



New
Jersey
Department of
Environmental
Protection

COMPLIANCE ADVISORY

Enforcement Alert

Making You Aware of Anticipated Enforcement Activities

Compliance and Enforcement

Issued: May 1, 2013

#2013-08

DEP Unveils Streamlined Procedure for Complying with Community Right to Know Reporting Requirements

Who is affected by this initiative?

Facilities in industrial classifications, defined by the North American Industry Classification System (NAICS) Codes that are required to comply with Community Right to Know (CRTK) reporting requirements.

Why is DEP issuing this advisory?

The Department believes that a significant number of regulated entities do not submit the annual CRTK Survey either because they believe they are exempt from reporting requirements or because they have difficulty setting up their online account to submit a CRTK Survey. Therefore, the Department is providing the following clarification: **A Regulated Entity can ONLY be Exempt from CRTK Reporting Requirements AFTER Submitting Initial Notification to the Department of Such Status. The Department is also Revising Its Policy on Initial Notifications to allow Entities that believe they are Exempt to Submit a CRTK Reporting Exemption Form in lieu of having to set up an online account and submit a CRTK Survey.**

What is DEP doing?

CRTK Surveys for reporting year 2012 were due March 1, 2013. Starting June 1st, DEP will begin initiating enforcement action against all entities that did not submit their Survey, or have not provided the initial notification described above. This enforcement action could result in the issuance of a \$1,000 penalty. DEP is encouraging facilities to comply with the reporting requirements by submitting a CRTK Survey or CRTK Reporting Exemption Form.

What should I do?

Determine if your facility is in one of the regulated NAICS Codes listed at:

<http://www.nj.gov/dep/opppc/rtknaics2012.pdf>

Determine if environmental hazardous substances were present, and in what quantities, in 2012.

If you determine that your facility is in a regulated NAICS Code **AND** environmental hazardous substances were present during 2012 above reporting thresholds, you must create an online account and submit a CRTK Survey. For a list of hazardous substances and reporting thresholds, see: <http://www.nj.gov/dep/opppc/crtk/Melissa/ehsalph.pdf>

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If you determine that your facility is in a regulated NAICS Codes and **NO** environmental hazardous substances were present in 2012, or **THEY WERE PRESENT BUT BELOW THE APPLICABLE REPORTING THRESHOLDS**, you must submit a CRTK Reporting Exemption Form.

If you determine that your facility is in a regulated NAICS Code **AND YOU MEET THE DEFINITION OF AN UNSTAFFED SITE** you must submit a CRTK Reporting Exemption Form.

If you determine that your facility is in a regulated NAICS Code **AND THE ONLY ACTIVITY BEING CONDUCTED IS ADMINISTRATIVE FUNCTIONS** you must submit a CRTK Reporting Exemption Form.

Who should I contact with questions?

Please contact:

Office of Pollution Prevention and Right to Know (P2RK)
At (609)777-0518 or (609) 292-6714

Where can I get more information?

For more information including Frequently Asked Questions, lists of regulated NAICS codes and environmental hazardous substances, the definition of an Unstaffed Site, and CRTK Reporting and Exemption Forms, please go to the DEP CRTK Program web site at: <http://www.nj.gov/dep/opppc/figdoc.htm>

To set up an online account, please go to: <http://www.njdeponline.com/>

For general NJDEP contact information: <http://www.nj.gov/cgi-bin/dep/contactdep.pl>

For more information about our Compliance Advisory program or to comment on this advisory:

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Compliance Advisory Homepage: <http://www.nj.gov/dep/enforcement/advisories.html>

Advisory Comments may be directed to: <http://www.nj.gov/dep/enforcement/survey.html>

Please note this advisory is intended to be a summary explanation of a department initiative. It does not include all potentially applicable requirements. If you have any questions related to compliance with this initiative, please contact the Enforcement number listed above.