New Jersey Department of Environmental Protection

Bureau of Release Prevention

A Guide to the Preparation of

Discharge Prevention, Containment and Countermeasure (DPCC) and Discharge Cleanup and Removal (DCR)

Plans and Plan Renewals

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BACKGROUND

During 1989 and 1990 there were catastrophic discharges of petroleum worldwide, including in New Jersey. As a result, the New Jersey Legislature enacted a number of amendments to the Spill Compensation and Control Act (N.J.S.A. 58:10-23.11(a) *et seq*.). Their goal was to reduce the possibility of discharges of hazardous substances to the environment and minimize the consequences when discharges do occur.

The Bureau of Release Prevention (Bureau) in the New Jersey Department of Environmental Protection (Department) adopted the Discharge of Petroleum and Other Hazardous Substances (DPHS) rules (N.J.A.C. 7:1E *et seq*.), effective September 12, 1991, which provide standards for discharge prevention along with emergency response requirements. Based on the experience of the Bureau in implementing these rules and on comments from the regulated community, the rules have been amended and readopted over the years, with the latest readoption effective January 27, 2014. These rules contain a number of requirements. One of the primary requirements is that all major facilities in New Jersey prepare and submit DPCC and DCR plans. The Bureau then evaluates these plans and either grants or denies approval of them.

This guidance document discusses who must submit DPCC/DCR plans, provides a number of pointers for preparing plans that meet the DPHS rule requirements, and explains what goes into a DPCC/DCR plan.

DEFINITIONS

DPCC stands for Discharge Prevention, Containment and Countermeasure. The purpose of the DPCC plan is to prevent discharges from occurring, and if they do occur, to minimize any effects on the environment. Items which must be included in the DPCC plan are general information about the facility, a general site plan, a drainage and land use map and a topographical map, as well as information on storage areas, aboveground storage tank inspections, loading/unloading areas, process areas, in-facility piping, secondary containment/diversion systems, marine transfer areas, flood hazard areas, visual inspection and monitoring procedures, housekeeping and maintenance, personnel training, physical security measures, standard operating procedures, and recordkeeping. A list of discharges that occurred at the facility within the previous 36 months must also be included in the plan. A schedule to upgrade the facility to meet regulatory requirements may be included in the DPCC plan if necessary.

DCR stands for Discharge Cleanup and Removal. The DCR plan addresses what the owner or operator of the facility will do if a discharge <u>does</u> occur in spite of precautions. The information the DCR plan must contain includes the facility's response coordinator, chain of command for an emergency response action, notification procedures, provisions for annual emergency response drills, a list of available containment and removal equipment and trained personnel, a deployment plan for personnel and equipment that includes on-site and off-site response measures, procedures for determining recycling or disposal options, an agreement with the local emergency planning committee, and proof of financial responsibility.

WHO IS REGULATED

To decide if a facility is required to submit plans, the facility owner or operator must first determine if any hazardous substances are stored on site. Petroleum, petroleum products, and any substance listed in Appendix A of N.J.A.C. 7:1E, by name or by substance group, are hazardous substances, by definition, with two exceptions: metal solids above a certain particle size and gases designated with an asterisk in Appendix A. A hazardous substance could be a solid, liquid, or gas. Many facilities store hazardous substances. But only **major facilities** are required to submit DPCC/DCR plans to the Bureau. A major facility is defined as a facility with a total storage capacity of

- 20,000 gallons or more of hazardous substances other than petroleum products;
- 200,000 gallons or more of all hazardous substances including petroleum products; or
- an equivalent measure for substances not commonly measured by volume.

Equivalent measure means:

1. The total volume, in gallons, of the drum, tote, or other container holding the hazardous substance; or
2. For hazardous substances not stored in containers, the volume of space the substance occupies.

By definition, storage capacity is "that capacity which is dedicated to, used for, or intended to be used for storage of hazardous substances of all kinds." (N.J.A.C. 7:1E-1.6) This may include aboveground and underground storage tanks, drums, reservoirs, containers and bins, even open space. However, containers of 5 gallons or less are excluded in the determination of a facility's storage capacity. But if the facility is a major facility based on the aggregate capacity for all other tanks, drums, totes, and containers, the 5-gallon and smaller containers are regulated as part of the major facility.

For additional guidance on what constitutes storage capacity for the purposes of the DPHS rules, please see "A Guide to Hazardous Substance Storage Capacity" which can be found on the Bureau's website (http://www.nj.gov/dep/rpp/brp).

If the owner or operator of a major facility believes it is no longer a major facility, perhaps as a result of regulatory changes or a reduction in storage capacity, this change in status should be submitted to the Bureau in writing. A Bureau inspector visits the facility to determine its actual storage capacity. If it is determined that the facility is no longer a major facility, a letter to this effect is sent to the owner or operator; he or she then is no longer required to submit or maintain a DPCC/DCR plan.

SCHEDULE FOR SUBMITTING DPCC/DCR PLANS and PLAN RENEWALS

All facilities that were major facilities prior to the most recent rule readoption should have submitted their DPCC/DCR plan some time ago, in accordance with the schedule in N.J.A.C. 7:1E-4.5. However, some facilities may become major as a result of rule changes; for example, by the addition of a new hazardous substance to N.J.A.C. 7:1E-Appendix A. In this case, the owner or operator of the facility must submit a DPCC/DCR plan to the Bureau no more than 180 days from the effective date of the addition to Appendix A.

Other facilities may become major as a result of adding storage capacity. For **new** major facilities, a DPCC/DCR plan is due 180 days prior to the anticipated operational date. The approved plan must be implemented **prior to** operating the new major facility. Please note, a new major facility may either be a newly constructed facility or an existing non-major facility that increases its storage capacity above the thresholds listed under **Who Is Regulated**, above, to become a major facility.

A **DPCC/DCR plan renewal** must be submitted once every three years following approval or conditional approval of the original DPCC/DCR plan. It is required that renewal requests be submitted at least 180 days prior to the expiration of the approved plan. The plan expiration date is shown on the approval letter and on subsequent renewal approval letters. If for any reason, the owner or operator is unsure of the plan expiration date for his or her facility, they are encouraged to call the Bureau and ask for this information.

PLAN CONTENT

The minimum requirements for the preparation and submission of a DPCC plan and a DCR plan are located in N.J.A.C. 7:1E-4. For new plans, within 60 calendar days of receipt of the plans, the Bureau notifies the owner or operator of the major facility in writing as to whether areas all topics required in the plan have been addressed. Technical review does not begin until the plans are determined to be administratively complete. If a particular required item is found to be not applicable, mention of this fact should be made in the plan itself.

The Bureau has several recommendations as to the format of the plan. It is not required that plans follow this formatting model, but it makes approval and amendment of the plans smoother and easier. It is highly recommended that the plan be submitted in a three hole-punched format and not with a coil spine or other binding so that replacement pages can be easily inserted. It is also recommended that revision dates be used on all pages. Page numbers are recommended to facilitate cross-references within the DPCC/DCR plans. Separately numbered sections corresponding to the regulatory requirements can eliminate the need to repaginate an entire DPCC or DCR plan if new information is inserted near the beginning. For example, general information may be in a section with pages numbered 1-1, 1-2, etc., followed by a section on aboveground storage tanks with pages numbered 2-1, 2-2, etc., and so on.

N.J.A.C. 7:1E-4.2 establishes what must be included in the DPCC plan and N.J.A.C. 7:1E-4.3 establishes what must be included in the DCR plan, at a minimum. Technical information for both the DPCC and DCR plan must either be in sequential order as found in N.J.A.C. 7:1E-4.2 and 4.3 or must be indexed to that order, such as with a cross-reference table including page numbers showing where the information can be found. **A completeness checklist is provided as Attachment A and includes all items which must be addressed in a DPCC/DCR Plan. Use of this checklist is highly recommended, and it can be used to ensure sequential order or as an index**.

What follows are descriptions, including common issues that need clarification, of all the areas that must be included in the plans.

DPCC PLANS

GENERAL INFORMATION

While most of the information required by N.J.A.C. 7:1E-4.2(b)1 through 5 is self-explanatory, there are several items that are often addressed incorrectly.

The municipality given for N.J.A.C. 7:1E-4.2(b)1 must be the municipality in which the facility is located, not that for the mailing address or associated with the ZIP code. If there is any confusion about the actual physical location of the facility, tax bills contain the name of the municipality that has assessed those taxes, and indicate the municipality in which the facility resides.

Lot and block numbers for the entire major facility must be given and must be consistent with any shown on the general site plan and/or drainage and land use map. This means all lands

located on one or more contiguous or adjacent properties owned and/or operated by the same person, not just the portion of the property where the hazardous substances are located.

A facility contact who is responsible for compliance with the DPCC plan must be appointed. The name, title, mailing address and phone number for this contact must be included in the plan and must be kept current. The bureau addresses all correspondence concerning the DPCC/DCR plans to the person named as the contact.

Information on the owner's or operator's registered agent must also be included in the plan. All New Jersey corporations and LLCs are required to have a registered agent located in New Jersey. Most jurisdictions in the United States require that any business entity that is formed retain and maintain a registered agent. Any New Jersey registered agent must have a street address; post office boxes are not acceptable addresses for registered agents in New Jersey. If the owner or operator is not required to have a registered agent and does not maintain one, the plan should contain a statement indicating that that is the case.

A brief description of the facility must be in the plan. It does not need to include a description of the physical setting of the site, such as the size of the property or what types businesses are on its borders. What is should consist of is what type of facility it is, such as a paint manufacturer, a warehouse, or a refinery, and the types of operations undertaken at the facility. For example, a warehouse may store totes, drums, bags, or other types of containers, and transport those containers, while a paint manufacturer may store hazardous substances in storage tanks, and perform mixing and blending operations. Every operation conducted at the facility does not need to be described, but there should be sufficient detail for a reader to have a general understanding of what would be encountered at the facility.

LIST OF DISCHARGES

A discharge is when a hazardous substance or petroleum product is not contained on an impermeable surface and reaches the land or waters of the state. **All** discharges that occurred at the facility in the 36 months preceding the date of a renewal or new plan submission, including those discharges that were not required to be immediately reported to the Department, must be included on this list. It must include the substance(s) discharged, the quantity(ies) discharged, the location(s) of the discharge(s), the case number(s) assigned by the Department for those discharges that were reported pursuant to N.J.A.C. 7:1E-5.3(a), and the corrective actions taken. If the discharge was caused by malfunctioning equipment, a general statement that the discharge was cleaned up is not sufficient. The description of correction actions must also include whether repairs to that equipment were performed or other means of correcting the root cause of the discharge were implemented.

STORAGE

1. Both aboveground storage tanks (ASTs) and underground storage tanks (USTs) containing hazardous substances must be clearly described, including tank ID, location, size, and contents. The orientation of each AST (vertical, horizontal) must be given, as well as whether the tank is on legs/saddles, double-walled, etc. and the material of construction of the tank (e.g. steel, fiberglass reinforced

plastic, polyethylene). **It is highly recommended to include this information in tabular form**. The tank identification numbers in the text of the plan, including in any tables, must be the same as those used on the general site plan for the corresponding tanks. The general site plan can then be used to provide location information. In all cases, if there are no ASTs storing hazardous substances or no USTs storing hazardous substances, the plan should contain a statement to that effect.

2. The plan must include the schedule for integrity testing for ASTs over 2,000 gallons in hazardous substance service. Clearly state in the plan which inspection and maintenance program is used for each tank (e.g. API 653, SP001). The dates (month/year) of the last completed and next scheduled tests and inspections must be provided for each component of the required testing. **Using a table to present this information is highly recommended.** For API 653, a commitment to conduct required monthly visual inspections must be stated in the plan.

   For a tank being inspected under SP001, the category (1, 2, or 3) that the tank falls into must be included in the plan as well as the factors placing the tank in that particular category. A commitment to conduct required monthly and annual visual inspections must be stated in the plan including the month the annual inspection is conducted. The annual inspection month can also be included in the tank testing table in lieu of describing it in the text of the plan.

   For additional guidance on integrity testing of ASTs, please see "A Guide to the Inspection and Testing of Aboveground Storage Tanks" which can be found on the Bureau's website (http://www.nj.gov/dep/rpp/brp).

3. ASTs greater than 2,000 gallons are required to have a high liquid level alarm. The plan must describe whether the alarm indicator is audible or visual. In addition, the plan must state whether the requirement for the alarm to alert personnel directly responsible for the filling operation of high level conditions is met.

   ASTs greater than 2,000 gallons are also required to have a **REDUNDANT** overfill protection systems. If a high-high liquid level pump cutoff is used, there must be a second means of sensing the liquid level in the AST in order to shut down the filling operation and provide the necessary redundancy. Using the same liquid level detector for both the high level alarm and the high-high level cutoff means that if that detector fails, neither device will work, defeating the purpose of a redundant system. The redundant system used by each AST (whether pump cutoff or direct communication via direct line of sight or telephone or radio communication) must be described in the plan. This can also be included in a tabular format.

4. Any overfill lines or vents on any tanks storing hazardous substances must be directed into secondary containment. This especially applies to tanks within buildings that may have an overfill line or vent directed outside of the building and double-walled tanks.

5. ASTs 2,000 gallons in capacity or under are required to have either all overfill protection measures required for larger tanks as described above **OR** they must be attended at all times during the filling procedure. The plan must clearly describe which option is used for each tank of this type.

6. A description of all other storage areas, including the location and identification of the area, such as name or number, the type and size of containers and the substances stored, must be included in the plan. Storage areas for all size containers, even those five gallons or less, which contain hazardous substances must be included in the plan. If there are no hazardous substance container storage areas, the plan should so state.

TANK CAR/TANK TRUCK LOADING AND UNLOADING AREAS

Any place at a major facility where a tank car or tank truck is either loading or unloading petroleum products or hazardous substances, must have secondary containment or a diversion system. This is regardless of the size or the intended use of the storage tank being loaded or unloaded. In order to determine the adequacy of these areas, the plan must include the size of the largest compartment in any tank car or tank truck using the area as well as the hazardous substances loaded or unloaded. The location and identification of each area must also be included. The site plan can be used to show location, as long as each loading or unloading area is uniquely identified.

For tank cars, an individual must be in attendance during the transfer at reasonable intervals and for tank trucks, an individual must be with the tank truck at all times, so that if a leak or discharge occurs, it can be readily detected and a response can be initiated. To be considered in attendance, the individual must be within 100 feet of the tank car or tank truck and there must be an unobstructed view of the tank car or tank truck. This information must be included in the standard operating procedure for the loading or unloading operation as well as described in the DPCC Plan.

IN-FACILITY PIPING

All aboveground in-facility piping carrying hazardous substances must be sufficiently marked so that facility personnel can identify the substance in the pipe if it leaks. If a pipe is leaking and the substance exiting the pipe can be quickly and readily determine, this would be deemed sufficient. If the length of the pipe must be traced looking for substance identification, this likely does **not** meet the intent of the requirement. A description of the marking system used must be contained in the plan.

New buried piping installations, that is those pipes installed after the initial approval of a DPCC plan for a given facility, must have a product-sensitive leak detection device, where such devices are state-of-the-art technology, and must be double-walled or have adequate secondary containment or diversion. The type of leak detection device used, or why there is no state-of-the-art device available, and whether the pipe is double-walled or has secondary containment, must be included in the plan.

Existing buried piping must either be equipped with a product-sensitive leak detection device, where such devices are state-of-the-art technology, or where state-of-the-art technology does not exist, inspected, repaired, and maintained following API 570 or some other industry standard acceptable to the Department. The plan must describe the leak detection device or state that the facility is following API 570. If another standard besides API 570 is used, the Department must first approve the use of that standard. For the use of any inspection standard, the dates (month/year) of the last completed and next scheduled tests and/or inspections must be provided for each component of the implemented standard for each section of pipe being covered. Using a table to present this information is recommended.

PROCESS AREAS

The plan must discuss how the facility complies with N.J.A.C. 7:1E-2.5(a) and (b). Each individual hazardous substance process area must be addressed separately along with a description of the associated secondary containment system. The location and identification of each area must also be included. The general site plan can be used as location information, as long as all areas are uniquely and consistently identified. Every single piece of process equipment in each area does not need to be listed in the plan; only the largest or otherwise worst case piece of equipment containing a hazardous substance must be described or the largest volumetric flow rate of hazardous substances in each area must be included.

For compliance with N.J.A.C. 7:1E-2.5(b), if there are any drains on-site that drain into sewers, storm sewers, watercourses or other routes which drain to the waters of the State, the owner or operator must ensure that hazardous substances do not escape through them to any water body. This can be accomplished in various ways. The drains can be protected so that any leaked hazardous substances stored, processed, or transferred on-site do not enter them. Whether located indoors or outdoors, any hazardous substances in the area must be protected by secondary containment, which will keep hazardous substances from entering any nearby drains. If a drain happens to be near a tank truck or drum/tote loading or unloading area that flows directly to the drain, an SOP must exist requiring the drain to be covered or a valve utilized to close the drain prior to the loading or unloading activity. The pipes emanating from a drain can be channeled to some type of wastewater treatment to remove any hazardous substances before they could reach the environment. For example, at a facility handling only petroleum products, an oil/water separator could be installed in the line from a drain to remove those petroleum products if they are leaked or discharged.

SECONDARY CONTAINMENT

The plan must describe the secondary containment provided for **all storage, loading/unloading, buried pipes (where installed) AND process areas**. The description must include:

1. The capacity of the secondary containment or diversion system in gallons and the provision for six (6) inches of rainwater in gallons if rainwater can accumulate. Calculations must be available to support the volumes listed. Please note that the six inches of rainwater is over the entire containment area, <u>including structures that drain into that area</u>. Similarly, six inches for a diversion system is calculated over the entire area that drains into the system.

If rainwater cannot enter an outdoor secondary containment area, explain why not (e.g. the area is fully roofed).

2. Diversion systems must be designed to handle the reasonably expected flow rate from a leak into them. This means that it must be able to handle six inches of rainwater over a 24-hour period (i.e., a 25-year storm) and the fastest leak that could reasonably be expected from the hazardous substance tank or equipment within the area. The viscosity of the hazardous substance may also be a factor that needs to be taken into account when determining if a diversion system can handle the flow. Assumptions and calculations must be available to support conclusions.

3. Whether the secondary containment or diversion system is permeable or impermeable. "Impermeable" has a specific regulatory meaning as defined at N.J.A.C. 7:1E-1.6 so an area can be called impermeable only if it meets that definition. The use of the terms "impervious" or "sufficiently impervious" to describe the secondary containment or diversion system is not acceptable. If the containment system is earthen for an existing tank in place before the rules were promulgated in 1991, the plan must either state that the earthen containment is impermeable and why (such as a natural clay layer or installed liner under the entire secondary containment area) or that the containment system can:

   i. Protect the groundwater for the period of time needed to clean up and remove a leak, up to the entire volume of the largest tank utilizing the system;

   ii. Allows the visual detection of leaks; and

   iii. Is inspected daily.

   If the plan states that a secondary containment system composed of natural materials is impermeable or otherwise able to protect the groundwater, be prepared to back up this assertion with actual data. The owners or operators of major facilities may be required to document the ability of earthen secondary containment systems to protect the groundwater through the use of soil permeability testing, measurements of the depth to ground water beneath the secondary containment or diversion system, and determining response times for cleaning up a leak of the entire contents of the largest tank utilizing the system.

   For additional guidance on soil permeability testing, please see "Permeability Testing Guidance for Secondary Containment Areas" which can be found on the Bureau's website (http://www.nj.gov/dep/rpp/brp).

MARINE TRANSFER AREAS/LIGHTING

The plan must discuss how the facility complies with N.J.A.C. 7:1E-2.7(a)-(j) and N.J.A.C. 7:1E-2.8(a)-(c), if applicable. This includes a list of which hazardous substances are transferred,

how booming is performed, and a description of the lighting in use. The booming description must cover pre-deployment or standby operations, whether the dock can act as a barrier, and when a transfer must be discontinued.

FLOOD HAZARD AREAS

Information on tidal floodplains may be obtained from Federal Emergency Management Agency (FEMA) maps. The Department maintains information on floodways and flood fringes available through the Division of Land Use Regulation. Use the FEMA or Department maps to determine if any portion of the facility where hazardous substances are stored is within the tidal floodplain or the floodway of any watercourse. Personal knowledge of the facility is required to describe in the plan other areas prone to local flooding or washouts.

It is not adequate to say that the facility is not within a flood hazard area; the plan must state how this was determined. For areas within a flood hazard area, the description must also explain how these areas are protected from floodwaters so that hazardous substances are not carried off or discharged during flooding conditions. Examples would include facility fencing so that ASTs or drums do not leave the property or ASTs being bolted down. SOPs can contain procedures for the removal of hazardous substances from ASTs or the removal of drums from the predicted flood area. An owner or operator may fill an AST with liquid to weigh it down, when flooding is predicted to take place. Secondary containment structures, if they are of sufficient height, may act as barriers to floodwaters. The methods used to protect hazardous substances from flooding can be varied and will depend on the circumstances of the facility. Of course, the most efficient way to protect hazardous substances from flooding is to not store them in the floodplain or floodway.

VISUAL INSPECTIONS AND MONITORING

All equipment and portions of the major facility in service using hazardous substances, as well as all cleanup and removal equipment and supplies, must be visually inspected. All required visual inspections must be documented and records kept. These records must document:

1. The date;
2. The person performing the inspection;
3. Any problems found, including if no problems were found; and
4. The subsequent correction of such problems.

Please note that inspection records must clearly document which specific areas have been inspected. It is not sufficient to group all tanks or loading and unloading areas together as a single item on a checklist when there are multiple locations to be inspected throughout the facility.

There must be a schedule in the plan, which addresses all of the required items to be inspected and how often they are inspected. There should be a clear indication either documented on the inspection sheet or through a work order, that any item inspected that had a problem was repaired, replaced, or taken out of service. The actual inspection sheets and work orders should not be included in the DPCC plan; keep this information on site.

Please note that there is flexibility in listing and tracking cleanup equipment and supplies, although all types of equipment and supplies, even those that are small, must be accounted for. The minimal amount of materials to be maintained on-site to address those leaks or discharges that will be handled by employees of the owner or operator can be listed in the DCR plan. If a greater amount is actually kept on-site, there is no violation. If spill kits are used, the number of spill kits maintained, along with a list of the contents, is sufficient. Then, inspecting a sealed spill kit may consist of applying a dated seal to verify that the kit has not been opened since the last quarterly inspection.

HOUSEKEEPING AND MAINTENANCE

The plan must discuss how the facility complies with N.J.A.C. 7:1E-2.11(a)-(f). Any leaking piece of equipment (tank, drum, pipe, valve, etc.) must be promptly repaired, replaced or taken out of use when it is detected. Promptly addressing a leaking piece of equipment involves the implementation of the owner's or operator's maintenance plan. This should include documentation of the problem and referral to the proper personnel for correction within an established timeframe. These timeframes should generally constitute days, not weeks. Deviations from standard intervals of repair should be justified. When a containment device is used to capture the leak, the timeframe for repairing a leak can be up to 15 days from detection. The hazardous substances contained must be protected from the elements and not allowed to overflow the containment device. If the leaking item is part of a process, a containment device must still be used, but the equipment can be repaired, replaced, or taken out of service when either the process is not in operation or the particular unit is out of service, whichever occurs first.

Similarly to repairing leaking equipment promptly, the plan must address the prompt cleanup of leaks and discharges. Unlike "immediately," used in relation to the reporting of discharges and established through case law as being no more than 15 minutes, "promptly" is a more flexible term. It accommodates the fact that assessing a given situation and gathering the proper personnel and equipment to deal with it cannot happen immediately. The prompt cleanup of leaks and discharges begins with the implementation of this process, as outlined in the DPCC and DCR plans for the facility.

The facility is required to have an adequate supply of protective safety equipment and cleanup equipment to contain and clean up small leaks or discharges that occur. The facility must describe in the DCR plan the types and sizes of discharges the on-site emergency response team will handle. The amount of equipment kept on-site is then based on the largest size leaks and discharges described. Whether it is a 55-gallon drum or a 2,000-gallon AST, the owner or operator of the facility should always have enough equipment to handle what he or she commits to handling with on-site resources in the DCR. For example, if the owner or operator states that only incidental leaks or discharges of up to 30 gallons of petroleum will be handled by on-site personnel, the Bureau would expect to see some type of absorbent, shovels, waste drums, and appropriate personal protective equipment for two or three people, listed in the plan and kept on-site. If a large volume, such as 20,000 gallons, will be handled, absorbents and shovels are not going to be adequate. The Bureau would expect to see things like pumps and vacuum trucks to deal with a large volume, along with personal protective equipment for the number of people necessary to operate the equipment. It must be remembered that once certain types of equipment

or cleanup materials have been used, they must be replaced. Quarterly visual inspections are required to ensure the proper equipment is readily available.

Secondary containment or diversion systems must be maintained in good repair. There should not be any large unsealed cracks or vegetation growing through the containment floor or walls. For earthen systems, they must be regularly cleared of vegetation. How this maintenance is scheduled should be described in the plan. No debris should be allowed to accumulate; this is especially important if a diversion system is used where debris may clog the drain. Secondary containment systems with debris will be problematic if a leak occurs and then the debris must be handled as contaminated waste. Therefore, the plan should commit to clearing debris at some defined interval, based on either time or accumulation. If the owner or operator knows that prevailing wind patterns around the secondary containment will cause leaves and other debris to accumulate relatively quickly, he or she may wish to schedule cleanups every six to eight weeks, with a higher frequency in the fall, when the leaves are coming down. If a secondary containment area is protected from the wind, a commitment to allow less than a certain percentage of the overall height of the containment wall to fill with debris may be a better way to establish the interval.

PERSONNEL TRAINING PROGRAM

The plan must discuss how the facility complies with N.J.A.C. 7:1E-2.12(a)-(f). All facilities must have a written training program in place. The DPCC plan must contain a summary of that training program which must include the different types of training given (e.g. orientation, on-the-job, refresher), the time periods for these various phases of training, training procedures, and procedures for instructing contractors and their personnel.

Time periods for the different phases of training are important and should not be left open ended. As an example, the plan may state that orientation will be given within 3 days of a new hire, on-the-job training and evaluation within 3 months, final qualification within 6 months, and refresher training annually. The types of training and time periods will be site-specific, but at a minimum must include what is required in N.J.A.C. 7:1E-2.12(b)2.

Training for outside contractors must include site-specific safety and emergency procedures in case an emergency occurs while they are on-site. The training is not to ensure contractors know how to perform their jobs. This training should include an awareness of any alarms or alert notifications and what to do and where to go if they are working alone. If they come across an emergency, they should know who to contact on-site and how to contact them. This site-specific information on emergency and safety procedures applies to all types of contractors that may come on site, and must be described in the plan. For example, an electrician has the potential to disrupt the power source for a tank's high level alarm and a contractor doing excavation could dig through an underground pipeline. All contractors must be aware of safety procedures and of what to do in the event of an incident.

PHYSICAL SECURITY

The plan must discuss how the facility complies with N.J.A.C. 7:1E-2.13(a) and (b). All areas where hazardous substances are stored, processed, transferred, etc. must be adequately

illuminated at all times. If anything that can leak or discharge hazardous substances is indoors, such as process equipment or an AST in a basement, there must be adequate lighting for a leak or discharge to be detected at any time. The plan should state whether lighting both indoors and outdoors is adequate to detect intruders, leaks, or discharges during both day and night.

Any areas where hazardous substances are stored, processed, transferred or used, must have adequate fencing to prevent unauthorized intruders/personnel from accessing those areas. If the facility does not have full fencing and ASTs are accessible, the tanks' valves, starter controls on pumps, and open ends of pipes must meet the requirements of N.J.A.C. 7:1E-2.13(b)2i, ii, and iii. The plan must indicate whether full fencing or AST protection is used at the facility.

STANDARD OPERATING PROCEDURES (SOP's)

The plan must discuss how the facility complies with N.J.A.C. 7:1E-2.14(a)-(h). SOPs must be written for all details of any operation which involves a hazardous substance. The index of SOP's in the plan must be maintained and updated. Any SOP revision dates must be updated with each renewal.

RECORD KEEPING

A description of the recordkeeping system must be included in the plan. Be very cognizant of the timeframes for keeping records. Some are for the lifetime of the piece of equipment, some are for the lifetime or 10 years whichever is shorter. The owner or operator of the facility will be held responsible for maintaining records for the appropriate amount of time. In addition to how long records are kept, the description must include how the records are kept (e.g. hard copy or electronic) and how they are safeguarded.

SCHEDULE OF UPGRADE

New facilities or facilities which become major because either the rules changed or they have increased their capacity, or ones that are ordered to submit a plan by an enforcement action (i.e. administrative order) can propose a schedule of upgrade to bring existing areas into compliance. Changes in rule requirements that subject new areas of the facility to regulation or revise the standard to be met, may necessitate an upgrade schedule. This schedule must be approved by the Bureau and must have reasonable time frames. Economic issues, construction and permitting timeframes, and the overall number of upgrades to be performed, are all considered when schedules are established. The upgrade schedule must include the work to be performed and the completion date for that work. Interim milestones may be included on the upgrade schedule. Timeframes such as "three months from the approval of this schedule" are not acceptable.

MAPPING

Digital maps must be prepared in a digital environment that is compatible with the Department's Geographic Information System (GIS). The Department utilizes ArcGIS 10 to view and register digital images. The formats most compatible with ArcGIS 10.2 are AutoCAD 2012 or older, and

ArcView GIS and ArcGIS Desktop projects. In order to be compatible with the State's GIS system, the digital image should be projected in NJ State Plane Feet coordinates in North American Datum 1983 (NAD83). The digital drawing and all text/hatch patterns/arrows/etc. should be kept in simple text or exploded to separate them into their components if using AutoCAD. The digital maps must meet the requirements of N.J.A.C. 7:1E-4.10(c). Previously submitted maps that do not adequately delineate and label the required information must be revised and resubmitted.

1. **General Site Plan**

A paper and digital copy of the general site plan (GSP) must be submitted with the DPCC plan. They must be exact copies of each other. The GSP must show and label storage tanks, process tanks, drum/tote storage areas, tank truck/tank car loading/unloading areas, marine transfer areas, any other structure in or on which hazardous substances are stored or handled, and all facility fencing and gates. The paper copy of the GSP must be signed and sealed by a licensed land surveyor. A professional engineer may not sign the GSP unless he or she is also a licensed land surveyor. All items on the GSP must be legible so an appropriate scale must be used. The GSP must contain a legend block stating the name and affiliation of the preparer of the map, the name and location of the facility, the scale or scales employed, the sources of the data used, and the date of preparation of the map.

2. **Drainage and Land Use Map**

A paper and digital copy of the drainage and land use (DLU) map must be submitted with the DPCC plan. They must be exact copies of each other. The DLU map must show the facility boundary and the surrounding area up to 1,000 feet from the facility boundary. Applicable land use categories must be delineated, as well as the direction of surface water runoff from the site, and the location of all major sewers, storm sewers and all watercourses into which surface water runoff from the facility drains. The DLU map is not required to be signed and sealed by a licensed land surveyor as long as the facility boundary is taken from a map that is signed and sealed by a licensed land surveyor. All items on the DLU map must be legible so an appropriate scale must be used. The DLU map must contain a title block stating the name and affiliation of the preparer of the map, the name and location of the facility, the scale or scales employed, the sources of the data used, and the date of preparation of the map.

3. **Topographic maps showing environmentally sensitive areas (ESA)**

These maps are not required to be submitted digitally. If digital maps are submitted, they must meet the digital mapping standards of N.J.A.C. 7:1E-4.10(c).

Paper copies of the topographic maps must use basemaps at a scale equal to or larger than 1 inch = 1,000 feet, must clearly show the location of the facility. <u>All information on the maps must be able to be clearly read</u>, and mapped data from other sources must be accurately transferred onto the basemap from those sources. The topographic maps must contain a legend block stating the name and affiliation of the preparer of the map, the name of the facility, the scale or scales employed, the sources of the data used, and the date of preparation of the map.

The area covered by the topographic maps must be located downgradient or topographically lower than the highest point within the facility. It must take into account the maximum area of potential impact, which is determined considering the sizes of tanks located on-site, the loss of secondary containment, any other containment measures in place after the loss of secondary containment, the dispersiveness of the hazardous substances, and other factors as found in N.J.A.C. 7:1E-4.10(d)7. The area covered must be the lesser of either:

a. The distance and path an uncontrolled discharge would travel in 48 hours. Strong justification for the use of this mapping must be provided such as computer modeling, calculations based on empirical data, or recommendations from qualified experts, such as the U.S. Coast Guard or experienced emergency responders. Topography and natural barriers can be presented as impediments to the further spread of a discharge;

b. The distance downstream at which the concentration of the hazardous substance would fall below EPA's Quality Criteria for Water; or

c. 15 miles downgradient from the facility boundary along the path a discharge would follow. In tidal waters, the maps must delineate 15 miles in all directions in which the water may flow. The actual distance delineated may be limited by the head-of-tide in a river. The maps must include tidal tributaries to the lesser distance of 15 miles from the potential point of discharge or the head-of-tide.

An exemption from submitting topographic maps may be approved for the initial plan submittal and may be renewed with subsequent renewals, if the application is submitted in writing and fulfills the requirements of N.J.A.C. 7:1E-4.10(g)1 and 2 each time. The exemption is based upon the actual cost to prepare the maps and that incurring this cost will substantially impair the owner or operator's ability to continue operating. Written documentation substantiating this claim may be requested, including financial statements.

The extent of topographic mapping may be limited to the facility property if the owner or operator can prove he or she has containment measures beyond secondary containment such that a leak or discharge from any hazardous substance source on-site will NOT leave the site even with the loss of secondary containment. This is often referred to as tertiary containment. Whether there are natural barriers (such as topography, hills, raised railroad tracks, etc.) or constructed barriers (curbing, diversionary system, etc.) it must be explained why a leak or discharge will not leave the site or where it would be contained on-site so it cannot proceed further. This explanation must be included in the DPCC plan and will be evaluated during the technical review. If it is shown that a leak or discharge will not travel further than the facility boundary, topographic maps may not have to be submitted.

DCR PLAN

RESPONSE COORDINATOR

A response coordinator for the facility must be identified, including the 24-hour business phone number and title for the individual. An alternate can also be included and either the primary or alternate must be available at all times. The response coordinator must be someone who is located relatively close to the facility and should not be someone from another state unless they can get to the facility in a timely manner. The response coordinator or alternate must be authorized to hire contractors and release funds for discharge response, containment, cleanup and removal. If a certain title is given this authority, such as the shift supervisor, and there are multiple holders of this title, just the title can be included, as long as a single telephone number can be used to contact whomever is acting as the response coordinator at any time.

CHAIN OF COMMAND

Many plans list the chain of command as the response coordinator and the alternate. For some small facilities with limited personnel this may be the case but for medium to larger size facilities, the actual chain of command should be much larger and entail many different personnel/groups. An organizational chart is helpful in detailing the structure of the chain of command.

NOTIFICATION PROCEDURES

For a discharge that enters the land or waters of the state, the DEP hotline number must be called at 1-877-WARNDEP within 15 minutes of the discovery of the discharge. If the DEP hotline number is inoperable, the State Police must be called at (609) 882-2000. For a discharge that is called into the hotline, a discharge confirmation report must be submitted as per N.J.A.C. 7:1E-5.8. Please note, the bureau's mailing address has changed to P.O. Box 420, Mail Code 22-03D, Trenton, NJ 08625-0420. The individual(s) responsible for making the notification should be included in the plan, along with how the information about the discharge is conveyed to that person, if they do not directly observe it. The plan should also explain how the facility determines that a discharge does not have to be reported to the hotline pursuant to the requirements of N.J.A.C. 7:1E-5.3(e).

ANNUAL DRILL

The facility must conduct an annual emergency response drill, which **simulates** different discharge/leak scenarios that can occur on-site. The scenario for the drill must be different from year to year. The drill must be critiqued in writing and the critique must be retained pursuant to recordkeeping requirements. Tabletop drills should not be exclusively used every year, because hands on drills may involve situations or scenarios, which cannot be adequately addressed during a tabletop drill. The description in the plan must detail that the facility conducts an annual emergency response drill to determine the currency, and adequacy of, and personnel familiarity with, the emergency response action plan and the DCR Plan, that the scenario differs from year

to year to address all anticipated leak or discharge emergency response scenarios, and that there is a written critique after the drill which is retained. Drills, except for qualified individual notification exercises, performed to meet the federal National Preparedness for Response Exercise Program can be used to meet this drill requirement as well.

CONTAINMENT AND REMOVAL EQUIPMENT/TRAINED PERSONNEL

A list of the types and quantities of cleanup and removal equipment and materials at the facility **and** those that the discharge cleanup organization (DCO) will provide in the event of a discharge must be included in the plan. Also, a list of the individuals or titles, and qualifications, of the personnel your facility **and** the DCO will provide to respond to leaks or discharges must be included in the plan. The name of the DCO(s) must be provided, but the name alone is not sufficient to meet this requirement. The equipment and personnel available from the DCO must be updated at each renewal to ensure the information is kept current.

The owner or operator of the facility must describe in the DCR plan the types and sizes of discharges the on-site emergency response team will handle. To be deemed adequate, the amount of cleanup equipment kept on-site must be based upon the largest size discharge that would be handled without calling on outside resources. Overall adequacy of the amount of equipment and personnel available is based on the worst case at the facility. A warehouse may need to handle nothing larger than a 400-gallon tote, and on-site resources in conjunction with a small DCO would be adequate for such situations. However, a storage terminal may need to be able to handle millions of gallons. In that case, the Bureau would expect to see a large, well-equipped DCO or DCOs listed in the DCR plan, as well as the on-site resources of the owner or operator.

DEPLOYMENT PLAN

The plan must include a description of the on-site **and** off-site response measures. Referencing a document that is not part of the DPCC/DCR plan (e.g. a contingency plan that is not in the DCR plan but is incorporated by reference) is unacceptable. The DCR plan is a summary of the response plans on-site. The on-site deployment plan must include responses by facility personnel to leaks and discharges on-site and the types and sizes of discharges that the facility's cleanup personnel will respond to without outside assistance. This information is considered to be relatively general in nature, and the owner or operator will not be penalized for calling in a discharge cleanup organization for a smaller release, or for dealing with a larger discharge than described in the plan. However, the description should not be so general that it is unclear whether the facility has the appropriate resources to handle a leak or discharge. For leaks or discharges of a type or size that exceed the facility's response capabilities, the plan should include a basic description as to what actions facility personnel are expected to take while awaiting the arrival of the DCO. A description of the leaks or discharges that will be handled by facility personnel enables the Department to assess what types and amounts of cleanup equipment and supplies should be available at the facility. It should be noted that the responses to a discharge of a petroleum vs. non-petroleum, or miscible vs. non-miscible, hazardous substance are usually different depending on the circumstances.

The off-site deployment plan must be certified by an ornithologist and a marine biologist or

aquatic biologist or ecologist or freshwater equivalent. The person certifying as an ornithologist **must** have appropriate credentials in education and/or experience in the study of birds. A single three-month study of birds on a biologist's resume does not qualify that person as an ornithologist. Attachment B includes a list of suggested qualifications in order to certify off-site deployment plans as a biologist or ornithologist.

RECYCLING OR DISPOSAL OPTIONS

The plan must state recycling or disposal options for hazardous substances or contaminated soil, debris, etc., gathered during housekeeping or cleanup and removal activities. All leaked hazardous substances, contaminated soil, or debris that cannot be reused or recycled must be disposed in accordance with all applicable Federal, State and Local laws and regulations, such as by using a licensed hazardous waste hauler, manifesting wastes, and using a licensed waste disposal facility. The procedures in place for determining if something can be reused or recycled must be discussed. A flowchart can be an easy way to convey this information.

LEPC AGREEMENT

There must be a current copy of an agreement with the local emergency planning committee (LEPC) in the plan. This means getting a new agreement at each plan renewal. The agreement can consist of a signed and dated letter from the municipal coordinator stating that the facility has submitted an emergency plan for inclusion in the municipality's Emergency Operations plan. This agreement or letter must be included in the plan before the DPCC/DCR plan will be approved. Proof of an attempt to get an agreement, such as a copy of a certified letter to the municipal coordinator, along with a copy of the return receipt or other proof of delivery, is acceptable. Stating that an agreement will be pursued after the plan is approved is not acceptable.

FINANCIAL RESPONSIBILITY

The financial responsibility documents must be worded **EXACTLY** as in Appendix B of N.J.A.C. 7:1E and must contain an original signature, when appropriate. Please note, these documents must be updated annually and kept on-site. They only need to be submitted during the initial review, with the three-year renewal, if the mechanism changes, or when specifically requested. However, be aware that if a current document is not available during any inspection, this is a violation and may result in enforcement action. For additional guidance on financial responsibility, please see "Financial Responsibility Under N.J.A.C. 7:1E" which can be found on the Bureau's website (http://www.nj.gov/dep/rpp/brp) or by contacting the Bureau at (609) 633-0610.

CERTIFICATIONS

The DPCC/DCR plan must be certified by the highest ranking individual with overall responsibility for the information contained in the certified documents and by someone at a level of authority to commit the necessary resources to fully implement the plan, plan amendment, or

plan renewal. Delegation of authority is **NOT** permitted for either of these certifications, and they must be worded exactly as in the regulations. The certification(s) must contain a signature block consisting of an original signature, the signatory's typed name, title, company name, and the date of the signature.

A certification from a professional engineer (P.E.), licensed pursuant to N.J.S.A. 45:8-27 *et seq*., that the DPCC plan complies with all applicable Departmental requirements and has been prepared in accordance with sound engineering practices must also be included. The certification must include an original signature and a P.E. seal.

RECOMMENDATIONS

1. **Read the rules**

While DPCC/DCR plans have been required for a number of years, the rules and list of regulated substances are periodically revised and amended. Any plans which were prepared under the old rules should not be merely resubmitted without change. Read the most recent adopted rules to ensure the facility is in compliance and that the plans reflect it. A copy of the current DPHS rules is available on the Bureau's website at http://www.nj.gov/dep/rpp/brp.

2. **Request a project manager**

It is recommended that you write to the Bureau of Release Prevention to request a project manager well before the deadline for your plan submittal if you are a new facility. Plan renewal reminder letters that are sent to each facility include the project manager's name and telephone number. Your project manager is available to answer any questions you might have about the rules or about plan preparation, and performs the actual DPCC/DCR plan reviews. This also gives consistency and continuity to the plan review process.

If you have any questions at all, ask your project manager - don't guess. You may guess right, but then again, you may not. If you feel a meeting would be helpful, schedule one with your project manager. The meeting can be held either at our office or at your facility if you believe that seeing the site would help clarify your concerns.

To request a project manager, please write to the following address:

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

Attention: Beth Reddy

Or the request can be faxed to (609) 633-7031or emailed to Beth.Reddy@dep.nj.gov.

3. **Obtain and read all available guidance documents**

Currently, several guidance documents are available on the Bureau's website. They cover topics such as environmentally sensitive areas, inspecting and testing aboveground storage tanks, soil permeability testing, and changes made to the list of hazardous substances in Appendix A.

4. **The plans should show how your facility is complying with the rules**

When preparing the DPCC/DCR plan, go through the rules and address the requirements of each paragraph in the plan itself. If an item is not applicable, say so. If some

particular issue is not addressed in the plan when it is submitted, it will have to be dealt with during the technical review. It is better to get everything done up front, rather than during the technical review process when you may only have 30 days to respond to all technical issues identified for your plan.

5. **Make the plans specific to your facility**

Make the plans specific to YOUR facility. The rules do recognize that every facility is different and that every requirement may not apply to every case. Consequently, if you can establish that your facility can protect against a discharge equally well using some method other than what is in the rules, this is allowable.

If you make any statement about conditions at the facility in the plan, you should be prepared to justify it. An example would be where you think that a secondary containment system will protect the groundwater for as long as it takes to clean up a leak. If the area is not impermeable, soil permeability test results or other data may be necessary to substantiate such a claim.

6. **Be prepared to do what your DPCC/DCR plans say you will do**

If the plan states that all upgrades will be completed on a specific date after the plan approval, the Bureau expects the work to be done by that date. The plan states the frequency of visual inspections and you are expected to abide by the schedule. If a consultant has prepared the plan, read it carefully. If you don't agree that what the consultant wrote is accurate, get it revised prior to submission. Once the plan is approved, the facility is required to abide by it in its entirety. Field Verification Section staff inspect your facility to ensure that upgrades are completed according to the schedule in your approved plan and that records are kept based on what is described in the plan, among other compliance issues.

7. **Review the DPCC/DCR plan completeness checklist before submission**

For new plans, the administrative completeness review is performed using the DPCC/DCR Plan completeness checklist. It can be used to verify that plan renewals are complete as well. You should review the checklist and evaluate your own plan before submitting it to the Bureau. A copy of this checklist can be found in Attachment A.

8. **Comply with all deadlines for submittals**

Failure to complete a plan, whether administratively or technically, is a basis for denial of the plan. If you have a good reason for needing an extension, ask for the extension in writing. However, initial plan submission due dates are set in the rules and, therefore, may be extended only by Administrative Order.

9. **Keep the DPCC/DCR plan current**

The DPCC/DCR plan is intended to be a living document. This requires notifying the bureau in writing sixty (60) days prior to the commencement of proposed new construction or installation, substantial modification or replacement of any aboveground

storage tank, or other aboveground enclosed storage space, any appurtenant structures, or leak detection or other monitoring, prevention, or safety systems or devices **and** submitting **Plan Amendments** within thirty (30) days of any changes having taken place that will materially affect your facility's potential for discharge or the substance of the plan. Failure to do so may result in enforcement actions.

For additional guidance on plan amendments and written advance notifications, please see "A Guide to Plan Amendments, Advance Notifications, and Minor Information Changes" which can be found on the Bureau's website (http://www.nj.gov/dep/rpp/brp).

10. **What constitutes approval/denial/revocation of plans**

By law, the Bureau has 180 days in which to either approve or deny a new plan once it is deemed administratively complete. During the review process, the Bureau may request additional information or clarification of the information submitted. A site visit is part of the review. If the plan is approved, a second complete copy of the plan, including maps, must be submitted to the Bureau within 30 days of the approval. The second complete copy of the plan is forwarded by the Bureau to the Department's Bureau of Emergency Response.

A plan can be conditionally approved if the maps required by N.J.A.C.7:1E-4.2(b)7, 8, or 9 are incomplete or not in the format prescribed by N.J.A.C. 7:1E-4.10. The plan must otherwise be complete, and the facility must be making a good faith effort to provide complete, acceptable maps. A plan may also be conditionally approved if the facility demonstrates to the satisfaction of the Department that none of the methods of financial responsibility is practicable or if the facility is making a good faith effort to secure financial responsibility. If a facility demonstrates it cannot meet the full aggregate amount required, the Bureau may establish an alternate minimum amount. A facility must review its financial situation annually from the date of approval if it cannot meet the requirements for the full aggregate amount for financial reasons. The granting of an alternate minimum amount does not in any way limit the liability of a facility in the event of a discharge.

If the plan is denied or of the Department revokes an existing approval of a plan, the facility must submit an approvable plan within 30 days of the denial or revocation or be subject to enforcement action.

11. **Remember to renew plans on time**

Once every three years following the approval or conditional approval of the DPCC/DCR plans, they must be renewed. **One copy of the renewal must be submitted 180 days prior to the expiration date of the DPCC/DCR Plans**. The expiration date of the plans is always in three-year increments from the date the plans were first approved, regardless of the date of renewal plan approvals thereafter. If a DPCC and DCR plan is not submitted for renewal within the three-year timeframe, it is considered expired and the owner or operator is in violation for not having a plan.

Renewals must include current certifications by both the facility personnel and professional engineer for either the revised plans or a statement that the existing plans on

file with the Department are current, including any exemptions or alternative measures previously approved. Any amendments approved since the last approval or renewal must be incorporated into the revised plan, if not done at the time of amendment. In accordance with the regulations, the owner or operator should submit only those pages that have changed, rather than the entire plan. If changes to the general site plan were made but not signed and sealed by a land surveyor during the amendment process, a new signed and sealed general site plan must be submitted with the renewal plan including the revised digital copy.

When the renewal plan is approved, a second complete copy must be submitted to the Department within thirty days of receipt of the approval.

For more information about the Discharge Prevention program, please visit our web site at http://www.nj.gov/dep/rpp/brp or call the Bureau of Release Prevention at (609) 633-0610.

ATTACHMENT A

COMPLETENESS CHECKLIST

DISCHARGE PREVENTION, CONTAINMENT, and COUNTERMEASURE PLAN (N.J.A.C. 7:1E-4.2)

General Information		Citation	Provided	Comments
1.	Facility name, street address, and phone #	4.2(b)1	Yes__ No__	_____
	Mailing address (if different from above)		Yes__ No__ N/A__	_____
	County and Municipality		Yes__ No__	_____
	Tax lot and block number(s)		Yes__ No__	_____
2.	Name, phone #, and business address of owner(s) or operator(s)	4.2(b)2	Yes__ No__	_____
3.	Name, title, phone #, and business address of the facility contact	4.2(b)3	Yes__ No__	_____
4.	Name and business address of owner's or operator's registered agent	4.2(b)4	Yes__ No__ N/A__	_____
5.	If the facility is served by or operates transmission pipeline(s), the name of the pipeline(s), and mailing address(es), and phone # of its owner(s) or operator(s)	4.2(b)5	Yes__ No__ N/A__	_____
6.	Brief description of the facility	4.2(b)6	Yes__ No__	_____
7.	General Site Plan	4.2(b)7	Yes__ No__	_____
	Scale 1"=30' to 1"=200'		Yes__ No__	_____
	Licensed land surveyor certification		Yes__ No__	_____
	Digital copy		Yes__ No__	_____
8.	Drainage and Land Use Map	4.2(b)8	Yes__ No__	_____
	Scale equal to or larger than 1"=600'		Yes__ No__	_____
	Digital copy		Yes__ No__	_____
9.	Topographical Maps (Env. Sensitive Areas)	4.2(b)9	Yes__ No__	_____
	Scale equal to or larger than 1"=1000'		Yes__ No__	_____

10.	Map Exemption request	4.10(g)	Yes__ No__ N/A__	_____
11.	Anticipated date facility will become operational (If new facility)	4.2(b)10	Yes__ No__ N/A__	_____
12.	Description of each discharge event in the previous 36 months, whether immediately reported or not	4.2(b)11	Yes__ No__ N/A__	_____
	Substance & quantity discharged		Yes__ No__	_____
	Location of discharge		Yes__ No__	_____
	Case numbers		Yes__ No__ N/A__	_____
	Description of corrective actions taken		Yes__ No__	_____

Technical Information		**Citation**	**Provided**	**Comments**
13.	Description of all aboveground storage tanks	4.2(c)1	Yes__ No__ N/A__	_____
	Tank identification and location		Yes__ No__	_____
	Material of construction and orientation		Yes__ No__	_____
	Tank size and contents		Yes__ No__	_____
	Overfill protection		Yes__ No__	_____
	Schedule for integrity testing		Yes__ No__	_____
	Schedule or criteria for scheduling maintenance or reconstruction		Yes__ No__	_____
14.	Description of underground storage tanks	4.2(c)2	Yes__ No__ N/A__	_____
	Location and identification		Yes__ No__	_____
	Tank size and contents		Yes__ No__	_____
15.	Description of all other storage, not covered by (c)1 or 2	4.2(c)3	Yes__ No__ N/A___	_____
	Location and identification		Yes__ No__	_____
	Types and size of containers		Yes__ No__	_____
	Substances stored		Yes__ No__	_____
16.	Description of tank car or tank truck loading/unloading areas	4.2(c)4	Yes__ No__ N/A__	_____
	Location and identification		Yes__ No__	_____

	Largest compartment size for each area		Yes__ No__	_____
	Substances loaded/unloaded for each area		Yes__ No__	_____
17.	Description of in-facility pipes	4.2(c)5	Yes__ No__ N/A__	_____
	Location and identification		Yes__ No__	_____
	Marking system used		Yes__ No__	_____
	Any product-sensitive leak detection devices		Yes__ No__ N/A__	_____
	Buried pipe maintenance/repair program		Yes__ No__ N/A__	_____
	Vehicle collision minimization procedure		Yes__ No__ N/A__	_____
18.	Description of process area(s)	4.2(c)6	Yes__ No__ N/A__	_____
	Location and identification		Yes__ No__	_____
	Largest vessel or maximum volumetric flow rate of hazardous substances		Yes__ No__	_____
19.	Description of all secondary containment or diversion systems	4.2(c)7	Yes__ No__	_____
	Capacity		Yes__ No__	_____
	Materials of construction		Yes__ No__	_____
	Evidence that it can protect groundwater		Yes__ No__ N/A__	_____
20.	Description of marine transfer areas	4.2(c)8	Yes__ No__ N/A__	_____
	Substances transferred		Yes__ No__	_____
	Booming operations		Yes__ No__	_____
	Fixed and portable lighting		Yes__ No__	_____
21	Description of any flood hazard areas	4.2(c)9	Yes__ No__ N/A__	_____
	Measures implemented to protect hazardous substances from flood waters		Yes__ No__	_____
22.	Description of all visual inspection and monitoring procedures	4.2(c)10	Yes__ No__	_____
23.	Outline of housekeeping and maintenance program	4.2(c)11	Yes__ No__	_____
24.	Description of personnel training program	4.2(c)12	Yes__ No__	_____

	Types of training given with time periods		Yes__ No__	_____
	Training procedures		Yes__ No__	_____
	Procedures for instructing contractors		Yes__ No__	_____
25.	Description of physical security measures, including lighting	4.2(c)13	Yes__ No__	_____
26	Current index of SOPs	4.2(c)14	Yes__ No__	_____
27.	Description of recordkeeping system	4.2(c)15	Yes__ No__	_____
28.	Schedule for upgrading equipment or portions of facility to meet the requirements of N.J.A.C. 7:1E-2.	4.2(d)	Yes__ No__ N/A__	_____

DISCHARGE CLEANUP and REMOVAL PLAN (N.J.A.C. 7:1E-4.3)

Technical Information		Citation	Provided	Comments
1.	Name, title, and 24-hour business phone # of the facility's response coordinator	4.3(b)1	Yes__ No__	_____
2.	Chain of command for an emergency response action	4.3(b)2	Yes__ No__	_____
3.	Notification procedures, pursuant to N.J.A.C. 7:1E-5	4.3(b)3	Yes__ No__	_____
4.	Provisions for annual emergency response drills	4.3(b)4	Yes__ No__	_____
5.	A list of types and minimum quantities of containment and removal equipment and materials to which the facility has access, and an indication if access is through ownership or other means	4.3(b)5	Yes__ No__	_____
6.	A list of the trained personnel who are available to operate equipment and a brief description of their qualifications, and whether employed at the facility or by a discharge cleanup organization	4.3(b)6	Yes__ No__	_____
7.	On - site response measures	4.3(b)7	Yes__ No__	_____
	Response to leaks		Yes__ No__	_____
	Types and sizes of discharges facility personnel will respond to		Yes__ No__	_____
8.	Off - site response measures			
	Identification of and protection and mitigation measures for off-site areas	4.3(b)8i	Yes__ No__	_____
	Provisions for an environmental assessment	4.3(b)8ii	Yes__ No__	_____
	Appropriate certifications	4.3(b)8iii	Yes__ No__	_____
9.	Procedure for determining recycling or disposal options	4.3(b)9	Yes__ No__	_____

10.	A copy of a current agreement with LEPC	4.3(b)10	Yes__ No__	_____
11.	All financial responsibility documents	4.4(b)11	Yes__ No__	_____
12.	DPCC/DCR Plan Certifications			
	Highest ranking individual	4.11(a)	Yes__ No__	_____
	Ranking official	4.11(b),(c)	Yes__ No__	_____
	New Jersey Professional Engineer	4.11(e)	Yes__ No__	_____

ATTACHMENT B

Exemplars to Consider when Choosing a Qualified Specialist to Certify a Deployment Plan Pursuant to N.J.A.C. 7:1E-4.3(a)7

The following information is intended to provide guidance in choosing qualified individuals to develop and certify a deployment plan as an integral part of a Discharge Prevention, Containment and Countermeasure (DPCC) and Discharge Cleanup and Removal (DCR) Plan. Deployment plans must be certified by *both* an ornithologist *and* a marine biologist, aquatic biologist, ecologist or freshwater equivalent. These are the minimum desired qualifications.

Ornithologist

Look for a Bachelor's degree, from an accredited college, in natural resource management or other biological sciences with a concentration in ornithology or wildlife science, and three years of professional experience involving birds, including appropriate and applicable fieldwork.

A Master's degree in an applicable field may be substituted for one year of experience.

Extensive professional experience involving the study of birds, including fieldwork, may be acceptable in lieu of a college degree.

Marine Biologist, Aquatic Biologist, Ecologist or Freshwater Equivalent

Look for a Bachelor's degree, from an accredited college, in marine science, fisheries science, natural resource management or other biological sciences with a concentration in an appropriate field and three years of professional experience including appropriate and applicable field work (depending on the environmentally sensitive areas that may be affected by a discharge from a particular major facility).

A Master's degree in an applicable field may be substituted for one year of experience.

Extensive professional experience, including fieldwork, may be acceptable in lieu of a college degree.

Additional Indications:

There are additional indications of a qualified individual. You may want to ask if the individual:

- is known in their field and currently practicing
- is a member of an applicable professional organization such as the North American Wildlife Society, American Fisheries Society, or the Audubon Society
- can provide references of previous work
- has written related books or professional journal articles