-36-3	Manganese dimethylthiocarbamate	26952-23-8	Dichloropropene(s) (mixtures)
15646-96-5	2,4,4-Trimethylhexamethylene diisocyanate	27137-85-5	Trichloro(dichlorophenyl)silane
15699-18-0	Nickel ammonium sulfate	27176-87-0	Dodecylbenzenesulfonic acid
15739-80-7	Lead sulfate	27314-13-2	Norflurazon
15950-66-0	2,3,4-Trichlorophenol	27323-41-7	Triethanolamine dodecylbenzene sulfonate
15972-60-8	Alachlor	27774-13-6	Vanadyl sulfate
16071-86-6	C.I. Direct Brown 95		

CAS Number	Name	CAS Number	Name
28057-48-9	d-trans-Allethrin	60168-88-9	Fenarimol
28249-77-6	Thiobencarb	60207-90-1	Propiconazole
28300-74-5	Antimony potassium tartrate	61792-07-2	2,4,5-Trichlorophenoxyacetic acid 1-methyl propyl ester
28347-13-9	Xylylene dichloride		N,N'-Ethylene bis(3-fluorosalicilydeneimino) cobalt(II)
28407-37-6	C.I. Direct Blue 218	62207-76-5	Acifluorfen, sodium salt
28772-56-7	Bromadiolone (concentrations above 0.01%)	62476-59-9	Chlorotetrafluoroethane*
29082-74-4	Octachlorostyrene	63938-10-3	Chlorsulfuron
29232-93-7	Pirimiphos methyl	64902-72-3	3,3'-Dichlorobenzidine sulfate
30525-89-4	Paraformaldehyde	64969-34-2	Fenoxaprop ethyl
30558-43-1	2-(Dimethylamino-N-hydroxy-2-oxo)ethanimidothioic acid, methyl ester	66441-23-4	Hydramethylnon
30560-19-1	Acephate	67485-29-4	Cyhalothrin
30674-80-7	Methacryloyloxyethyl isocyanate	68085-85-8	Cyfluthrin
31218-83-4	Propetamphos	68359-37-5	Fluvalinate
32534-95-5	2-(2,4,5-Trichlorophenoxy)propanoic isooctyl ester	69409-94-5	Fluazifop butyl
33089-61-1	Amitraz	69806-50-4	Abamectin
33213-65-9	beta-Endosulfan	71751-41-2	Fomesafen
34014-18-1	Tebuthiuron	72178-02-0	Fenoxycarb
34077-87-7	Dichlorotrifluoroethane*	72490-01-8	Sethoxydim
35367-38-5	Diiflubenzuron	74051-80-2	4-Methyldiphenylmethane-3,4-diisocyanate
35400-43-2	Sulprofos	75790-84-0	2,4'-Diisocyanatodiphenyl sulfide
35554-44-0	Imazalil	75790-87-3	Quizalofop-ethyl
35691-65-7	1-Bromo-1-(bromomethyl)-1,3-propanedicarbonitrile	76578-14-8	Lactofen
36478-76-9	Uranyl nitrate	77501-63-4	Bifenthrin
37211-05-5	Nickel chloride	82657-04-3	Myclobutanil
38661-72-2	1,3-Bis(methylisocyanate)cyclohexane	88671-89-0	Dichloro-1,1,2-trifluoroethane*
38727-55-8	Diethatyl ethyl	90454-18-5	Chlorimuron ethyl
39156-41-7	2,4-Diaminoanisole sulfate	90982-32-4	Tribenuron methyl
39196-18-4	Thiofanox	101200-48-0	1,1-Dichloro-1,2,3,3,3-pentafluoropropane (HCFC-225eb)*
39300-45-3	Dinocap	111512-56-2	3,3'-Dimethoxybenzidine hydrochloride
39515-41-8	Fenpropathrin	111984-09-9	Dichloropentafluoropropane*
40487-42-1	Pendimethalin	127564-92-5	2,2-Dichloro-1,1,1,3,3-pentafluoropropane (HCFC-225aa)*
41198-08-7	Profenofos	128903-21-9	Diethyldiisocyanatobenzene
41766-75-0	o-Tolidine dihydrofluoride	134190-37-7	1,3-Dichloro-1,1,2,3,3-pentafluoropropane (HCFC-225ea)*
42504-46-1	Isopropanolamine dodecylbenzene sulfonate	136013-79-1	
42874-03-3	Oxyfluorfen		
43121-43-3	Triadimefon		
50471-44-8	Vinclozolin		
50782-69-9	Ethyl-S-dimethylaminoethyl methylphosphonothiolate		
51235-04-2	Hexazinone		
51338-27-3	Diclofop methyl		
51630-58-1	Fenvalerate		
52628-25-8	Zinc ammonium chloride		
52645-53-1	Permethrin		
52652-59-2	Lead stearate dibasic		
52740-16-6	Calcium arsenite		
52888-80-9	Prosulfocarb		
53404-19-6	Bromacil, lithium salt		
53404-37-8	2,4-D 2-ethyl-4-methylpentyl ester		
53404-60-7	Dazomet, sodium salt		
53467-11-1	2,4-D Esters		
53469-21-9	Aroclor 1242		
53558-25-1	Pyriminil		
55285-14-8	Carbosulfan		
55290-64-7	Dimethipin		
55406-53-6	3-Iodo-2-propynyl n-butylcarbamate		
55488-87-4	Ferric ammonium oxalate, unspecified hydrate		
56189-09-4	Dibasic lead stearate		
57213-69-1	Triclopyr triethylammonium salt		
58270-08-9	((trans-4)-Dichloro(4,4-dimethylzinc5(((methylamino)carbonyl)oxy)imino) pentanenitrile)		
59669-26-0	Thiodicarb		

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

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

Section was "List of Hazardous Substances".

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

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

## APPENDIX B

### FINANCIAL FORMS

#### B.1 Letter from chief financial officer:

To support a financial test of self-insurance or a guarantee, the chief financial officer of the major facility or guarantor shall prepare and sign a letter worded exactly as follows, except that the instructions in brackets are to be replaced by the relevant information and the brackets deleted.

#### (1) Non-government entities

#### LETTER FROM CHIEF FINANCIAL OFFICER

I am the chief financial officer of [name and address of the owner or operator, or guarantor]. This letter is in support of the use of ["the financial test of self-insurance"

and/or "guarantee"] to demonstrate financial responsibility for cleanup and removal activities arising from operating [name(s) and address(es) of facility(ies)] in the amount of at least [dollar amount] per occurrence ["per facility" if multiple facilities are covered by this one document] and [dollar amount] annual aggregate ["per facility" if multiple facilities are covered by this one document].

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

[applicable rules or regulations and amounts]

This ["owner or operator" or "guarantor"] has not received an adverse opinion, a disclaimer of opinion, or a "going concern" qualification from an independent auditor on his or her financial statements for the latest completed fiscal year.

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

ALTERNATIVE I

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

- 12. Has financial information been provided to Dun and Bradstreet, and has Dun and Bradstreet provided a financial strength rating of 4A or 5A? [Answer "Yes" only if both criteria have been met]

ALTERNATIVE II

- 1. Amount of annual DCR aggregate coverage being assured by a financial test and/or guarantee \$
2. Amount of annual aggregate coverage for all other Federal or State regulatory cost (i.e. RCRA, ECRA, UST, etc.) covered by a financial test, and/or guarantee \$
3. Sum of lines 1 and 2 \$
4. Total tangible assets \$
5. Total liabilities [if any of the amount reported on line 3 is included in total liabilities, you may deduct that amount from this line and add that amount to line 6] \$
6. Tangible net worth [subtract line 5 from line 4] \$
7. Total assets in the U.S. [required only if less than 90 percent of assets are located in the U.S.] \$
8. Is line 6 at least \$10 million? YES NO
9. Is line 6 at least 6 times line 3?
10. Are at least 90 percent of total assets located in the U.S.? [If "No," complete line 11.]
11. Is line 7 at least 6 times line 3? [Fill in lines 12-15 or lines 16-18:]
12. Current assets \$
13. Current liabilities \$
14. Net working capital [subtract line 13 from line 12] \$
15. Is line 14 at least 6 times line 3? YES NO
16. Current bond rating of most recent bond issue
17. Name of rating service
18. Date of maturity of bond YES NO
19. Have financial statements for the latest fiscal year been filed with the SEC, the Energy Information Administration, or the Rural Electrification Administration?
[If "No," please attach a report from an independent certified public accountant certifying that there are no material differences between the data as reported in lines 4-18 above and the financial statements for the latest fiscal year.]

[For both Alternative I and Alternative II complete the certification with this statement.]

I hereby certify that the wording of this letter is identical to the wording specified in Appendix B of N.J.A.C. 7:1E, as such rules were constituted on the date shown immediately below.

[Signature]

[Title]

[Name]

[Date]

[Title]

(3) Local government—financial test

[Date]

(2) Local government—bond rating test

**LETTER FROM CHIEF FINANCIAL OFFICER**

**LETTER FROM CHIEF FINANCIAL OFFICER**

I am the chief financial officer of [name and address of local government owner or operator]. This letter is in support of the use of the bond rating test to demonstrate financial responsibility for cleanup and removal activities arising from operating [name(s) and address(es) of facility(ies)] in the amount of at least [dollar amount] per occurrence ["per facility" if multiple facilities are covered by this one document] and [dollar amount] annual aggregate ["per facility" if multiple facilities are covered by this one document]. [If applicable: "This local government is not organized to provide general governmental services and does not have the legal authority under State law or constitutional provisions to issue general obligation debt."]

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

The details of the issue date, maturity, outstanding amount, bond rating, and bond rating agency of all outstanding ["revenue"] bond issues that are being used by [name of local government owner or operator] to demonstrate financial responsibility are as follows: [complete table]

This owner or operator has not received an adverse opinion, or a disclaimer of opinion from an independent auditor on its financial statements for the latest completed fiscal year. Any outstanding issues of general obligation or revenue bonds, if rated, have a Standard and Poor's rating of AAA, AA, A or BBB or a Moody's rating of Aaa, Aa, A or Baa; if rated by both firms, the bonds have a Standard and Poor's rating of AAA, AA, A or BBB or a Moody's rating of Aaa, Aa, A or Baa.

<u>Issue Date</u>	<u>Maturity Date</u>	<u>Outstanding Amount</u>	<u>Bond Rating</u>	<u>Rating Agency</u>
[Standard & Poor's or Moody's]				

**Worksheet for Municipal Financial Test**

The total outstanding obligation of [amount], excluding refunded bond issues, exceeds the minimum amount of \$1 million. All outstanding ["general obligation" or "revenue"] bonds issued by this government that have been rated by Standard and Poor's or Moody's are rated at least investment grade (Standard and Poor's BBB or Moody's Baa) based on the most recent ratings published within the last 12 months. ["The revenue bonds listed are not backed by third-party credit enhancement or are insured by a municipal bond insurance company."] Neither rating service has provided notification within the last 12 months of downgrading of bond ratings below investment grade or of withdrawal of bond rating other than for repayment of outstanding bond issues.

**Part 1: Basic Information**

**1. Total Revenues**

**a. Revenue (dollars)**

Value of revenues excludes liquidation of investments and issuance of debt. Value includes all general operating and non-operating revenues as well as all revenues from all other governmental funds including enterprise, debt service, capital projects, and special revenues, but excluding revenues to funds held in a trust or agency capacity.

**b. Subtract interfund transfers (dollars)**

**c. Total Revenues (dollars)**

**2. Total Expenditures**

**a. Expenditures (dollars)**

Value consists of the sum of general fund operating and non-operating expenditures including interest payments on debt, payments for retirement of debt principal, and total expenditures from all other governmental funds including enterprise, debt service, capital projects, and special revenues.

**b. Subtract interfund transfers (dollars)**

**c. Total Expenditures (dollars)**

I hereby certify that the wording of this letter is identical to the wording specified in Appendix B of N.J.A.C. 7:1E, as such rules were constituted on the date shown immediately below.

[Signature]

[Name]

3. Local Revenues
  - a. Total Revenues (from 1c) (dollars)
  - b. Subtract total intergovernmental transfers (dollars)
  - c. Local Revenues (dollars)

4. Debt Service
  - a. Interest and fiscal charges (dollars)
  - b. Add debt retirement (dollars)
  - c. Total Debt Service (dollars)

5. Total Funds (Dollars)
 

(Sum of amounts held as cash and investment securities from all funds, excluding amounts held for employee retirement funds, agency funds, and trust funds)

6. Population (Persons)

#### Part II: Application of Test

7. Total Revenues to Population
  - a. Total Revenues (from 1c)
  - b. Population (from 6)
  - c. Divide 7a by 7b
  - d. Subtract 417
  - e. Divide by 5,212
  - f. Multiply by 4.095

8. Total Expenses to Population
  - a. Total Expenses (from 2c)
  - b. Population (from 6)
  - c. Divide 8a by 8b
  - d. Subtract 524
  - e. Divide by 5,401
  - f. Multiply by 4.095

9. Local Revenues to Total Revenues
  - a. Local Revenues (from 3c)
  - b. Total Revenues (from 1c)
  - c. Divide 9a by 9b
  - d. Subtract 0.695
  - e. Divide by 0.205
  - f. Multiply by 2.840

10. Debt Service to Population
  - a. Debt Service (from 4d)
  - b. Population (from 6)

- c. Divide 10a by 10b
- d. Subtract 51
- e. Divide by 1,038
- f. Multiply by 1.866

11. Debt Service to Total Revenues

- a. Debt Service (from 4d)
- b. Total Revenues (from 1c)
- c. Divide 11a by 11b
- d. Subtract 0.068
- e. Divide by 0.259
- f. Multiply by 3.533

12. Total Revenues to Total Expenses

- a. Total Revenues (from 1c)
- b. Total Expenses (from 2c)
- c. Divide 12a by 12b
- d. Subtract 0.910
- e. Divide by 0.899
- f. Multiply by 3.458

13. Funds Balance to Total Revenues

- a. Total Funds (from 5)
- b. Total Revenues (from 1c)
- c. Divide 13a by 13b
- d. Subtract 0.891
- e. Divide by 9.156
- f. Multiply by 3.270

14. Funds Balance to Total Expenses

- a. Total Funds (from 5)
- b. Total Expenses (from 2c)
- c. Divide 14a by 14b
- d. Subtract 0.866
- e. Divide by 6.409
- f. Multiply by 3.270

15. Total Funds to Population

- a. Total Funds (from 5)
- b. Population (from 6)
- c. Divide 15a by 15b
- d. Subtract 270
- e. Divide by 4,548

f. Multiply by 1.866

16. Add 7f + 8f + 9f + 10f + 11f + 12f + 13f + 14f + 15f + 4.937

I hereby certify that the financial index shown on line 16 of the worksheet is greater than zero and that the wording of this letter is identical to the wording specified in Appendix B of N.J.A.C. 7:1E, as such rules were constituted on the date shown immediately below.

[Signature]

[Name]

[Title]

[Date]

#### B.2 Guarantee:

The guarantee must be worded as follows, except that instructions in brackets are to be replaced with the relevant information and the brackets deleted:

#### GUARANTEE

Guarantee made this [date] by [name of guaranteeing entity], a business entity organized under the laws of the State of [name of state], herein referred to as guarantor, to the Department and to any and all third parties, and obligees, on behalf of [owner or operator] of [business address].

(1) Guarantor meets or exceeds the financial test criteria of N.J.A.C. 7:1E-4.4(g) and agrees to comply with the requirements for guarantors as specified in N.J.A.C. 7:1E-4.4(h).

(2) This guarantee satisfies the requirements for assuring funding in the amount of [dollar amount] per occurrence and [dollar amount] annual aggregate for cleanup and removal activities arising from operating the above identified major facility.

(3) [Insert appropriate phrase: "On behalf of our subsidiary" (if guarantor is corporate parent of the owner or operator); "On behalf of our affiliate" (if guarantor is related firm of the owner or substantial business relationship with owner or operator); "Incident to our business relationship with" (if guarantor is providing the guarantee as an incident to a substantial business relationship with owner or operator)] [owner or operator], guarantor guarantees to the Department and to any and all third parties that:

In the event that [owner or operator] fails to provide alternate coverage within 60 days after receipt of a notice of cancellation of this guarantee and the Department has determined or suspects that a discharge has occurred at a facility covered by this guarantee, the guarantor, upon instructions from the Department, shall fund a standby

trust fund in an amount sufficient to cover cleanup and removal costs, but not to exceed the coverage limits specified in N.J.A.C. 7:1E-4.4(b).

In the event that the Department determines that [owner or operator] has failed to perform cleanup and removal activities arising out of the operation of the above-identified facility, the guarantor, upon written instructions from the Department, shall fund a standby trust in an amount sufficient to cover cleanup and removal costs, but not to exceed the coverage limits specified above.

(4) Guarantor agrees that if, at the end of any fiscal year before cancellation of this guarantee, the guarantor fails to meet the financial test criteria of N.J.A.C. 7:1E-4.4(g), guarantor shall send within 120 days of such failure, by certified mail, notice to [owner or operator] and the Department. The guarantee will terminate 120 days from the date of receipt of the notice by [owner or operator] or 120 days from the date of receipt of the notice by the Department, whichever is later, as evidenced by the return receipt.

(5) Guarantor agrees to notify [owner or operator] by certified mail of a voluntary or involuntary proceeding under Title 11 (Bankruptcy), U.S. Code, naming guarantor as debtor, within 10 days after commencement of the proceeding.

(6) Guarantor agrees to remain bound under this guarantee notwithstanding any modification or alteration of any obligation of [owner or operator] pursuant to N.J.A.C. 7:1E.

(7) Guarantor agrees to remain bound under this guarantee for so long as [owner or operator] must comply with the applicable financial responsibility requirements of N.J.A.C. 7:1E-4.4 for the above-identified facility, except that guarantor may cancel this guarantee by sending notice by certified mail to [owner or operator] and the Department, such cancellation to become effective no earlier than 120 days after receipt of such notice by [owner or operator], as evidenced by the return receipt.

(8) The guarantor's obligation does not apply to any of the following:

(a) Any obligation of [owner or operator] under a workers' compensation, disability benefits, or unemployment compensation law or other similar law;

(b) Bodily injury to an employee of [owner or operator] arising from, and in the course of, employment by [owner or operator];

(c) Bodily injury or property damage not related to a discharge arising from the ownership, maintenance, use, or entrustment to others of any aircraft, motor vehicle, or watercraft;

(d) Property damage to any property owned, rented, loaned to, in the care, custody, or control of, or occupied

by [owner or operator] that is not the direct result of a discharge from the facility;

(e) Bodily damage or property damage for which [owner or operator] is obligated to pay damages by reason of the assumption of liability in a contract or agreement other than a contract or agreement entered into to meet the requirements of N.J.A.C. 7:1E-4.4.

(9) Guarantor expressly waives notice of acceptance of this guarantee by the Department or by [owner or operator].

I hereby certify that the wording of this guarantee is identical to the wording specified in Appendix B of N.J.A.C. 7:1E as such rules were constituted on the effective date shown immediately below.

Effective date: \_\_\_\_\_

[Name of guarantor]

[Authorized signature for guarantor]

[Name of persons signing]

[Title of person signing]

Signature of witness or notary: \_\_\_\_\_

**B.3 Insurance or risk retention group:**

Each insurance policy must be amended by an endorsement worded as specified in paragraph (1) or evidenced by a certificate of insurance worded as specified in paragraph (2), except that instructions in brackets must be replaced with the relevant information and the brackets deleted:

**(1) ENDORSEMENT**

NAME:           [name of each covered location]            
ADDRESS:           [address of each covered location]          

POLICY NUMBER: \_\_\_\_\_  
PERIOD OF COVERAGE           [current policy period]            
NAME OF [INSURER OR RISK RETENTION GROUP]: \_\_\_\_\_

ADDRESS OF [INSURER OR RISK RETENTION GROUP]: \_\_\_\_\_

NAME OF INSURED: \_\_\_\_\_  
ADDRESS OF INSURED: \_\_\_\_\_

Endorsement:

1. This endorsement certifies that the policy to which the endorsement is attached provides liability insurance, subject to public policy considerations, covering the following facility(ies): [location name(s) and address(es) of each covered facility] for cleanup and removal activities.

The limits of liability are [insert the dollar amount of the "per occurrence" and "annual aggregate" limits of the Insurer's or Group's liability for each facility covered], exclusive of legal defense costs. This coverage is provided under [policy number]. The effective date of said policy is [date].

2. The insurance afforded with respect to such occurrences is subject to all of the terms and conditions of the policy; provided, however, that any provisions inconsistent with subsections (a) through (e) of this Paragraph 2 are hereby amended to conform with subsections (a) through (e):

a. Bankruptcy or insolvency of the insured shall not relieve the ["Insurer" or "Group"] of its obligations under the policy to which this endorsement is attached.

b. The ["Insurer" or "Group"] is liable for the payment of amounts within any deductible applicable to the policy to the provider of cleanup and removal activities, with a right of reimbursement by the insured for any such payment made by the ["Insurer" or "Group"]. This provision does not apply with respect to that amount of any deductible for which coverage is demonstrated under another mechanism or combination of mechanisms.

c. Whenever requested by the Department, ["Insurer" or "Group"] agrees to furnish to the Department a signed duplicate original of the policy and all endorsements.

d. Cancellation or any other termination of the insurance by the ["Insurer" or "Group"], except for nonpayment of premium or material misrepresentation by the insured, will be effective only upon written notice and only after the expiration of 60 days after the date on which the insured receives the written notice or 60 days after the date on which the Department receives the written notice, whichever is later. Cancellation for nonpayment of premium or material misrepresentation by the insured will be effective only upon written notice and only after the expiration of a minimum of 10 days after the date on which the insured receives the written notice or 10 days after the date on which the Department receives the written notice, whichever is later.

[Insert for claims-made policies:

e. The insurance covers claims otherwise covered by the policy that are reported to the ["Insurer" or "Group"] within six months of the effective date of the cancellation or nonrenewal of the policy, except where the new or renewed policy has the same retroactive date or a retroactive date earlier than that of the prior policy, and that arise out of any covered occurrence that commenced after the policy retroactive date, if applicable, and prior to such policy renewal or termination date.]

I hereby certify that the wording of this instrument is identical to the wording in Appendix B of N.J.A.C. 7:1E and that the ["Insurer" or "Group"] is [Insert appropriate phrase: "licensed to transact the business of insurance" or "eligible to provide insurance as an excess or surplus lines insurer in New Jersey".]

[Signature of authorized representative of Insurer or Risk Retention Group]

[Name of person signing]

[Title of person signing], Authorized Representative of [name of Insurer or Risk Retention Group]

[Address of Representative]

(2) CERTIFICATE OF INSURANCE

NAME: [name of each covered location]
ADDRESS: [address of each covered location]

POLICY NUMBER:
ENDORSEMENT (if applicable):
PERIOD OF COVERAGE [current policy period]
NAME OF [INSURER OR RISK RETENTION GROUP]:

ADDRESS OF [INSURER OR RISK RETENTION GROUP]:

NAME OF INSURED:
ADDRESS OF INSURED:

Certification:

1. [Name of Insurer or Risk Retention Group], [the "Insurer" or "Group"], as identified above, hereby certifies that it has issued liability insurance, subject to public policy considerations, covering the following facility(ies): [List the name(s) and address(es) of each covered facility] for clean-up and removal activities arising from operating the facility(ies) identified above.

The limits of liability are [insert the dollar amount of the "each occurrence" and "annual aggregate" limits of the Insurer's or Group's liability for each covered facility], exclusive of legal defense costs. This coverage is provided under [policy number]. The effective date of said policy is [date].

2. The ["Insurer or Group"] further certifies the following with respect to the insurance described in Paragraph 1:

a. Bankruptcy or insolvency of the insured shall not relieve the ["Insurer" or "Group"] of its obligations under the policy to which this certificate applies.

b. The ["Insurer" or "Group"] is liable for the payment of amounts within any deductible applicable to the policy to the provider of cleanup and removal activities, with a right of reimbursement by the insured for any such payment made by the ["Insurer" or "Group"]. This provision does not apply with respect to that amount of any deductible for which coverage is demonstrated under another mechanism or combination of mechanisms.

c. Whenever requested by the Department, the ["Insurer" or "Group"] agrees to furnish to the Department a signed duplicate original of the policy and all endorsements.

d. Cancellation or any other termination of the insurance by the ["Insurer" or "Group"], except for nonpayment of premium or material misrepresentation by the insured, will be effective only upon written notice and only after the expiration of 60 days after the date on which the insured receives the written notice or 60 days after the date on which the Department receives the written notice, whichever is later. Cancellation for nonpayment of premium or material misrepresentation by the insured will be effective only upon written notice and only after the expiration of a minimum of 10 days after the date on which the insured receives the written notice or 10 days after the date on which the Department receives the written notice, whichever is later.

[Insert for claims-made policies:

e. The insurance covers claims otherwise covered by the policy that are reported to the ["Insurer" or "Group"] within six months of the effective date of the cancellation or nonrenewal of the policy except where the new or renewed policy has the same retroactive date or a retroactive date earlier than that of the prior policy, and which arise out of any covered occurrence that commenced after the policy retroactive date, if applicable, and prior to such policy renewal or termination date.]

I hereby certify that the wording of this instrument is identical to the wording in Appendix B of N.J.A.C. 7:1E and that the ["Insurer" or "Group"] is [Insert appropriate phrase: "licensed to transact the business of insurance" or "eligible to provide insurance as an excess or surplus lines insurer in the State"].

[Signature of authorized representative of Insurer or Risk Retention Group]

[Type name]

[Title], Authorized Representative of [name Insurer or Risk Retention Group]

[Address of Representative]

B.4 Surety Bond:

The surety bond must be worded as follows, except that instructions in brackets must be replaced with the relevant information and the brackets deleted:

PERFORMANCE BOND

DATE BOND EXECUTED: \_\_\_\_\_  
 PERIOD OF COVERAGE: \_\_\_\_\_  
 PRINCIPAL: [legal name and business address of owner or operator]  
 TYPE OF ORGANIZATION: [insert "individual," "joint venture,"  
 "partnership," or "corporation"]  
 STATE OF INCORPORATION (If Applicable): \_\_\_\_\_  
 SURETY(IES): [name(s) and business address(s)]  
 SCOPE OF COVERAGE: [List the name and address of the facility.  
 List the coverage guaranteed by the bond: cleanup and removal activities.]  
 PENAL SUMS OF BOND: Per occurrence \$ \_\_\_\_\_  
 Annual aggregate \$ \_\_\_\_\_  
 SURETY'S BOND NUMBER: \_\_\_\_\_

Know all Persons by These Presents, that we, the Principal and Surety(ies), hereto are firmly bound to the Department, in the above penal sums for the payment of which we bind ourselves, our heirs, executors, administrators, successors, and assigns jointly and severally; provided that, where the Surety(ies) are corporations acting as co-sureties, we the Sureties, bind ourselves in such sums jointly and severally only for the purpose of allowing a joint action or actions against any or all of us, and for all other purposes each Surety binds itself, jointly and severally with the Principal, for the payment of such sums only as is set forth opposite the name of such Surety, but if no limit of liability is indicated, the limit of liability shall be the full amount of the penal sums.

Whereas said Principal is required under N.J.S.A. 58:10-23.11 to provide financial assurance for cleanup and removal activities arising from operating the facility identified above; and

Whereas said Principal shall establish a standby trust fund as is required when a surety bond is used to provide such financial assurance;

Now, therefore, the conditions of the obligation are such that if the Principal shall faithfully perform cleanup and removal activities arising from operating the facility identified above, or if the Principal shall provide alternate financial assurance within 120 days after the date the notice of cancellation is received by the Principal from the Surety(ies), then this obligation shall be null and void; otherwise, it is to remain in full force and effect.

Such obligation does not apply to any of the following:

(a) Any obligation of [owner or operator] under a workers' compensation, disability benefits, or unemployment compensation law or other similar law;

(b) Bodily injury to an employee of [owner or operator] arising from, and in the course of, employment by [owner or operator];

(c) Bodily injury or property damage not related to a discharge arising from the ownership, maintenance, use, or entrustment to others of any aircraft, motor vehicle, or watercraft;

(d) Property damage to any property owned, rented, loaned to, in the care, custody, or control of, or occupied by [owner or operator] that is not the direct result of a discharge from the facility;

(e) Bodily injury or property damage for which [owner or operator] is obligated to pay damages by reason of the assumption of liability in a contract or agreement other than a contract or agreement entered into to meet the requirements of N.J.A.C. 7:1E-4.4.

Upon notification by the Department that the Principal has failed to perform cleanup and removal activities in accordance with the Department's instructions, as guaranteed by this bond, the Surety(ies) shall either perform cleanup and removal activities in accordance with the Department's instructions, or place funds in an amount up to the annual aggregate penal sum into the standby trust fund as directed by the Department.

Upon notification by the Department that the Principal has failed to provide alternate financial assurance within 60 days after the date of the notice of cancellation is received by the Principal from the Surety(ies) and that the Department has determined or suspects that a discharge has occurred, the Surety(ies) shall place funds in an amount not exceeding the annual aggregate penal sum into the standby trust fund as directed by the Department.

The Surety(ies) shall become liable on this bond obligation only when the Principal has failed to fulfill the conditions described above.

The Surety(ies) hereby waive(s) notification of amendments to applicable laws, statutes, rules, and regulations and agrees that no such amendment shall in any way alleviate its (their) obligation on this bond.

The liability of the Surety(ies) shall not be discharged by any payment or succession of payments hereunder, unless and until such payment or payments shall amount in the annual aggregate to the penal sum shown on the face of the bond, but in no event shall the obligation of the Surety(ies) hereunder exceed the amount of said annual aggregate penal sum.

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

The Principal may terminate this bond by sending written notice to the Surety(ies).

In Witness Whereof, the Principal and Surety(ies) have executed this Bond and have affixed their seals on the date set forth above.

The persons whose signatures appear below hereby certify that they are authorized to execute this surety bond on behalf of the Principal and Surety(ies) and that the wording of this surety bond is identical to the wording specified in Appendix B of N.J.A.C. 7:1E as such rules were constituted on the date this bond was executed.

PRINCIPAL

[Signature(s)]
[Name(s)]
[Title(s)]
[Corporate seal]

CORPORATE SURETY(IES)

[Name and address]
State of Incorporation:
Liability Limit: \$
[Signature(s)]
[Name(s) and title(s)]
[Corporate seal]
[For every co-surety, provide signature(s), corporate seal, and other information in the same manner as for Surety above.]
Bond premium: \$

B.5 Letter of Credit:

The letter of credit must be worded as follows, except that instructions in brackets are to be replaced with the relevant information and the brackets deleted:

IRREVOCABLE STANDBY LETTER OF CREDIT

[Name and address of issuing institution]
[Name and address of the Department]

Dear Sir or Madam: We hereby establish our Irrevocable Standby Letter of Credit No. \_\_\_ in your favor, at the request and for the account of [owner or operator name] of [address] up to the aggregate amount of [in words] U.S. dollars (\$[dollar amount]), available upon presentation of:

- (1) Your sight draft, bearing reference to this letter of credit, No. \_\_\_, and
(2) Your signed statement reading as follows: "I certify that the amount of the draft is payable pursuant to rules issued under authority of the Spill Compensation and Control Act, and that this letter of credit is not being drawn on to cover any of the following:

- (a) Any obligation of [owner or operator] under a workers' compensation, disability benefits, or unemployment compensation law or other similar law;
(b) Bodily injury to an employee of [owner or operator] arising from, and in the course of, employment by [owner or operator];
(c) Bodily injury or property damage not related to a discharge arising from the ownership, maintenance, use, or entrustment to others of any aircraft, motor vehicle, or watercraft;
(d) Property damage to any property owned, rented, loaned to, in the care, custody, or control of, or occupied by [owner or operator] that is not the direct result of a discharge from the facility;
(e) Bodily injury or property damage for which [owner or operator] is obligated to pay damages by reason of the assumption of liability in a contract or agreement other than a contract or agreement entered into to meet the requirements of N.J.A.C. 7:1E-4.4."

This letter of credit may be drawn on to cover cleanup and removal activities arising from operating the facility identified below in the amount of [in words] \$[dollar amount] per occurrence and [in words] \$[dollar amount] annual aggregate.

[Name and address of facility]

This letter of credit is effective as of [date] and shall expire on [date], but such expiration date shall be automatically extended for a period of [at least the length of the original term] on [expiration date] and on each successive expiration date, unless, at least 120 days before the current expiration date, we notify [owner or operator] and the Department by certified mail that we have decided not to extend this letter of credit beyond the current expiration date. In the event that [owner or operator] is so notified, any unused portion of the credit shall be available upon presentation of your sight draft for 120 days after the date of receipt by [owner or operator] or for 120 days after the date of receipt by the Department, as shown on the signed return receipt.

Whenever this letter of credit is drawn on under and in compliance with the terms of this credit, we shall duly honor such draft upon presentation to us, and we shall deposit the amount of the draft directly into the standby trust fund of [owner or operator] in accordance with your instructions.

We certify that the wording of this letter of credit is identical to the wording specified in Appendix B of N.J.A.C. 7:1E, as such rules were constituted on the date shown immediately below.

[Signature(s) and title(s) of official(s) of issuing institution]

[Date]

This credit is subject to ["the most recent edition of the Uniform Customs and Practice for Documentary Credits, published by the International Chamber of Commerce," or "the Uniform Commercial Code"].

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

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

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

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

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

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

Rewrote the appendix.

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

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

Rewrote the appendix.