TCPA Rules Readoption Workshop

Bureau of Release Prevention

June 11, 2009

Al Drabnis, Chemical Safety Engineer

- New Threshold Quantity Determination
- Program 2 Elimination
- Petroleum Refining Process Unit Definition Amendment
- LPG Components Added to EHS List
- March 16, 2010

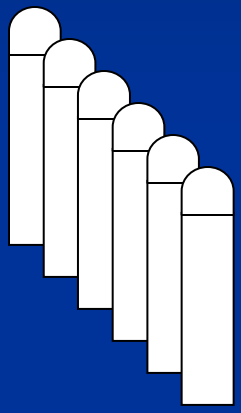
New Threshold Determination

40 CFR 68.10(a)/N.J.A.C. 7:31-1.1(c)3i

- Previous Determination – In a Process
- Current Determination – **At a Facility**
- May result in a different RMP for EPA
- Guidance Document available ! (www.nj.gov/dep/rpp/brp/)
- Another Example:

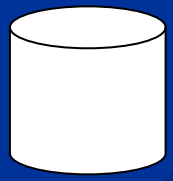
TQ/Applicability Example

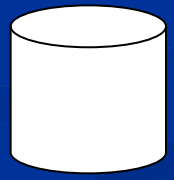
Building A



6 full EO Cylinders, 400 lb each

Building B





EO Sterilizers, Capacity 200 lb each

Currently empty – 0 lbs. EO

Total Quantity at any time = 2,400 lbs

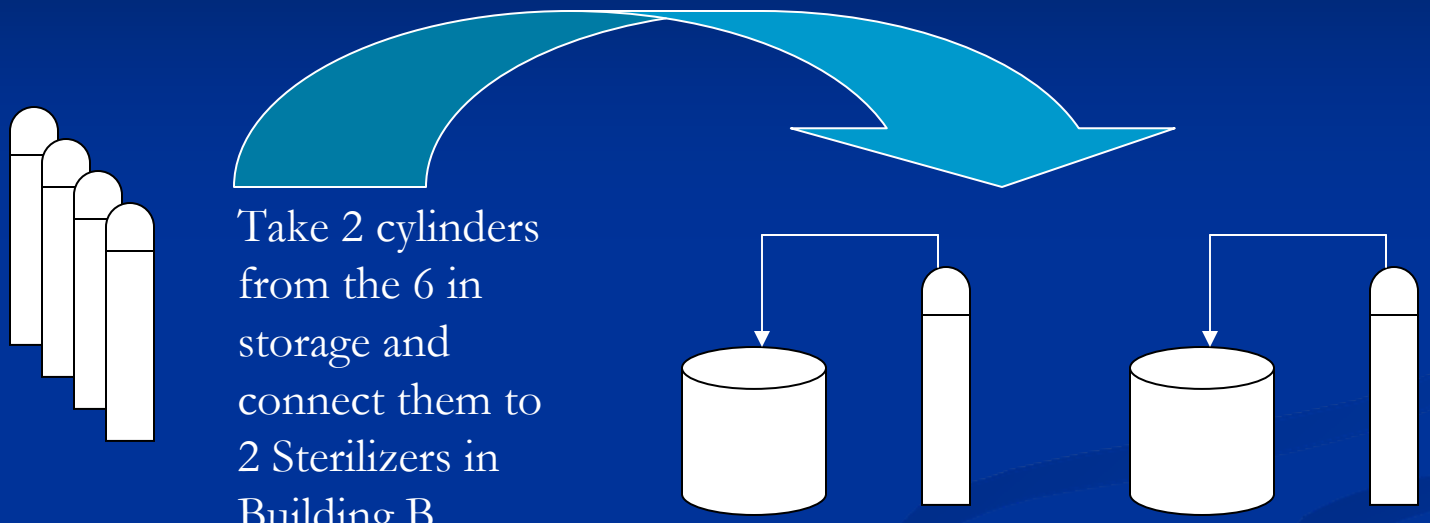
Ethylene Oxide (EO) threshold =2,700 lbs

Not covered

TQ/Applicability Example, cont'd

Building A

Building B



Take 2 cylinders from the 6 in storage and connect them to 2 Sterilizers in Building B.

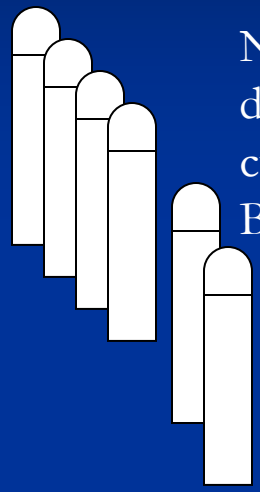
4 full EO Cylinders, 400 lb each

2 EO Cylinders, 200 lb in each
2 EO Sterilizers, 200 lb in each

Total Quantity at Facility = 2,400 lbs
Not covered

TQ/Applicability Example, cont'd

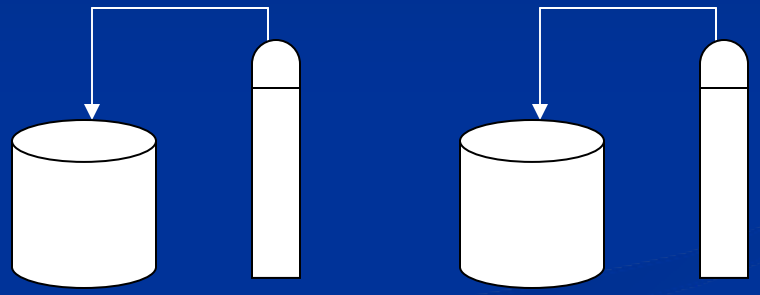
Building A



Now, receive a delivery of two cylinders in Building A

6 full EO Cylinders, 400 lb each

Building B



2 EO Cylinders, 200 lb in each
2 EO Sterilizers, 200 lb in each

Total Quantity = 3,200 lbs
Previously - Not Covered
Now, Covered under New Rule!

Elimination of Program 2
(N.J.A.C. 7:31-3)

- Program 2 Registrants become Program 3
- In New Jersey only
- RMP
- What is Required?

Prevention Program Requirements

Requirement	Program 2	Program 3
Safety Information/PSI	68.48	68.65
Hazard Review/PHA	68.50	68.67
Operating Procedures	68.52	68.69
Training	68.54	68.71
Maintenance	68.56	
Mechanical Integrity		68.73
Compliance Audit	68.58	68.79
Incident Investigation	68.60	68.81
Management of Change		68.75
Pre-Startup Review		68.77
Contractors		68.87
Employee Participation	AO 2005-05	68.83 +AO 2005-05
Hot Work Permits		68.85
Reports	Triennial	Annual
IST	7:31-3.6	7:31-4.12

Program 2 to 3 Requirements

- Safety Information – All the Program 2 information *plus*
  - Electrical classification
  - Relief system design
  - Ventilation system design
  - Site Plan
  - Electrical one-lines
  - Firewater system piping diagrams
  - Sewer system piping diagrams
- Hazard Analysis/PHA – Process Hazard Analysis with Risk Assessment is now required.
- SOPs – Similar requirements but annual certification
- Training – Similar requirements but written job descriptions

Program 2 to 3 Requirements

- Maintenance/MI – Very extensive changes
- Investigations - Similar requirements but team required
- MOC – Requires review of changes in covered process
- PSSR – Required for significant modifications
- Contractors – Required for work on or near a covered process
- Employee Participation – Must be involved in PHA, etc.
- Hot Work – Required for work on or near a covered process
- Reports/Audits – Annual
- IST – No differences

Petroleum Refinery Rule Changes

40 CFR 68.3 - Definitions

- Consistent with EPA requirements
- Formerly one covered process
- Each petroleum refining process unit will be a covered process if it contains an EHS
- Sitewide applicability for EHS applies
- Why?

Addition of Liquefied Petroleum Gas Components

40 CFR 68.130 Tables 3 & 4

- Propane
- Propylene
- 2-Methylpropene
- Butane
- Isobutane

- Butene
- 1-Butene
- 2-Butene
- 2-Butene-cis
- 2-Butene-trans

LPG Addition to Rule

- Threshold = 10,000 lbs
- 68.126 Exclusion Applies
- No de minimis Amount
- Guidance Document

(www.epa.gov/emergencies/docs/chem/storage.pdf)

TCPA Rule Amendments

Bureau of Release Prevention

June 11, 2009

Paul Komosinsky, Section Chief

Industrial Complex

- Delete the "Industrial Complex" definition (N.J.A.C. 7:31-1.5) and rule provisions
- To be consistent with the EPA definition of offsite
- Former 3 industrial complexes, 9 registrants
- Property line to determine offsite release for risk assessment (formerly N.J.A.C. 7:31-4.2(f))
- Reporting offsite releases, emergency response program (N.J.A.C. 7:31-5.2(b)4iii)

Process Hazard Analysis/Risk Assessment Overview

N.J.A.C. 7:31-4.2

- Conduct PHA
- Quantify the release amounts for the PHA release scenarios
- Perform consequence analysis to identify scenarios with offsite impact
- Determine likelihood of release occurrence for offsite scenarios
- Evaluate risk reduction measures which reduce the likelihood or consequences of an EHS release
- Identify feasible risk reduction measures
- Develop and implement risk reduction plan
- Documentation

Risk Assessment Amendments
N.J.A.C. 7:31-4.2

- Consequence analysis of toxicity, flammability, explosion, and reactivity hazards, as applicable to the EHS and scenario (4.2(b)2 and 3)
  - Consideration of toxicity is required only for those EHSs in Table I, Parts A and/or B
- Flammable – NFPA 3 or 4 flammability rating
- Eliminate higher consequence analysis level (e.g. 5 X ATC) to determine offsite impact
- Radiant heat criterion – 5 kW/m^2 for 40 seconds
- Likelihood of release occurrence: 10^{-6} releases per year (amended from 10^{-4})

Risk Assessment Amendments

- Delete the use of "State of the Art" standard
- Evaluate risk reduction measures which reduce the EHS release likelihood or consequences
- Develop and implement a risk reduction plan for feasible risk reduction measures

Feasibility

- Feasible means capable of being successfully accomplished, taking into account environmental, public health and safety, legal, technological, and economic factors
  (N.J.A.C. 7:31-1.5)

- Documentation to justify determination of why risk reduction measures are not feasible
  (N.J.A.C. 7:31-4.2(d)4)

Environmental and Public Health and Safety Feasibility

- There would be a significant negative environmental impact
  - Consideration of water resources, water pollution, air pollution, solid and hazardous wastes, noise, etc.
- The risk reduction measure could decrease the hazard but would increase the overall risk
- The risk would be shifted to another location where the risk would be the same or higher
- If infeasibility claimed because of risk, need to document the difference in frequency and/or consequences with and without the risk reduction measure

Legal Feasibility

- The risk reduction measure would result in a conflict with existing federal, state, or local laws
- The risk reduction measure would violate a license agreement and the license agreement cannot be modified and must remain in effect

Technological Feasibility

- Is in conflict with Recognized and Generally Accepted Good Engineering Practices (cite reference documents)
- Product quality specifications cannot be met
- Availability of materials
- Space restrictions
- Impact on production rate
- Commercially available, not intended to develop new process from research stage

Economic Feasibility Factors

- Generally feasible if it has been successfully applied to similar processes, or similar situations – focus on significant cost differences
- "Not" affordability of a risk reduction measure relative to the o/o's facility

Economic Feasibility Factors

- Life Cycle Analysis
- Capital investment, including design and implementation
- Net operating costs
  - Change in the cost of materials including transportation and handling related costs
  - Change in energy consumption
  - Change in human costs such as number of operators, training
  - Any other direct manufacturing costs
- Net regulatory compliance cost, change in fees
- Demolition and future clean-up and disposal cost

EPA Guidances

http://www.epa.gov/emergencies/content/rmp/index.htm

TCPA Rules Readoption Workshop

Bureau of Release Prevention
June 11, 2009
Ezikpe Akuma, Ph.D., P.E.
Chemical Safety Engineer

TCPA RULE CHANGES

- Eliminate inhibitor exemption for Group I RHS
- Add organometallics to Group II RHS mixture
- Add an exemption for Equipment containing RHS mixtures that cannot have catastrophic accident
- Modify heat of reaction for RHS mixture applicability
- Include additional reactivity data for process safety information

Deletion of the exemption for Group I Reactive Hazard Substances that have an inhibitor at NJAC 7:31-6.3(b)1

- Inhibitors are safeguards:
  - Prevent or decrease the rate of chemical reactions
  - Need to maintain the inhibitor concentration

TCPA RULE CHANGES at N.J.A.C. 7:31-6.3(b)1

- Organic Peroxide (Group I RHS)
- Sensitive to shock and friction
- Commercial formulation contains inhibitor
- Requires specific storage temperature
- Shelf-life depends on the storage temperature
- Monitor storage temperature
- Self-Accelerating Decomposition Temperature (SADT)

TCPA RULE CHANGES at N.J.A.C. 7:31-6.3(b)1

- Example: Dibenzoyl Peroxide (Group I RHS)
- Sensitive to shock and friction
- Some commercial formulation contains 30% water
- Storage temperature is 86 °F or less
- Shelf-life is about 3-12 months depending on the storage temperature
- SADT is 155 °F

Addition of organometallics to the list of RHS mixture functional groups at N.J.A.C. 7:31-6.3(a)

- Organometallics are substances in which an organic radical is bonded directly to a metal (C-M bonding)
- Extremely reactive substances
- Functional group #35 (limited to aromatic such as benzene)
- Functional group #44 (includes all carbon-metal bonding)
- Involved in numerous incidents such as T2 Labs (organosodium compound)

Exemption for Equipment containing Reactive Hazard Substance Mixtures at N.J.A.C. 7:31-6.2(i)

- The equipment contains threshold quantity of the RHS mixture
- Demonstrate to the satisfaction of the Department that there is no possibility of runaway reaction, overpressurization and an EHS release during normal or abnormal conditions
- Evaluate reaction chemistry of the RHS mixture using calorimetry testing or other scientific analysis
- Results must be independently verified and certified by NJ PE or an officer of the testing laboratory
- Request exemption of the EHS equipment containing the RHS mixture
- Include the certification statement with the request for exemption
- Department review for approval or denial of the exemption request

Addition of new definition for maximum achievable temperature at N.J.A.C. 7:31-1.5

- Highest temperature that can be attained during abnormal conditions
- Abnormal conditions include scenarios such as:
  - Maximum heating is applied to the vessel
  - Total loss of cooling to the vessel
  - Exothermic reaction that takes place inside the vessel
  - Contamination to the normal vessel contents
  - External fire
  - Unintended ratio or amounts of reaction ingredients

Determination of heat of reaction for RHS mixtures at N.J.A.C. 7:31-6.3(b)5

- Calorimetry Testing
- Literature Search
- Engineering Calculation

Changes to heat of reaction determination for RHS mixtures at N.J.A.C. 7:31-6.3(b)

- Lower of 400 °C or maximum achievable temperature
- Heat of reaction for a semi-batch reactor
- Non-reacting substances shall not be included

Determination of registration quantity for RHS mixtures at N.J.A.C. 7:31-6.2(g)

- Maximum capacity of the process vessel
- Threshold Quantities at N.J.A.C. 7:31-6.3(c), Table II
- Heat of reaction

Determination of threshold quantity for RHS mixtures at N.J.A.C. 7:31-6.2 (h)

- Obtain the maximum volume capacity of the process vessel, from equipment specification
- Estimate the density of the RHS mixture
- Multiply the maximum volume by the density of the RHS mixture to get the maximum weight of the RHS mixture
- Compare the maximum weight of each process vessel with the threshold quantity from Table II at N.J.A.C. 7:31-6.3

Table II - Reactive Hazard Substance Mixture Threshold Quantities at N.J.A.C. 7:31-6.3(c)

- Heat of Reaction ($-\Delta H_R$) (calories/g [of RHS Mixture])	Threshold Quantity (Pounds)
$100 \leq -\Delta H_R < 200$	13,100
$200 \leq -\Delta H_R < 300$	8,700
$300 \leq -\Delta H_R < 400$	6,500
$400 \leq -\Delta H_R < 500$	5,200
$500 \leq -\Delta H_R < 600$	4,400
$600 \leq -\Delta H_R < 700$	3,700
$700 \leq -\Delta H_R < 800$	3,300
$800 \leq -\Delta H_R < 900$	2,900
$900 \leq -\Delta H_R < 1,000$	2,600
$-\Delta H_R \geq 1,000$	2,400

Determination of threshold quantity for RHS mixtures at N.J.A.C. 7:31-6.2(h)

- Maximum mass capacity of the process vessel (M)

$$\mathbf{M = V\rho_n}$$

$$\mathbf{1/\rho_n = \sum_{i=1}^{n} (x_i / \rho_i),}$$ **assuming an ideal solution**

$$\mathbf{x_i = m_i/m_t}$$

where: V = volume of the reaction or mixing vessel

ρ_n = density of the RHS mixture

ρ_i = density of component i in the mixture

x_i = mass fraction of component i in the mixture

m_i = mass of component i in the mixture

m_t = mass of total RHS mixture

n = number of components in the mixture

Determination of threshold quantity for RHS mixtures at N.J.A.C. 7:31-6.2(h)

Example: 2,000 gallon Reactor					
Components	**V_i**	**ρi**	**m_i**	**$x_i = m_i/m_t$**	**$x_i/\rho i$**
Solvent A, liquid	500.00	8.00	4000.00	0.363	0.0454
Reactant B, liquid	400.00	10.00	4000.00	0.363	0.0363
Reactant C, liquid	400.00	7.50	3000.00	0.273	0.0364
Total amount of the mixture (lbs)			11000.00		
Sum of mass fraction				1.00	
Sum of $x_i/\rho i$					0.118
Density of the RHS mixture (lb/gal)		8.46			
Maximum capacity of the reactor (gal)		2000.00			
Maximum amount in the reactor (lbs)		16923.08			
Heat of reaction from calorimetry test (cal/g of total mixture)			50.00	90.00	
Adjusted heat of reaction (cal/g of total reactants)			78.57	141.43	

Additional reactivity data for process safety information *at N.J.A.C. 7:31-4.1(c)24iv*

- Detailed reactivity data for covered RHS mixtures
- Rate of pressure rise (dP/dt)
- Rate of temperature rise (dT/dt)
- Polymerization (self-heat rate) exceeds 0.01 ^{o}C per minute
- Corrected to thermal inertia (phi factor) of 1.0

TCPA Rules Readoption Workshop

Bureau of Release Prevention

June 11, 2009

Arthur Robinson, Chemical Safety Engineer

Outline

- Definitions of EHS Release and ERT
- Recordkeeping Retention Times (MI/PM, SRR, and HWP)
- Annual Report Requirements (adding potential catastrophic releases)
- Management System Requirements (documentation and EHS Inventory)
- MI/PM (overdue maintenance and equipment deficiencies)
- Oversight of o/o as it relates to contractor/owner or operator maintenance
- RHS Hazard Assessments Requirements (Off-site Consequence Analysis; WCS and ACS)
- Emergency Response Program Requirements (Changes from Program 2 to Program 3)

Definitions

- EHS Release

  - means a discharge or emission of an EHS from a piece of **EHS equipment** in which it is contained, excluding discharges or emissions occurring pursuant to and in compliance with the conditions of any State permit or regulation.

Ref. N.J.A.C. 7:31-1.5 State definitions

Definitions

- Emergency Response Team

- personnel identified in the emergency response plan that respond to an emergency at the facility which involves an EHS. **Functions include activities such as**:

1) alarm identification and response
2) response to an EHS release
3) use of emergency protective equipment
4) rescue procedures
5) evacuation procedures
6) medical assistance
7) action plans for dealing with specific scenarios
8) and specifically assigned emergency response duties

-Owners or operators of a covered process may arrange with outside providers for any portion of these functions as needed.

Ref. N.J.A.C. 7:31-1.5 State definitions

Recordkeeping Retention Times

- Mechanical integrity/preventive maintenance records
  - Life of the equipment
- Safety Review Reports
  - Life of the covered process
- Hot Work Permits
  - Until the next Department inspection

Ref: 68.200 Recordkeeping as incorporated by reference with specified changes at N.J.A.C. 7:31-8.1(c) 1

Annual Report Requirements

- List potential catastrophic events, “near misses,” in the annual report with the summary of EHS accidents

Ref. N.J.A.C. 7:31-4.9 (b) 4

Management System Requirements

- Document Plan

  - provides a list identifying all documentation required by this chapter including document title, identification number, and storage location

  - describes how the o/o of a covered process will store, maintain and update all documents of this chapter

- the tracking and recording of the EHS inventory at the facility against the Risk Management Plan registration quantity to ensure that the EHS registered quantity of each registered covered process is not exceeded.

Ref. 68.15 (c) i and ii Management, as incorporated by reference with specified changes at N.J.A.C. 7:31-1.1 (c) 5i through iv

Mechanical Integrity/Preventative Maintenance Requirements

- The o/o shall establish and implement a written procedure to periodically review, document, and approve delays in conducting preventative maintenance of EHS equipment.
- Equipment deficiencies. The o/o shall correct deficiencies in equipment outside of acceptable limits (defined by the process safety information in 68.65) before further use in a safe and timely manner.

  - timely shall mean as soon as feasibly possible but not to exceed 3 months or provide justification and measures taken to ensure safe operation

Ref. 68.73 (b) and (e) MI/PM as incorporated by reference with specified changes at N.J.A.C. 7:31-4.1 (c) 10, 11, 27, and 28

Contractor/owner or operator Responsibilities, Oversight

- The o/o ***oversight of*** Contractor o/o responsibilities. The o/o shall require the contractor o/o to complete the following prior to a contractor performing work at a covered process:

  1) each contractor employee is trained in the work practices necessary to safely perform his/her job.

  2) each contractor employee is instructed in the known potential fire, explosion, or toxic release hazards related to his/her job and the process, and the applicable provisions of the emergency action plan.

  3) document that each contractor employee has received and understood the training required by this section and shall prepare a record which contains the identity of the contract employee, the date of training, and the means used to verify that the employee understood the training.

Contractor/owner or operator Responsibilities, Oversight

4) each contractor employee follows the safety rules of the stationary source including safe work practices required by 68.69 (d)

5) advise the o/o of any unique hazards presented by the contract o/o's work, or of hazards found by the contract o/o's work

Ref. 68.87 (c) Contractors, as incorporated by reference with specified changes at N.J.A.C. 7:31-4.1(c)29

RHS Hazard Assessment Requirements

- Use the following parameters and methods for the RHS Hazard Assessment:

  - One hundred percent of the potential heat release (heat of reaction) assumed to contribute to the explosion for N.J.A.C. 7:31-6.3 Table I, Part D Group I RHS in a storage vessel but 28 percent of the heat of combustion may be used as an approximation if the detailed heat of reaction data is not available

Ref. N.J.A.C. 7:31-2.2 (b)(3)iii

Emergency Response Requirements

- Applicability

If the facility's employees will not respond to accidental EHS releases, comply with the following:

1) For facilities with any regulated toxic substances at or above the threshold quantity, the facility is included in the community emergency response plan;

2) For those facilities with only regulated flammable substances at or above the threshold quantity the o/o has coordinated response actions with the local fire department; and

3) Means to notify emergency responders when there is a need for a response and obtain documentation that they will be responsible for responding to accidental releases at the o/o facility.

Ref. 68.90 (b)(1)(2)(3)

Emergency Response Requirements

- Assessment of Outside Agencies and Public Notification

  - a written assessment of the ER plan, of the adequacy of notification to outside agencies and the public and of the adequacy or need for ER equipment after each ER plan implementation or each ER exercise.

Ref. N.J.A.C. 7:31-5.2(b)3

TCPA Rules Readoption Workshop

Bureau of Release Prevention

June 11, 2009

Carl Ochs, Supervising Env. Specialist

Consumer Price Index (CPI) adjustment of certain TCPA fees

- Certain TCPA fees are now adjusted by the **CPI**.
  - NJAC 7:31-1.11A(q) & 10.5(d) - **Confidentiality claim substantiation fee**, $350 (in 1988 $); ***6/09=$635***
  - NJAC 7:31-1.11A(r) & 10.6 - **Privileged trade secret or security information**, $350 (in 1988 $); ***6/09=$635***
  - NJAC 7:31-1.11A(t) & 6.2(i) - **Exemption request**, $275.50 (in 1988 $). ***6/09=$500***
- The Department will send a bill for the correct amount, adjusted for the CPI from July 1988 to the month of submittal, pursuant to NJAC 7:31-1.11(A)(u).

EPA online RMP*eSubmit

- ***Cannot*** use this system to submit to NJDEP!
- Continue to use RMP*Submit 2004 program submitting RMPlan on diskette or CD-ROM.
- NJ RMP Submission program may not load on some newer PCs, in which case NJ supplemental information must be submitted by using the MS-Word document form (EFO-040) supplied on TCPA website, http://www.nj.gov/dep/rpp/brp/tcpa/tcpadown.htm

SUBCHAPTER 7. RISK MANAGEMENT PLAN AND TCPA PROGRAM SUBMISSION

7:31-7.1 Incorporation by reference

- (c) The following provisions of 40 CFR 68 Subpart G are incorporated by reference with the specified changes:
  - **7. 40 CFR 68.150(b)(3), delete "above a threshold quantity in a process" and replace with "at or above a threshold quantity at the facility."**
  - **8. 40 CFR 68.160(b)(7), in the phrase, "For each covered process, the name and CAS number of each regulated substance held above the threshold quantity in the process," replace "above the threshold quantity in the process" with "at or above the threshold quantity at the facility".**
  - **9. 40 CFR 68.165(a)(2), delete all references to "Program 2".**
  - **10. Delete 40 CFR 68.170. (Deletion of Program 2)**
  - **11. 40 CFR 68.190(b)5, delete "or hazard review". (deletion of Program 2)**
  - **12. 40 CFR 68.195(a), delete "68.170(j)". (deletion of Program 2)**

Changes to N.J.A.C. 7:31-7.2

TCPA risk management plan submission and updates

- (a) All owners or operators shall submit the following to the Department in a format to be specified:
  - 2. The following supplemental TCPA program information:

(This section deleted)

    - [v. For RHS mixtures containing one or more EHSs listed in Parts A, B, or C of Table I, identification of each covered process containing an RHS mixture and the number of process vessels in which the RHS mixture is present at or above its threshold quantity; and]

Changes to N.J.A.C. 7:31-7.2
TCPA risk management plan submission and updates (continued)

- 3. The owner or operator shall identify and register each covered process having an **individual RHS** or an **RHS mixture** and provide the following information in the RMP registration section pursuant to 40 CFR 68.160(b)(7) incorporated at N.J.A.C. 7:31-7.1(a):

  - iii. For **RHS mixtures**, the heat of reaction range in calories/gram as listed at Table II of N.J.A.C. 7:31-6.3(c). If more than one RHS mixture is present in the process vessel at different times, the owner or operator shall register the RHS mixture having the highest heat of reaction range as shown on N.J.A.C. 7:31-6.3(c) Table II.

  - iv. For **RHS mixtures containing one or more EHS(s)** listed in Parts A, B, or C of N.J.A.C. 7:31-6.3(a) Table I, **at or** above the threshold quantity **at the facility**, an owner or operator shall register the EHS listed on Part A, B, or C as a toxic or flammable substance, as applicable**, and the RHS mixture**.

Changes to N.J.A.C. 7:31-7.2

TCPA risk management plan submission and updates (continued)

- (b) In addition to updates required by N.J.A.C. 7:31-7.1(c)3 through 5, all owners or operators shall submit **a correction** to the Department within 60 days of an increase in maximum inventory of a covered process.
- **(c) The owner or operator shall submit to the Department a Risk Management Plan correction within one month of a change in the qualified person or position.**

N.J.A.C. 7:31-7.5
Schedule for Risk Management Program Implementation

- Immediately (as of **March 16, 2009**):
  - All new covered processes must comply with N.J.A.C. 7:31-4.11 for Program 3 covered processes
  - Owners/operators with approved RMP must comply with PHA/RA requirements of 40 CFR 68.67 with changes specified at N.J.A.C. 7:31-4.1(c) and 4.2

N.J.A.C. 7:31-7.5
Schedule for Risk Management Program Implementation

- No later than **March 16, 2010**:
  - Owners/operators covered under LPG, New RHS functional group, RHS change, and facility change must submit RMPlan and be in compliance.
  - Existing TCPA facilities with approved RMPs for Program 2, must change to Program 3.
  - Existing TCPA facilities with approved RMPs for Program 3 must revise their program to comply with new requirements.

New Certification

- **The owner or operator shall include the following certification with any risk management program document required to be submitted:**
  - **"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is 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."**
- **The certification shall be signed by the qualified person or position specified in the owner or operator's RMP, or person of higher authority for the owner or operator.** [NJAC 7:31-8.2(c)1.&2.]

Audits and Inspections

- **The owner or operator shall make all documentation required pursuant to this chapter readily accessible for review by the Department during an audit or inspection.** [NJAC 7:31-8.2(e)]

Security Information definition amended

- "Security information" means information the release of which could either compromise the physical security of the covered process or its operations, or adversely affect national security. **Examples include, but are not limited to, offsite consequence analysis data and quantities and locations of EHSs at facilities**. [NJAC 7:31-1.5]
- The Department shall protect from disclosure to the public any **security information and any** confidential information obtained pursuant to the Act or this chapter. [NJAC 7:31-10.2(b)]

Increased Penalty for Failure to Submit a Risk Management Plan

- Failure to submit the first RMP on or before the date on which a regulated substance is first present **at or** above a threshold quantity **at the facility**.
- Cite - 40 CFR 68.150(b)(3), N.J.A.C. 7:31-7.1(a)
- **First Offense:**
  - **If found by the Department: $10,000 per year out of compliance plus amount of past fees due as calculated per N.J.A.C. 7:31-1.11A.**
  - **If self-reported: $10,000**
- **Second Offense:**
  - **If found by the Department: $25,000 per year out of compliance plus amount of past fees due as calculated per N.J.A.C. 7:31-1.11A.**
  - **If self-reported: $25,000**
- **Subsequent Offenses:**
  - **If found by the Department: $50,000 per year out of compliance plus amount of past fees due as calculated per N.J.A.C. 7:31-1.11A.**
  - **If self-reported: $50,000**
- Non minor violation (no grace period)

Increased Penalty for Failure to Submit a Risk Management Plan

- Example – DEP inspector finds a company with one process and 10 hazard units of an EHS, not registered for the past five years, first offense:
  - $10,000 x 5 years = $50,000.00
  - past 5 years fees = $38,887.50
  - Total penalty = **$88,887.50**
- If the violation was self-reported by the company, the penalty would only be $10,000.