

CHAPTER 1K

POLLUTION PREVENTION PROGRAM RULES

Authority

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

Source and Effective Date

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

Executive Order No. 66(1978) Expiration Date

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

Chapter Historical Note

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

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

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

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

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. GENERAL PROVISIONS

- 7:1K-1.1 Scope
- 7:1K-1.2 Purpose
- 7:1K-1.3 Jurisdiction
- 7:1K-1.4 Relationship of Community Right-to-Know Reporting to Pollution Prevention Reporting
- 7:1K-1.5 Definitions
- 7:1K-1.6 Construction
- 7:1K-1.7 Severability
- 7:1K-1.8 Access to public information
- 7:1K-1.9 Revisions to North American Industry Classification System Codes for purposes of the definition of "industrial facility"

SUBCHAPTER 2. POLLUTION PREVENTION ADVISORY BOARD

- 7:1K-2.1 Pollution Prevention Advisory Board

SUBCHAPTER 3. POLLUTION PREVENTION PLANNING REQUIREMENTS

- 7:1K-3.1 Preparation and submission of pollution prevention planning documents by priority industrial facilities
- 7:1K-3.2 Designation of individual industrial facilities not subject to 42 U.S.C. § 11023 as priority industrial facilities
- 7:1K-3.3 Designation of SIC Code(s) as priority industrial facilities (Reserved)
- 7:1K-3.4 Scope of pollution prevention planning documents
- 7:1K-3.5 Threshold quantities for pollution prevention planning

- 7:1K-3.6 Additional hazardous substances for which pollution prevention planning is required
- 7:1K-3.7 Five-year revision of Pollution Prevention Plans and Pollution Prevention Plan Summaries
- 7:1K-3.8 Annual Pollution Prevention Plan updates
- 7:1K-3.9 Pollution Prevention Plan, Pollution Prevention Plan Summary and Pollution Prevention Plan Progress Report modifications resulting from production changes or grouping or targeting changes
- 7:1K-3.10 Pollution Prevention Plan Summary and Pollution Prevention Plan Progress Report modifications resulting from change in hazardous substance quantity relative to threshold quantity
- 7:1K-3.11 Pollution Prevention Plan Summary and Pollution Prevention Plan Progress Report modifications resulting from addition or deletion of a hazardous substance on the TRI list or in Appendix A
- 7:1K-3.12 Pollution Prevention Plan Summary and Pollution Prevention Plan Progress Report modifications resulting from change in planning threshold
- 7:1K-3.13 Pollution Prevention Plan Summary and Pollution Prevention Plan Progress Report modifications due to improvements in pollution prevention for a production process established after January 1, 1992
- 7:1K-3.14 Department review of Pollution Prevention Plans, Plan Summaries and Plan Progress Reports
- 7:1K-3.15 Submittal of Pollution Prevention Plans

SUBCHAPTER 4. POLLUTION PREVENTION PLANS

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

SUBCHAPTER 5. POLLUTION PREVENTION PLAN SUMMARY

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

SUBCHAPTER 6. POLLUTION PREVENTION PLAN PROGRESS REPORT

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

SUBCHAPTER 7. FACILITY-WIDE PERMITS

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

SUBCHAPTER 8. CONFIDENTIALITY CLAIMS

- 7:1K-8.1 Confidentiality of Pollution Prevention Plans
- 7:1K-8.2 Procedure for making a claim for information contained in Pollution Prevention Plans, Pollution Prevention Plan

- Summaries, and Pollution Prevention Plan Progress Reports
- 7:1K-8.3 Designation by claimant of an addressee for notices and inquiries
- 7:1K-8.4 Correspondence, inquiries and notices

SUBCHAPTER 9. CONFIDENTIALITY DETERMINATIONS

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

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

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

SUBCHAPTER 11. TREATMENT OF CONFIDENTIAL AND ASSERTEDLY CONFIDENTIAL INFORMATION

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

SUBCHAPTER 12. CIVIL ADMINISTRATIVE PENALTIES AND REQUESTS FOR ADJUDICATORY HEARINGS

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

- 7:1K-12.9 Exemptions from civil administrative penalties
- 7:1K-12.10 Records of assessments
- 7:1K-12.11 Pollution Prevention Fund

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

APPENDIX B THRESHOLDS FOR POLLUTION PREVENTION PLANNING (RESERVED)

APPENDIX C NOMENCLATURE

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

SUBCHAPTER 1. GENERAL PROVISIONS

7:1K-1.1 Scope

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

Law Review and Journal Commentaries

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

7:1K-1.2 Purpose

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

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