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VIA ELECTRONIC MAIL

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Attention: DEP Docket No. 03-24-04

Office of Legal Affairs

Department of Environmental Protection

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Trenton, NJ 08625-0402

RE: COMMENTS ON NJDEP PROPOSED AMENDMENTS/NEW RULES/REPEALS TO DISCHARGES OF PETROLEUM AND OTHER HAZARDOUS SUBSTANCES RULE – N.J.A.C. 7:1E (DEP DOCKET NO. 03-24-04, PROPOSAL NO. PRN 2024-062)

Dear Ms. Previte:

On behalf of our members, the Chemistry Council of New Jersey (CCNJ) and the Site Remediation Industry Network (SRIN) appreciate the opportunity to provide comments to the New Jersey Department of Environmental Protection (NJDEP) on the proposed amendments, new rules, and repeals to the Discharges of Petroleum and Other Hazardous Substances (DPHS) Rule published in the New Jersey Register (NJR) on May 20, 2024 (Proposed Rule).

Based on our detailed comments below, CCNJ/SRIN are respectfully requesting that the Proposed Rule be reconsidered and workgroup meetings with interested parties be scheduled. The last NJDEP stakeholder meeting was held on February 11, 2019 and only discussed Appendix A, de minimis, Subchapter 6, recordkeeping, renewal cycle, and revised language. There was no discussion on some of the key 2024 proposed amendments; workgroup meetings with interested parties need to be held to discuss these changes. The input developed during these meetings will better inform NJDEP’s regulatory proposal and decision-making.

N.J.A.C. 7:1E-1.7 and Appendix A (Hazardous Substances)

The Proposed Rule amends the definition of “hazardous substance” to include all hazardous substances as defined under the Spill Compensation and Control Act (Spill Act) at N.J.S.A. 58:10-

23.11b, which includes those adopted by the United States Environmental Protection Agency (USEPA).

This amendment would shift the responsibility for maintaining a current list of hazardous substances from the NJDEP to the regulated community. The Proposed Rule's preamble states that there may be a delay between when a substance is added or removed from a source list and when Appendix A under the DPHS Rule is updated; in this situation, the amended source list will govern. However, it is unclear regarding the intention of the source documents prevailing if there is a lag in updating Appendix A as this is only discussed in the preamble with no timeframe provided.

Compliance with this amendment would be particularly onerous for any facility that may not currently be a major facility but would become one upon a change to a source document as they do not know that this would apply to them. It is unlikely that these facilities would be on the correct distribution lists that alert stakeholders about these types of changes as this would not apply to them. There is no grace period in the Proposed Rule for a non-major facility that has been operating in compliance with current regulations to be brought into conformance with the applicable amendments.

The NJDEP is fully aware of the major facilities in the state, and the public has access to this information via the NJDEP's DataMiner database; therefore, the NJDEP should bear the onus of providing notification directly to the regulated community when changes are made to the list of hazardous substances. CCNJ/SRIN request that the NJDEP reconsider shifting the list of hazardous substances to the facility's responsibility, and that the NJDEP continue maintaining a comprehensive list, which has been done since September 12, 1991. If the NJDEP is unwilling, then a mechanism must be provided for facilities to develop and submit their Discharge Prevention, Containment, and Countermeasure (DPCC) Plan within a certain timeframe to reach full compliance (i.e. 180 days).

CCNJ/SRIN request that the NJDEP confirm that saran, PVC, and LOPAC would not be subject to a threshold analysis, DPCC Plan, or any other requirements (including discharge notification) under the DPHS Rule.

N.J.A.C. 7:1E-1.12, 4.2, 4.3, and 4.10 (Nominal Concentrations)

We appreciate the NJDEP codifying a means by which major facilities with nominal concentrations of hazardous substances can seek and obtain a waiver from the DPHS rule; however, the immediate revocation of previously issued nominal concentration approvals is unwarranted as there is no justification provided that supports the NJDEP's decision to rescind these previous approvals, effective immediately. In addition, the NJDEP has not provided examples of facilities not complying with their waiver or exceeding the nominal concentrations of hazardous substances.

A facility that is currently not considered “major” but has nominal concentrations that would make them a major facility (if not for the current exemption) would immediately become major upon adoption of the Proposed Rule. In other words, these facilities must be in compliance as “major” before actually being one.

For those that are currently exempt, costs associated with complying with the Proposed Rule for nominal concentration mixtures is excessive given that the NJDEP has already determined that the substance in question does not pose a threat to human health or the environment. For example, if exterior secondary containment is required, the cost for a major facility to fully comply can easily exceed \$1,000,000. The current policy of the NJDEP’s Bureau of Discharge Prevention is that major facilities knew or should have known that they are subject to the regulation and, therefore, facility upgrade schedules are no longer being allowed as part of an initial submission. The timeframe of 180 days to reach full compliance with the Proposed Rule is unrealistic given the NJDEP’s current *policy* that all major facilities in New Jersey must be in full compliance upon entering the program and the fact that these facilities have not changed their operations since receiving their nominal concentration approval. The economic impact analysis outlined in the Proposed Rule does not address the applicant’s time, costs, and effort in preparing these documents.

Facilities that are granted nominal concentration approvals are only given 120 days to comply with the DPCC/DCR regulations if the NJDEP later decides to rescind their approval. As proposed, the timeline for facilities with approved nominal concentration approvals is not consistent with the other timelines (i.e. 180 days) stipulated in the Proposed Rule and based on the NJDEP’s established policy, which results in regulatory uncertainty.

For both those major facilities with previously approved nominal concentration exemptions and those that will be requesting an approval under the Proposed Rule, the proposed process and subsequent determination does very little to reduce the regulatory burden on a facility. Specifically, they must develop written DPCC/Discharge Cleanup and Removal (DCR) Plans, request a nominal concentration approval during each 5-year renewal cycle, certify that they are a major facility (despite not having substances on-site that pose a threat to human health or the environment in their current state), pay a spill tax levied on the full quantity of the mixture (vs. the quantity of the hazardous substance), and design/install secondary containment in all process and storage areas. What is the value/benefit of going through this process if you are still a major facility and subject to these requirements? In addition, there is no certainty that the NJDEP will approve these requests.

Facilities would also need to comply with various administrative requirements and succumb to frequent NJDEP oversight obligations. The Proposed Rule, as-written, pulls NJDEP staff from facilities that are handling hazardous substances that actually may be harmful to human health or the environment; this appears to be a misallocation of already strained resources.

It is not entirely clear whether these facilities would also need to prepare a Climate Resiliency (CR) Plan, which is a new requirement that CCNJ/SRIN are especially concerned about (see below).

In addition, are there New Jersey-certified analytical laboratories that are qualified for isolated single-component analysis of 0.1 – 1%?

CCNJ/SRIN request that the NJDEP does not proceed in the adoption of the nominal concentrations changes.

N.J.A.C. 7:1E-4.1, 4.11, and 4.12 (Climate Resiliency)

The NJDEP proposes new N.J.A.C. 7:1E-4.12 to require the owners/operators of major facilities to prepare and submit a CR plan that would address climate change considerations as part of their discharge prevention and response planning. There is no requirement in the Spill Act for a CR plan; therefore, the NJDEP does not have a legislative mandate for such a plan and, in fact, does not have the statutory authority to require major facilities to develop a CR plan. In what appears to be an effort to claim authority, the NJDEP issued Executive Order No. 100 (2020) (E.O. 100); N.J.S.A. 58:10-23.11 et seq., which states “c. Integrate climate change considerations, such as sea level rise, into its regulatory and permitting programs, including but not limited to, land use permitting, water supply, stormwater and wastewater permitting and planning, air quality, and solid waste and site remediation permitting.” DPHS regulation is not one of the identified regulatory and permitting programs that the NJDEP must consider for the integration of climate change. As directed by E.O. 100, NJDEP Commissioner Carol McCabe issued Administrative Order (A.O.) 2020-01, which identifies the NJDEP regulations that they plan to update in order to integrate climate change considerations; this A.O. did not specifically name N.J.A.C. 7:1E. Therefore, the NJDEP is overreaching their regulatory authority with the proposal of CR requirements for DPHS.

Also, there is no mention of a CR plan included in the NJDEP’s New Jersey Protecting Against Climate Threats (NJPACT) Resilient Environments and Landscape (REAL) draft rule proposal, which was posted online in May 2024 and has yet to be published in the NJR.

The Proposed Rule requires a facility to document in the CR Plan “potential impact to the facility from extreme weather events including, but not limited to hurricanes, tropical storms, tornados, or significant precipitation” [*emphasis* added]. This wording allows too much flexibility with individual NJDEP staff interpretation and future changes to their expectations without requiring formal rulemaking.

The estimate of a CR Plan costing half of what a new DPCC Plan costs is just not realistic. To determine this estimated cost, the NJDEP only questioned consultants with years of experience developing DPCC Plans for multiple facilities, and did not take into consideration that compliance with a CR Plan would require development of a completely new document. There is going to be a substantial learning curve for consultants to navigate and familiarize themselves with the

website and prepare this document. The website itself is not conducive to the analysis that is being requested as there are too many subpages and no real direction regarding what resources should be used.

As there is no statutory requirement in the Spill Act regarding a CR Plan, CCNJ/SRIN urge the NJDEP to seriously consider other less costly/duplicative and more effective methods to promote this awareness, such as a deliverable prepared and disseminated by the NJDEP (since most, if not all, of the requested information in a CR Plan is already in your possession). The time, money, and effort spent on preparing a CR Plan would be put to better use upgrading facilities so they are more resilient during extreme weather events.

Another, more targeted, approach is for the NJDEP to use existing Federal Emergency Management Agency (FEMA) flood map information to identify and prioritize sites that need to develop CR Plans. FEMA flood maps are a valuable resource that provide detailed and accurate data on areas susceptible to flooding, etc. By leveraging this existing information, the NJDEP can effectively identify sites that are at genuine risk of being impacted by rising sea levels and other climate-related effects. Requiring every site to develop a CR Plan could lead to unnecessary expenditures and administrative burdens for those operating in low-risk areas. This might also dilute the focus and resources that should be directed towards high-risk areas, where the impact of climate change is more imminent and severe. This alternative method would provide a balanced and efficient approach (vs. imposition of a blanket requirement regardless of vulnerability), ensuring that regulatory efforts are both effective and economically sensible.

Though the Proposed Rule's preamble states that the owner/operator would not currently be required to implement mitigation measures, under N.J.A.C. 7:1E-4.12(d)4ii and iii, facilities are required to select and identify an implementation schedule for mitigative measures, as well as justification for measures that are considered to be infeasible. If the CR Plan is only intended to raise awareness and not be used as a regulatory device in the future, why would this information be required? Does the NJDEP intend to regulate by policy/guidance document? The regulated community becomes immediately exposed to potential liability and/or denial of insurance claims if they are required to document potential mitigation measures that they may end up deciding not to implement. Also, what the NJDEP considers to be feasible from an economic standpoint may not be what is actually feasible for a company struggling to remain in business in the state.

In addition, the CR Plan requirements go beyond N.J.A.C. 7:1E-2.9, which adequately addresses the requirement for facilities to protect hazardous substances from the effects of flooding, thus creating unnecessary confusion between the different regulations.

The significant amount of added regulatory burden and costs needed to comply with proposed new N.J.A.C. 7:1E-4.12 cannot be stressed enough, and the fact that the NJDEP has no regulatory authority to require these changes. Therefore, CCNJ/SRIN strongly recommend that the NJDEP does not proceed with these changes.

N.J.A.C. 7:1E-2.2, 2.4, 2.7, 2.10, 2.12, 2.15, 2.16, and 5.3 (Prevention, Control – Major Facilities)

The Proposed Rule requires that records are “adequately retrievable in the event the original records are lost or destroyed”, though there is no definition of “adequately retrievable”. Would a facility be afforded time to hire an outside firm to retrieve the records in the event of such losses as server failure and cyber ransom attacks? Also, the fine narrative (Failure to ensure records can be retrieved in event of loss or destruction) is not aligned with the regulatory text.

N.J.A.C. 7:1E-2.9 (Flood Hazard)

Though the Proposed Rule includes a provision for the NJDEP to revise the flood profile in Method 1 to account for changes in flood elevations due to increased precipitation, there is no trigger for a modification based on decreases in precipitation or sea level.

As written, the Proposed Rule conflicts with N.J.A.C. 7:13-3.2, which requires the use of specific maps depending on the promulgation date of regulated waterways; N.J.A.C. 7:1E-2.9 very clearly uses the word “or” when referring to FEMA or state-delineated maps. Also, the amended reference to N.J.A.C. 7:13-3.3 precludes the use of other applicable methods of determining flood hazards delineated (Methods 2 – 6).

The Rule Proposal appears intended to override the jurisdiction of the USEPA and FEMA to implement an additional 2-foot buffer over currently delineated floodplains per the July 17, 2023 rule amendments. As mentioned above, the NJDEP posted a draft NJPACT REAL rule proposal on their website in May 2024, which addresses this issue; however, this rulemaking has not been formally published in either July NJR, let alone adopted. We request that the NJDEP provide clarification regarding how proposed N.J.A.C. 7:1E-2.9 and to-be proposed N.J.A.C. 7:13-3.3 will work together.

Major facilities have already expended limited resources to design and install secondary containment as needed to comply with the requirement for six (6) inches of rainwater plus the largest container. CCNJ/SRIN request that the NJDEP clarify that this amendment in the Proposed Rule is applicable to new secondary containment only.

N.J.A.C. 7:1E-4.4 and Appendix B (Financial Responsibility)

The Proposed Rule’s preamble states that Financial Assurance (FA) must include “the removal of any abandoned structure”; however, the regulation does not refer to abandoned structures as something that must be covered by FA.

N.J.A.C. 7:1E-4.2 (DPCC Plans)

The Proposed Rule requiring the reporting of the maximum number of containers that can be placed in each storage area will result in substantial administrative burden on the regulated community with no appreciable increase in protection of public health or the environment. Since

this number is always changing, especially with warehousing operations, facilities do not typically assign certain areas with maximum container numbers. The NJDEP's allowance of planned upgrades is unclear as the Proposed Rule's preamble states that the plan must include a schedule for facility upgrades to meet regulatory requirements but there is no change to N.J.A.C. 4.2(d).

Given that secondary containment requirements are based on containing a single unit of the largest container, there is no need for a facility to determine the maximum number of containers that can be placed in each storage area. The maximum number of containers is not an accurate measurement of the total storage capacity of a storage area; for example, a storage area with a 10,000-gallon storage capacity may contain between 30 and 36 totes, 180 drums, 2,000 pails, or 10,000 1-gallon jugs.

Also, the NJDEP's current policy of requesting that the plan include all hazardous substances stored at the facility is unnecessarily restrictive. A list of the hazard classes should be more than sufficient when developing appropriate emergency response procedures.

N.J.A.C. 7:1E-4.5, 4.6, 4.8, 4.9, 4.10, and 4.11 (DPCC/DCR Plan Submissions, etc.)

Regarding mapping criteria at N.J.A.C. 7:1E-4.10(b)4, the Proposed Rule requires the addition of directional arrows for surface water run-off. This new requirement is not simply a matter of adding an arrow sticker to hardcopy maps as these plans must be provided in a GIS-compatible format. As drainage and land use maps are not required to be updated on the DPCC/DCR renewal cycle, facilities with mature DPCC/DCR Plans may have maps that were prepared in ArcView, which is a defunct program per the NJDEP's own admission.

This proposed amendment is certainly not a minor one as it will require the regulated community to expend resources to have a map updated for the sole purpose of adding surface flow arrows. This will require a site-wide detailed survey, potentially at a frequency that cannot be maintained if there are surficial changes due to repairs or other issues. Also, the NJDEP, in turn, will need to expend additional resources to review and approval these revised maps for facilities that may have been in the program for decades. These additional resources are not identified by the NJDEP in their economic impact analysis in the Proposed Rule.

The Proposed Rule also requires written notice "except in emergency situations as determined by the Department" 60 days in advance of a planned facility upgrade. The definition of "emergency" does not provide major facilities with the ability to take business impacts into consideration when determining if the project necessitating an amendment to the plan is an emergency.

N.J.A.C. 7:1E-4.9(f) erroneously refers to the current 3-year renewal cycle and should be corrected to 5-year renewal cycle per proposed N.J.A.C. 7:1E-4.9(a).

N.J.A.C. 7:1E-5.3 and 5.7 (Discharge Notifications, Response, and Reporting)

The Proposed Rule also requires that cleanups now be conducted in accordance with the approved DCR Plan **and** the Administrative Requirements for the Remediation of Contaminated Sites (ARRCS) at N.J.A.C. 7:26C, despite this not positively influencing public health or the environment. The NJDEP does not provide any explanation (i.e. recent facility compliance and enforcement issues) or a technical justification for this proposed amendment. As CCNJ/SRIN argued back in 2012 when the NJDEP proposed the same amendment, there will be unintended consequences on operations, as well as complications and additional costs with the Licensed Site Remediation Professional (LSRP) process, resulting from these minor discharges since there is no de minimis exemption for hazardous substances. Though we recognize the need for an LSRP to be informed or even sign off on discharges outside of containment, this proposed amendment will cause significant operational and financial impacts due to timing of notifications, potential sampling costs, and LSRP involvement/regulatory burdens that would most likely create inefficiencies and slow down remediation.

In addition, the NJDEP's rule proposal dated July 17, 2017 states the following:

“The Discharges of Petroleum and Other Hazardous Substances (DPHS) Rules, N.J.A.C. 7:1E, are one set of rules through which the Department implements the Spill Act, N.J.S.A. 58:10-23.11a through 23.24. The DPHS Rules set stringent standards for discharge prevention and emergency response requirements for facilities storing or handling hazardous substances, and they set forth procedures to be followed in the event of a discharge of a hazardous substance. The DPHS Rules at N.J.A.C. 7:1E-5.7 govern how a major facility, as defined at N.J.A.C. 7:1E-1.6, must respond to a discharge. On May 7, 2012, the Department published an amendment to N.J.A.C. 7:1E-5.7(a)2 that requires any person responsible for a discharge at a major facility to respond to the discharge pursuant to both the facility's discharge cleanup and removal (DCR) plan and to ARRCS and the Technical Requirements. The result of the 2012 amendment is that the facility is required to hire an LSRP to respond to each and every discharge, even if the discharge response is also covered under the facility's discharge cleanup and removal plan.

At the time the Department adopted the 2012 amendment, the Department determined it reasonable to require compliance with not only the rules for discharge cleanup and removal plans, but also ARRCS and the Technical Requirements, because each of these sets of rules has different objectives and requirements, and each is necessary to protect the public health and safety and the environment from the consequences of a discharge. In the Response to Comments 86 and 87 (see 44 N.J.R. 1339(a) at 1353-54), the Department stated that the objectives of ARRCS, promulgated in part pursuant to the Site Remediation Reform Act (SRRA), N.J.S.A. 58:10C-1 et seq., and the 2009 amendments to the Brownfield Act, N.J.S.A. 58:10B-1.3.b, include: (1) the use of an LSRP to ensure that all work is actually approved by an independently licensed professional; (2) the delineation of all contamination, both on and off site, to ensure the protection of the public health and safety and the environment; and (3) that all remediation is performed consistent with

the statutory and regulatory hierarchy of SRRA at N.J.S.A. 58:10C-14.c. At that time, the Department anticipated that the use of an LSRP would improve the quality of the remediation, and the amendment would relieve the Department from incurring the expense of reviewing documents and approving reports submitted pursuant to discharge cleanup and removal plans. However, on adoption of the 2012 amendment, the Department committed itself to internal coordination among the Site Remediation Program and the Division of Environmental Safety and Health, and their respective stakeholders, to ensure that the amendments to the DPHS Rules minimized, to the extent possible, any negative operational or financial burdens on the facilities subject to those rules.

Subsequently, during the course of implementing this provision, stakeholders subject to the 2012 amendment reported to both the Site Remediation Program and to the Division of Environmental Safety and Health that implementation of the 2012 amendment reached an unnecessary result. Prior to the 2012 amendment, small spills were [page=2064] cleaned up quickly and efficiently under the discharge cleanup and removal plan. Since the 2012 amendment, facilities have been required to hire LSRPs to sign off on responses under the facilities' respective discharge cleanup and removal plans, after the fact, adding little or no value to response or cleanup, while adding extra and unnecessary costs. [emphasis added]

The Department proposes to amend the DPHS Rules at N.J.A.C. 7:1E-5.7(a)2 to restore the option of responding to the discharge according to either the discharge cleanup and removal plan or according to ARRCs and the Technical Requirements. The Department notes that the DPHS Rules at N.J.A.C. 7:1E-5.7(c) authorize the Department to require a facility to remediate pursuant to ARRCs and the Technical Requirements. Accordingly, in the event that response under a discharge cleanup and removal plan is not sufficient to remediate the discharge, the Department has the authority to order the facility to hire an LSRP to conduct the remediation, as required by SRRA, N.J.S.A. 58:10C-1 et seq. Additionally, the Department proposes to amend N.J.A.C. 7:1E-5.7(c)2ii to correct the name of the Technical Requirements.”

In August 2018, as part of this rulemaking effort, the NJDEP codified the changes and provided the certainty for the regulated community.

The Proposed Rule are a clear example of there being no regulatory certainty for stakeholders. The NJDEP is flip-flopping their decision without provided any justification for the changes. In 2017, the NJDEP clearly recognized that requiring the hiring of LSRPs to sign off on responses under the facilities' respective discharge cleanup and removal plans, after the fact, adds little or no value to response or cleanup, while adding extra and unnecessary costs.

In addition, the Proposed Rule removes the current exemption for small discharges to keep records of their response in lieu of notifying the NJDEP, assuming the facility is not subject to

report per any other state or federal law (except for non-PCB containing transformers, which is proposed to still be exempt).

The termination of this small discharge exemption will cause increased regulatory burden without any benefits of further protecting the environment and public health. It will also be burdensome to the NJDEP as expenses will be incurred for review/approval of reports submitted pursuant to DCR plans. As proposed, and because there is no de minimis quantity exemption, even a 40-milliliter (ml) vial of oil that is dropped on the ground (land of the state) would require an NJDEP hotline notification and an LSRP.

The Proposed Rule states that “[w]hen discharges are not reported, even based on a good faith reading of the rule, the Department cannot adequately track the discharges”. This rationale is unsound because these small discharges are made known to the NJDEP as part of plan renewals. The NJDEP also has the opportunity to review these discharges during the annual compliance inspections. In the Proposed Rule under “Existing N.J.A.C. 7:1E-4.9”, the NJDEP has indicated that they will have more time for these annual inspections: “The two additional years between renewals will afford the DPHS program time to perform more frequent compliance inspections.” Requiring independent reporting beyond this renewal process or from the compliance inspections simply increases the administrative burden on both the regulated community and the NJDEP with no corresponding benefit to human health and the environment.

Additionally, the Proposed Rule justifies the removal of the exemption by stating “[a]n owner or operator that prepares a confirmation report for a smaller discharge can use the report as an opportunity to analyze the cause of the discharge and evaluate the facility’s response. The owner or operator can determine if the response was appropriate and adjust the facility’s protocol to ensure a proper response to a future discharge.” The NJDEP has not considered other options that are currently required in this rule to satisfy this concern. Spill drills are required and are optimal in providing this information or satisfying the NJDEP’s concerns on this point.

During the most recent DPHS stakeholder meeting held in February 2019, the NJDEP did not provide any indication that either of the above amendments were even being considered. Apparently, the NJDEP changed its mind since then and added these significant changes to the Proposed Rule; this is a perfect example of how critical it is for the NJDEP to engage in timely and consistent communication with stakeholders. Though we always appreciate the NJDEP allowing the regulated community to provide comments on rule proposals, we see the most value in the rulemaking process during the interaction and sharing of information *prior* to NJDEP language being drafted and firmly planted. As CCNJ/SRIN have highlighted many times in the past, NJDEP’s intent may not exactly be aligned with how the regulated community might interpret the language, and this is why transparency is vital.

CCNJ/SRIN strongly recommend that the NJDEP does not proceed with the proposed changes.

N.J.A.C. 7:1E-6 (Penalties and Grace Periods)

CCNJ/SRIN request that the NJDEP confirm that the fines currently associated with N.J.A.C. 7:1E-2.2(d)3 and N.J.A.C. 7:1E-6.5(a)3 are proposed to be deleted.

Also, we recommend that language under N.J.A.C. 7:1E-2.6(c)6 be revised to ensure that NJDEP staff do not assume that physically separate warehouse/storage space is required for incompatible materials.

N.J.A.C. 7:1E-8.9, 8.10 (Confidentiality)

The Proposed Rule repeals provisions that set forth the process that the NJDEP must follow to make a class confidentiality determination. CCNJ/SRIN understands DPCC/DCR information to be considered confidential as these plans are not available for public review, which potentially creates confusion.

Again, this topic was not discussed at all during the February 2019 DPHS stakeholder meeting.

Closing

Finally, CCNJ/SRIN support any comments submitted separately by members of CCNJ and SRIN, as well as the Fuel Merchants Association of New Jersey. In addition, we support comments submitted by Environment and Safety Solutions (ESS).

Thank you for your consideration of our comments on this important rulemaking effort. We strongly urge the NJDEP to seriously consider and address our comments and the identified deficiencies before finalizing any rule language. If I can be of further assistance, please let me know; CCNJ/SRIN welcome the opportunity to discuss our comments in further detail at your convenience.

Sincerely,



Dennis Hart
Executive Director