

Discharges of Petroleum and other Hazardous Substances (DPHS)



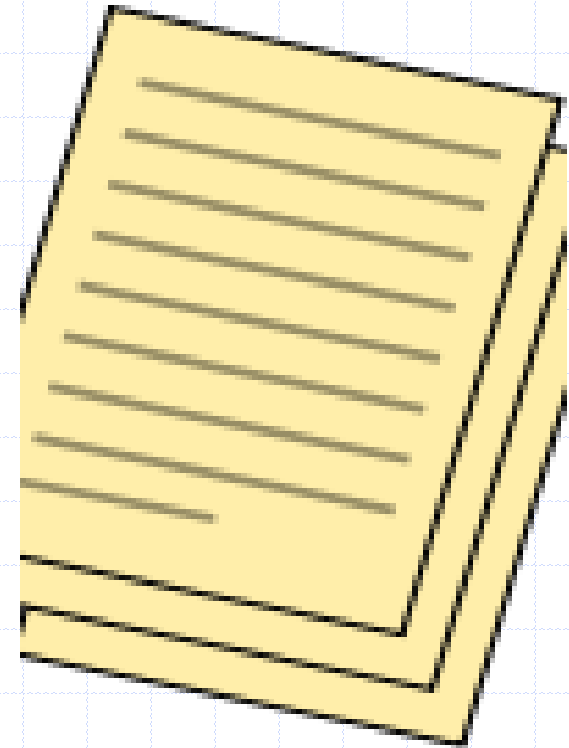
STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION

Bureau of Release Prevention

Audrey Dorofy, Chemical Safety Engineer
March 10, 2020

Background

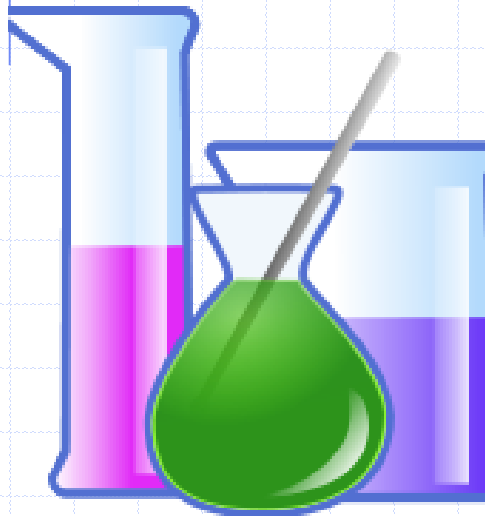
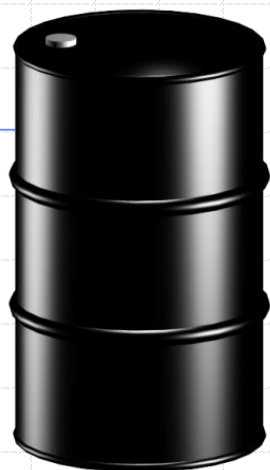
- ◆ Substantial Amendments to the Spill Act effective 7/22/90
- ◆ Significantly Revised Rules N.J.A.C. 7:1E *et seq.* adopted 9/12/91
- ◆ Interim amendments and readoptions
- ◆ N.J.A.C. 7:1E *et seq.* most recently revised January 2018



What is Regulated?

◆ Hazardous substances:

- Liquid petroleum or petroleum products, including synthetic oil
- Any substance listed in Appendix A, except those asterisked (*)
- Excluded:
 - ◆ Solid metals ≥ 100 micrometers
 - ◆ Domestic sewage and sewage sludge



Who is Regulated?

◆ Major Facilities having a combined storage capacity of at least:

- 20,000 gallons or more of non-petroleum hazardous substances;
- 200,000 gallons or more of all hazardous substances including petroleum products; or
- Equivalent measure for solids and gases (volume of container the material is stored in)



Important Definitions

◆ Leak

Spill into secondary containment or diversion system or other surface from which it can be cleaned up

◆ Discharge

Spill that reaches the lands or waters of the State

DCR Plan

N.J.A.C.
7:1E-4.3

- ◆ Response coordinator
- ◆ Chain of command
- ◆ Toll-free number for reporting discharges

1-877-WARNDEP

(1-877-927-6337)

- ◆ Annual drills must be varied and critiqued in writing
- ◆ Containment and removal equipment
- ◆ Trained personnel

DCR Plan

- ◆ Deployment plan
 - On-site response measures
 - Off-site response measures
- ◆ Recycling/disposal options
- ◆ Current agreement with LEPC
- ◆ Financial responsibility (guidance available)



Discharge Notification Exemptions

N.J.A.C. 7:1E-5.3(e)1&2

A discharge which is not required to be reported under any other State or federal statute, rule or regulation is not required to be reported to the Department pursuant to (a) above provided the discharge meets the conditions described in (e)1 or 3 below:

1. The discharge occurs at a facility for which a DPCC and DCR plan pursuant to N.J.A.C. 7:1E-4.6, or a Risk Management Plan pursuant to N.J.A.C. 7:31, or an Emergency Contingency Plan pursuant to N.J.A.C. 7:26G-8.1 or a Facility Response Plan pursuant to 40 CFR 112 has been approved; **and**
 - i. Has not entered any waters of the State or migrated off-site;
 - ii. Within 24 hours of when any person responsible for the discharge knows or reasonably should have known of the commencement of the discharge, is;
 - (1) Stopped and contained in conformance with the approved plan in (e)1 above; **and**
 - (2) Cleaned up and removed, including any contaminated soil, in accordance with the applicable State or federal regulations for cleanup and remediation, including the storage and disposal of cleanup related materials; **and**
 - iii. The owner or operator of the facility documents his or her actions in accordance with N.J.A.C. 7:26E, **and** maintains records in accordance with N.J.A.C. 7:1E-2.15.
2. If the owner or operator determines that all requirements of (e)1i and ii above cannot be met, the owner or operator shall notify the Department immediately upon making such a determination, but in any case, within 24 hours of when any person responsible for the discharge knows or reasonably should have known of the discharge.

Discharge Notification Exemptions

N.J.A.C. 7:1E-5.3(e)3

A discharge which is not required to be reported under any other State or federal statute, rule or regulation is not required to be reported to the Department pursuant to (a) above provided the discharge meets the conditions described in (e)1 or 3 below:

3. The discharge of transformer fluid from a transformer which does not contain polychlorinated biphenyls in concentrations of 50 parts per million or greater which either occurs during a state of emergency declared by the federal, State or local government, provided such discharges are reported to the Department within 24 hours of the termination of the state of emergency, **or**:

- i. The discharge is less than 25 gallons;
- ii. The discharge has not entered any waters of the State, or any storm drain leading to any waters of the State;
- iii. Within 24 hours of when any person responsible for the discharge knows or reasonably should have known of the discharge, is cleaned up and removed in accordance with the applicable State or federal regulations for cleanup and remediation, including the storage and disposal of cleanup related materials; **and**
- iv. The person responsible for the discharge documents his or her actions in accordance with N.J.A.C. 7:26E, and maintains and makes available for Department review at either the facility or the Department's offices at the discretion of the Department, such records for three years from the date of the discharge.

Discharge Notification

N.J.A.C. 7:1E-5.3(f)

(f) The following conditions shall be met in order for any release of a hazardous substance consequent to a motor vehicle accident to be considered a leak not requiring notification pursuant to (a) above:

1. The hazardous substance has not entered any waters of the State, or any storm drain leading to any waters of the State;
2. The hazardous substance is contained on a paved roadway; and
3. Prior to its escape to lands or water of the State, the hazardous substance is cleaned up and removed in accordance with the applicable State or federal regulations for cleanup and remediation, including storage and disposal of cleanup related materials.

Discharge Response

N.J.A.C. 7:1E-5.7(a)

Any person responsible for a discharge shall:

1. Take immediate action to stop the discharge;
2. Take all necessary and appropriate measures to contain, mitigate, cleanup and remove the discharge by:
 - i. Following the facility's approved DCR plan, prepared and implemented in accordance with N.J.A.C. 7:1E-4; **or**
 - ii. Remediating the discharge pursuant to the Administrative Requirements for the Remediation of Contaminated Sites, N.J.A.C. 7:26C; **and**
3. Coordinate such actions with the Department.



Additional Information

- **NJ Department of Environmental Protection**
- **Bureau of Release Prevention**
- **P.O. Box 420, Mail Code 22-03D**
- **Trenton, NJ 08625-0420**

- **Phone: (609) 633-0610**
- **Fax: (609) 633-7031**
- **<http://www.nj.gov/dep/enforcement/dpp.html>**