

Frequently Asked Questions about the Discharge Prevention Program

1. Who is regulated under the Discharge Prevention Program?

Many of the requirements of N.J.A.C. 7:1E only apply to sites considered to be “major facilities.” Under N.J.A.C. 7:1E, a site is a major facility if one of two thresholds are exceeded: The site has a total storage capacity of 20,000 gallons or more for hazardous substances other than petroleum or petroleum products, or the site has a total storage capacity of 200,000 gallons or more for hazardous substances of all kinds, including petroleum and non-petroleum products.

Major facilities must comply with the full requirements of N.J.A.C. 7:1E. Facilities must document their compliance by submitting two plans to the Bureau: a Discharge Prevention, Containment and Countermeasure (DPCC) plan, and a Discharge Cleanup and Removal (DCR) plan. These documents must be submitted and approved by the Bureau before a site can operate as a major facility.

Facilities that are not considered major facilities must still comply with certain key provisions of N.J.A.C. 7:1E, and in particular the requirements for reporting a discharge of a hazardous substance, as described in N.J.A.C. 7:1E-5. This includes calling the toll-free DEP emergency line at 1-877-WARNDEP (1-877-927-6337), which is available 24 Hours a Day, 7 Days a Week. Discharges must be reported within 15 minutes, as explained in the regulation. Additionally, major facilities and transmission pipelines must submit a written discharge confirmation report to the Department.

The definition of hazardous substances in N.J.A.C. 7:1E is also referred to in other regulations administered by the Department.

You can download a copy of N.J.A.C. 7:1E and its Appendices from our [Downloads Page](#).

2. What substances are considered hazardous under this regulation?

The definition of a hazardous substance is contained in N.J.A.C. 7:1E-1, and includes petroleum products and a variety of organic and inorganic chemicals. A list of specific hazardous substances and categories is contained in N.J.A.C. 7:1E-Appendix A, indexed by both chemical name and CAS number. Please be aware that certain categories, like phthalate esters and mercury compounds, include many chemicals that are not shown individually. Petroleum products are also considered hazardous substances, even though only a few are individually named in Appendix A. You can download a copy of Appendix A from our [Downloads Page](#).

Non-petroleum oils like vegetable oils are not regulated under N.J.A.C. 7:1E. Mineral oil, however, is a petroleum product and is therefore subject to the requirements. If the regulatory status of a compound is not clear, please contact the Program for further guidance.

3. What do I do if I plan to become a major facility in the future?

A typical scenario might look like this: First, contact the Discharge Prevention Program at (609) 633-0610 and request that an engineering project manager be assigned to your site. Our engineers will meet with your staff to review program requirements and provide information on the compliance process. Thoroughly read N.J.A.C. 7:1E, paying particular attention to

subchapters 2 and 4 (for most facilities). These subchapters outline the major requirements and describe the content of the plans that you will prepare. If you have any questions, contact your Discharge Prevention project manager. Guidance documents are also available from our [Downloads Page](#) that provide additional information on specific aspects of the program.

During this process, you will also need to consult with a licensed professional engineer, whose certification will be needed as part of the plans you will submit, and also a licensed land surveyor, who will prepare and certify a General Site Plan for your facility. For smaller companies, it may be necessary to contact your insurance carrier to obtain a Certificate of Insurance that demonstrates financial responsibility, while larger corporations may need to coordinate with their financial management to prepare a test of self insurance. Inspection and testing of above-ground storage tanks having capacity greater than 2,000 gallons may require the assistance of a tank testing service. Development of an off-site deployment plan requires the services of qualified environmental biologists as described in N.J.A.C. 7:1E-4.3(a)7.

After bringing the necessary materials together, assemble your plans following the outlines in N.J.A.C. 7:1E-4.2 and 4.3. While the regulation describes two separate plans (one for prevention, the other for response), they are usually submitted together in a single three-ring binder, which simplifies future updates. After checking your plans for completeness and accuracy, prepare and sign the certifications as described in N.J.A.C. 7:1E-4.11, and submit the plans to your Discharge Prevention project manager for review.

After submission of new plans, they are reviewed for administrative completeness. If a required section of a plan is missing, you will receive a letter with details on what must be submitted. Once the plans are deemed to be administratively complete, they undergo a technical review. In this process, specific deficiencies or areas needing additional clarification are identified by engineering staff. A site visit by Bureau staff generally takes place as part of this process as well, and facility staff have the opportunity to discuss outstanding concerns during the meeting. After the meeting, a letter summarizing outstanding concerns is sent to the facility by the Bureau, and the facility then has 30 days to revise the DPCC/DCR plans or otherwise address the Bureau's concerns. When the Bureau determines that the plans are in compliance with the requirements of N.J.A.C. 7:1E, a letter of approval is issued.

4. What if my site is above the regulatory threshold but has not complied with the Discharge Prevention requirements?

Contact the Discharge Prevention Program at (609) 633-0610 and discuss your situation with Program staff. "Self reporting" is to a company's advantage compared to the alternative.

5. My facility is planning to reduce its inventory of hazardous substances below the regulatory threshold for the Discharge Prevention Program. How do I exit the program?

Contact your Discharge Prevention project manager and explain your intentions. Your project manager may ask that a letter be submitted to document your situation. After your inventories have been reduced, arrange with the Program to have an inventory inspection conducted. During the inspection, Bureau staff will verify that your facility is no longer subject to the planning and inspection requirements of N.J.A.C. 7:1E. A letter will be sent confirming your status as a non-major facility shortly after completion of the inspection. However, remember that you will still

be required to report discharges to the Department pursuant to N.J.A.C. 7:1E-5, as all facilities are.

6. For major facilities, would the Administrative Requirements for the Remediation of Contaminated Sites (ARRCS), N.J.A.C. 7:26C, including hiring an LSRP to oversee remediation, prevent them from immediately addressing a discharge pursuant to their DCR plan?

There have been a number of questions raised since the adoption of the Site Remediation rules concerning how they interact with the Discharge Prevention rules. Please use the following link for information on how the two rules apply to discharges at major facilities: https://www.nj.gov/dep/srp/srra/listserv_archives/2012/20120724_srra.htm