

11/97

PRELIMINARY DISCUSSION DOCUMENTS FOR THE RELEASE PREVENTION PROGRAM

Discharge Prevention, Containment and Countermeasure Program

The attached preliminary discussion document for the Discharge Prevention, Containment and Countermeasure (DPCC) program is an annotated version of the existing penalty regulations codified at N.J.A.C. 7:1E-5. The discussion document does not reflect several minor changes to the existing regulations that have been made as a result of the recent re-adoption of Chapter 1E. These changes do not affect the designation of types of violations as either minor or non-minor. The existing penalty regulation provides a brief summary of each type of potential violation, the citation for the corresponding substantive requirement of the DPCC regulations, followed by the penalty established for that violation, which increases progressively with each subsequent offense. The Department is not seeking comments on the penalties noted in the document. To the right of the penalty, the discussion document includes a new column designating the potential violation as either minor or non-minor, followed by the length of a correction period where applicable. The letter "Y" in this column denotes a minor violation (yes, this one is minor), and the letter "N" denotes types of violations that are non-minor (no, this one is not minor).

Toxic Catastrophe Prevention Program

The attached discussion document for the Toxic Catastrophe Prevention Act (TCPA) program is an annotated version of the existing penalty regulations codified at N.J.A.C. 7:31. The existing penalty regulation provides a brief summary of each type of potential violation, the citation for the corresponding substantive requirement of the DPCC regulations, followed by the penalty established for that violation, which increases progressively with each subsequent offense. The Department is not seeking comments on the penalties noted in the document. To the right of the penalty, the discussion document includes a new column designating the potential violation as either minor or non-minor, followed by the length of a correction period where applicable. The word "YES" in this column denotes a minor violation (yes, this one is minor), and the word "NO" denotes types of violations that are non-minor (no, this one is not minor).

Right to Know Program

The attached discussion document for the Right to Know program is an adaptation of the existing penalty regulation codified at N.J.A.C. 7:1G. The attached document provides a brief summary of each type of potential violation, followed by the penalty established for that violation. The Department is not seeking comments on the penalties noted in the document. The discussion document includes a column designating the potential violation as either minor or non-minor, followed by the length of a correction period where applicable. The word "YES" in this column denotes a minor violation (yes, this one is minor), and the word "NO" denotes types of violations that are non-minor (no, this one is not minor).

RTK:

7:1G-7.7 Penalties

MINOR

OF DAYS

(a) Failure to submit a Community Right to Know Survey pursuant to N.J.S.A. 34:4A-1 et seq. shall result in the assessment of a civil administrative penalty of \$1,000.

NO

(b) Failure to submit a Release and Pollution Prevention Report pursuant to N.J.S.A. 34:5A-1 et seq. shall result in the assessment of a civil administrative penalty of \$1,000.

NO

(c) Failure of an employer to report all PHSs pursuant to these regulations on the Community Right to Know Survey or Release and Pollution Prevention Report shall result in the assessment of a civil administrative penalty based on the number of substances omitted as follows: one to 10 substances, \$500.00; 10 or more substances, \$1,000.

NO

(d) Failure to respond to the Department's request for clarifying information shall result in the assessment of a civil administrative penalty of \$1,000.

Yes

30 days

(e) Failure to submit a copy of a Community Right to Know Survey or a Release and Pollution Prevention Report to any required agency pursuant to N.J.A.C. 7:15-4 shall result in the assessment of a civil administrative penalty in the amount of \$500.00.

Yes

30 days

(f) Failure of an employer to maintain or make available copies of the current Community Right to Know Survey or Release and Pollution Prevention Report at his or her facility pursuant to N.J.S.A. 34:5A-17 shall result in the assessment of a civil administrative penalty of \$500.00.

Yes

30 days