

**2010 ANNUAL REPORT**

**OF THE**

**CLEAN WATER ENFORCEMENT ACT**

**PURSUANT TO N.J.S.A. 58:10A-14.1**

*Calendar Year 2010*



**June 2011**

*New Jersey Department of Environmental Protection*

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**June 2011**

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GOVERNOR**

**Bob Martin  
COMMISSIONER**

**Kim Guadagno  
Lt. Governor**

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Gloucester County U.A.	Hanover S.A.
Joint Meeting of Essex and Union Counties	Linden-Roselle S.A.
Middlesex County U.A.	Morris Township
Mount Holly M.U.A.	North Bergen M.U.A.
Northwest Bergen County U.A.	Ocean County U.A.
Passaic Valley Sewerage Commissioners	Rahway Valley S.A.
Rockaway Valley Regional S.A.	Somerset-Raritan Valley S.A.
Wayne Township	

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## EXECUTIVE SUMMARY

In 1972, Congress enacted the first comprehensive national clean water legislation in response to growing public concern for serious and widespread water pollution. The Clean Water Act (CWA) is the primary federal law that protects our nation's waters, including lakes, rivers, aquifers and coastal areas.

The CWA established the basic structure for regulating discharges of pollutants into the waters of the United States by making it unlawful for any person to discharge any pollutant from a point source unless a permit was obtained under its provisions. It also gave the United States Environmental Protection Agency (EPA) the authority to implement pollution control programs such as setting wastewater standards for industry and to delegate the primary responsibility to issue permits for discharges of pollutants and to enforce the permit system to individual states.

In 1990, the New Jersey Legislature enacted substantial amendments to the Water Pollution Control Act (WPCA), commonly known as the Clean Water Enforcement Act (CWEA), P.L. 1990, and c.28 which included the imposition of mandatory minimum penalties for certain violations of the WPCA.

The CWEA requires the Department to prepare an annual report on the implementation of the Act and enforcement actions which the Department and delegated local agencies (DLAs) have taken during the preceding calendar year. The statute also specifies the items that the report must contain. The Department has been implementing the major provisions of the CWEA, including the mandatory penalty scheme, since July 1, 1991; therefore the information contained in this report enables the Department and the Legislature to reflect on more than 20 years of implementation and enforcement of the CWEA.

### **Permitting**

The Department's Division of Water Quality (DWQ) issues Discharge to Surface Water (DSW), Discharge to Groundwater (DGW), Stormwater discharge (DST), and Land Application of Residuals permits to regulate "discharges" of pollutants to the surface and ground waters of the State. The DWQ also issues Significant Indirect User (SIU) permits that regulate the discharge of industrial wastewater into sewage treatment plants. The DWQ issues permits for "discharge types" rather than facilities, therefore a facility with more than one discharge type may have more than one permit. The number of permitted discharges regulated by the DWQ has been growing steadily over the past several years, mainly due to increased efforts to address backlogged applications in the ground water permits program and the permitting of previously exempt and/or unidentified facilities now requiring a stormwater discharge permit. The DWQ continues to issue permits to new facilities, while other facilities' permits are being terminated or not renewed. Most permit actions are for new general permit authorizations.

The DWQ has increased the practice of providing a pre-draft of an individual permit to permittees prior to the formal public notice period. This provides the permittee with an opportunity to correct factual information used in the permit development before issuance of the formal draft permit. General permits contain certain conditions and effluent limitations that are the same for similar types of discharges. Once a general permit is issued, applicants may request authorization to discharge under the final general permit. In such cases, applicants are aware of the permit conditions and effluent limitations before they apply for the permit. Understanding the permit conditions prior to

applying for a general permit and providing an opportunity to correct factual information for regular



permits greatly improves acceptance of the permit by the permittee and thereby diminishes the filing of hearing requests. This practice has allowed the DWQ to focus its resources on the issuance of permits.

## **Enforcement**

### *Inspections*

The Department is required to inspect most permitted facilities and municipal treatment works at least annually. Additional inspections are required when the permittee is identified as a significant noncomplier (SNC). The inspection requirement applies to all facilities except those that discharge only stormwater or non-contact cooling water and to those facilities which a DLA is required to inspect.

In 2010, the Department conducted 2767 facility inspections.

### *Violations*

In 2010, the Department assessed penalties against 113 facilities for 576 violations of the WPCA. In comparison, in 1992 the Department assessed penalties against 300 facilities for 2,483 violations.

### *Serious Violations*

In 2010, the Department identified and issued formal and informal enforcement actions for 192 serious effluent violations. Serious violations have decreased from a reported high figure of 847 in 1992. This decrease from 18 years ago is a very positive trend indicating the regulated community, as a whole, is paying close attention to monitoring their discharges and taking the appropriate corrective action to prevent their facilities from having serious violations.

### *Significant Non-Compliers (SNC)*

In 2010, the Department issued formal enforcement actions to 14 permittees identified as SNCs. Appendix III-A of this report identifies each SNC and sets forth information concerning each SNC's violations.

### *Enforcement Actions*

The Department uses both informal and formal enforcement actions to promote compliance with the WPCA. An informal enforcement action or Notice of Violation (NOV) notifies a violator that it has violated a statute, regulation or permit requirement, and directs the violator to take corrective actions to comply. The Department typically takes formal administrative enforcement action when it is required by the CWEA to assess a mandatory penalty or when a permittee has failed to remedy a violation in response to an informal enforcement action previously taken by the Department. The Department only takes formal enforcement action when it has verified that a violation has occurred.

#### *Informal Enforcement Actions:*

In 2010, the Department initiated 468 informal enforcement actions (NOVs) for Surface Water (SW), Ground Water (GW), and Significant Indirect Users (SIU) violations. This includes NOV's issued for Stormwater violations.

#### *Formal Enforcement Actions:*

In 2010, the Department initiated 113 formal enforcement actions. These are the documents in which the Department assesses penalties, typically against a permittee committing a serious violation or violations which causes it to become an SNC.

#### *Penalties Assessed and Collected*

In 2010, the Department assessed a total of \$1.6 million in civil and civil administrative penalties within 113 distinct enforcement actions.

In 2010, the Department collected \$1.1 million in penalties.

#### **Criminal**

In 2010, the Division of Criminal Justice conducted a total of eight WPCA investigations. The Division also reviewed over one hundred ten Department actions (NOVs, Orders, Penalty Assessments, etc.) for potential criminality. Division Detectives responded to three water pollution emergency response incidents, out of a total of twenty-six emergency response incidents. The Division filed two criminal actions (accusations) for violations of the requirements of the WPCA. (The Division filed a total of fourteen actions in environmental cases.) Two prosecutions were fourth degree violations of the WPCA. These two actions have been resolved through Pre-Trial Intervention.

#### **Delegated Local Agencies**

A DLA is a political subdivision of the State, or an agency or instrumentality thereof, which owns or operates a municipal treatment works and implements a Department approved industrial pretreatment program. The 19 DLAs have issued permits to control the discharges from a total of 801 facilities discharging to their sewage treatment plants.

The CWEA requires DLAs to annually inspect each permitted facility discharging into their sewage treatment plant. For Categorical/Significant/Major (CSM) permittees, the CWEA requires the DLA to annually conduct a representative sampling of the permittees' effluent. For Other Regulated (OR) permittees, the DLA is required to perform sampling only once every three years. The DLAs inspected and sampled 754 of the 801 permittees at least once during the calendar year.

The DLAs reported 559 permit violations by permitted facilities in 2010, compared with 616 violations in 2009. The DLAs reported a total of 15 indirect users who qualified as SNCs under the State definition during 2010. The analysis in the 2009 report indicated that 25 indirect users met the SNC definition. Therefore, there was a decrease of 10, or a 40 percent decrease in the number of facilities in significant noncompliance. The DLAs reported as a whole that by the end of calendar year 2010, 3 (20 percent) of the 15 indirect users in significant noncompliance had achieved compliance. During 2010, the DLAs issued 193 enforcement actions as a result of inspections and/or sampling activities.

In calendar year 2010, 13 of the DLAs assessed a total of \$704,409 in penalties for 303 violations while collecting \$553,229. In 2009, 15 DLAs assessed \$951,038 in penalties for 233 violations while collecting \$883,331.

## **Fiscal**

A total of \$1,090,552 in penalty receipts was deposited in the second half of fiscal year 2010 and \$877,496 in the first half of fiscal year 2011 for the grand total of \$1,968,048 in calendar year 2010.

In calendar year 2010 \$271,832 was expended to the Division of Law for the costs of litigating civil and administrative enforcement cases and legal services; \$107,483 to the Office of Administrative Law for costs associated with adjudicating enforcement cases. In addition, \$596,220 was also expended for salaries and other Department operating costs.

## **Water Quality Assessment**

The Department routinely assesses the water quality of New Jersey's rivers, streams, lakes, and coastal waters by evaluating data collected through its [extensive water quality monitoring networks](#) and by other entities that collect and submit high quality monitoring data and related information. Water quality assessment results are presented in the biennial [New Jersey Integrated Water Quality Monitoring and Assessment Report](#) (Integrated Report), which combines the reporting requirements of federal Clean Water Act Sections 305(b) and 303(d), and is submitted to the U.S. Environmental Protection Agency (USEPA) for approval. The Integrated Report explains the extent to which waters of the State are achieving surface water quality standards and attaining corresponding designated uses, and identifies waters that exceed water quality criteria and require development of total maximum daily loads (TMDLs).

The federal Clean Water Act requires that the Integrated Report be submitted to USEPA for approval by April 1<sup>st</sup> of even-numbered years. Early in the odd-numbered years, the Department solicits the submission of high quality ambient water quality data collected during the prior five years, to supplement Department-generated data. The Department evaluates all the data received for conformance with its data requirements and then assesses the data in accordance with the methods established in the Department's [Integrated Water Quality Monitoring and Assessment Methods \(Methods Document\)](#). The Integrated Report is published on the Department's Web site at: <http://www.state.nj.us/dep/wms/bwqsa/generalinfo.htm>.

## **I. INTRODUCTION**

In 1972, Congress enacted the first comprehensive national clean water legislation in response to growing public concern for serious and widespread water pollution. The Clean Water Act (CWA) is the primary federal law that protects our nation's waters, including lakes, rivers, aquifers and coastal areas.

The CWA established the basic structure for regulating discharges of pollutants into the waters of the United States by making it unlawful for any person to discharge any pollutant from a point source unless a permit was obtained under its provisions. It also gave the United States Environmental Protection Agency (EPA) the authority to implement pollution control programs such as setting wastewater standards for industry and to delegate the primary responsibility to issue permits for discharges of pollutants and to enforce the permit system to individual states.

The Water Pollution Control Act (WPCA), enacted in 1977, enabled New Jersey to implement the permitting system required under the CWA. The WPCA established the New Jersey Pollutant Discharge Elimination System (NJPDDES), whereby a person must obtain a NJPDDES permit in order to discharge a pollutant into surface water or ground water of the State or to release a pollutant into a municipal treatment works.

The NJPDES permit is a legally binding agreement between a permittee and the Department, authorizing the permittee to discharge effluent into the State's waters under specified terms and conditions. These conditions include (a) the specific pollutants in the effluent stream, (b) the amount or concentration of those pollutants which the effluent may contain, (c) the type and number of tests of the effluent to be performed and (d) the reporting of test results to determine compliance. The permit normally provides for monthly reporting of these test results to the Department in a Discharge Monitoring Report (DMR).

In 1990, the Legislature enacted substantial amendments to the WPCA, commonly known as the Clean Water Enforcement Act (CWEA), P.L. 1990, c.28. The CWEA added strength to the enforcement of New Jersey's water pollution control program by including the imposition of mandatory minimum penalties for certain violations of the WPCA. The CWEA also requires the Department to prepare a report and submit it to the Governor and the Legislature regarding the implementation and enforcement actions which the Department and delegated local agencies (DLAs) have taken during the preceding calendar year. The statute also specifies the items that the report must contain. In accordance with the CWEA, specifically N.J.S.A. 58:10A-14.1-14.2, this report provides information about Permitting, Enforcement Actions, DLAs, Criminal Actions, Fiscal, and Water Quality Assessment.

The Permitting chapter provides information related to permits, including the number of facilities permitted, the number of new permits, permit renewals and permit modifications issued and the number of permit approvals contested.

The Enforcement chapter provides information related to inspections, violations, enforcement actions and penalties.

The DLA chapter provides enforcement and permitting information relating to local agencies' operations of sewage treatment plants with industrial pretreatment programs approved by the Department.

The Criminal Actions chapter provides information concerning criminal actions filed by the New Jersey State Attorney General and by county prosecutors.

The Fiscal chapter provides financial information, including the purposes for which program monies have been expended.

The Water Quality Assessment chapter provides an overall assessment of surface water quality in New Jersey as reported in the *2004 New Jersey Integrated Water Quality Monitoring and Assessment Report*.

## **II. PERMITTING**

The CWEA requires the Department to report the total number of facilities permitted pursuant to the WPCA, the number of new permits, renewals and modifications issued by the Department and permit actions contested in the preceding calendar year. This information is presented below.

### **A. DIVISION OF WATER QUALITY**

The Department issues Discharge to Surface Water (DSW), Stormwater, Discharge to Groundwater (DGW), and Land Application of Residuals permits to regulate "discharges" of pollutants to the surface and ground waters of the State. DSW permits are issued to both industrial and municipal

facilities. Industrial permits are issued to facilities discharging various types of wastewater (such as process water, cooling water, decontaminated groundwater, and commingled stormwater) to surface waters. Municipal permits are issued to publicly owned treatment works (POTWs) and privately owned treatment plants discharging primarily sanitary wastewater. Stormwater permits are required for stormwater discharges associated with industrial activity, as well as municipalities, counties, certain public complexes, and highway agencies. Significant Indirect User (SIU) permits regulate the discharge of industrial wastewater into sewage treatment plants. Facilities that discharge pollutants directly or indirectly to the ground waters of the State are issued discharge to DGW permits. Facilities that distribute, handle or land apply residuals are issued a Land Application of Residuals permit.

### Section One - NJPDES Permit Universe Status

The total universe of NJPDES issued permits as of December 31, 2010 is 6,514 permits. This is up from 5,637 permits as of August 31, 2009, a 14.6% increase. The number of permits (6,514) is greater than the number of facilities noted below (6,450) because some facilities have more than one permit. Of the 6,514 permits, 5,759 (88.4%) are current, while 755 are beyond their renewal date. The Division is continuing its efforts to further reduce the number of facilities operating with such expired but administratively extended permits.

### Section Two - Number of Facilities Permitted:

The Department's DWQ regulated 614 facilities that discharged to the surface waters of the State in 2010, as compared to the 640 facilities regulated in 2009. The Department also regulates facilities discharging to ground water, to POTWs, discharging stormwater only, or that handle, distribute or land apply residuals. These types of facilities are listed under "Other" in Table II-1. In 2010, the DWQ regulated 5,836 of these Other facilities, as compared to the 5,009 regulated in 2009, an increase of 16.5 percent. The DWQ regulated a total of 6,450 facilities in 2010, compared with 5,649 facilities in 2009, an increase of 14.2 percent, primarily due to an increase in the number of stormwater facilities regulated by the DWQ.

**TABLE II-1 REGULATED FACILITIES 2007-2010**

<b>FACILITIES REGULATED (including stormwater)</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>% Growth 2009-2010</b>
<b>Discharge to Surface Water only</b>	414	394	381	363	-4.7
<b>DSW/Other combined</b>	268	266	259	251	-3.1
<b>Sub-total</b>	682	660	640	614	-4.1
<b>Other only</b>	4695	4791	5009	5836	16.5
<b>TOTAL</b>	<b>5377</b>	<b>5451</b>	<b>5649</b>	<b>6450</b>	<b>14.2</b>

The Department issues permits for "discharge types" rather than facilities, therefore a facility with more than one discharge type may have more than one permit. As of December 31, 2010, the

Department had 7,100 discharge types that were currently regulated or had been evaluated for regulation. The number of permits issued (6,514) is less than the number of discharge types (7,100) because discharge types include active permits as well as permit applications that are pending, or applications that were closed, withdrawn, denied, or determined to be not necessary. Table II-2 below provides information regarding the number of discharge types regulated and evaluated by the Department between 2007 and 2010.

**TABLE II – 2 DISCHARGES BY TYPE 2007-2010**

<b>ACTIVITY TYPE</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>
INDUSTRIAL DSW	463	449	408	381
MUNICIPAL DSW	304	306	300	292
SIU	81	87	90	82
GROUNDWATER	1238	1395	1372	1393
RESIDUALS	72	71	75	75
STORMWATER	3840	3791	4075	4877
<b>TOTAL</b>	<b>5998</b>	<b>6099</b>	<b>6320</b>	<b>7100</b>

The number of permitted discharges regulated by the DWQ has been growing steadily over the past several years. In 2010, the number of discharge types regulated and evaluated by the Department increased by 780. This growth is attributed mostly to the increase in the number of groundwater and stormwater permits issued. The Department continues to issue permits to new facilities, while other facilities' permits are being terminated or not renewed. Most permit actions are for new general permit authorizations.

**Section Three – Types of Permits and Permit Actions:**

The Department issues several different types of NJPDES permits. Permits are limited to a maximum term of five years. The Department requires submission of renewal applications 180 days prior to expiration of the permit for individual NJPDES permits or expiration of a NJPDES general permit authorization. However, certain general NJPDES permits do not require submission of formal renewal applications. The Department has classified its NJPDES permit actions based upon the technical complexity of the permit application and the potential environmental or health effects of the discharge, and reports the following permit categories in the Permit Activity Report in accordance with P.L. 1991, c.423:

*Requests for Authorization to discharge under a general permit:* General permits reduce permit processing time because a standard set of conditions, specific to a discharge type or activity, are developed (rather than issuing individual permits for each discharge or activity). This permitting approach is well suited for regulating similar facilities or activities that have the same monitoring requirements. The following general permits are currently effective:

**TABLE II – 3  
GENERAL PERMITS**

<b>NJPDES No.</b>	<b>Category</b>	<b>Name of General Permit</b>	<b>Discharge Type</b>	<b>Year Issued</b>
NJ0142581	ABR	Wastewater Beneficial Reuse	DSW	2006
NJ0070203	CG	Non-contact Cooling Water	DSW	2006
NJ0102709	B4B	Groundwater Petroleum Product Clean-up	DSW	2008
NJ0128589	B6	Swimming Pool Discharges	DSW	1998
NJ0134511	B7	Construction Dewatering	DSW	2005
NJ0132993	BG	Hydrostatic Test Water	DSW	2005
NJ0105023	CSO	Combined Sewer Overflow	DSW	2004
NJ0155438	BGR	General Remediation Clean-up	DSW	2010
NJ0105767	EG	Land Application Food Processing Residuals	RES	2004
NJ0132519	ZG	Residuals Transfer Facilities	RES	2010
NJ0132501	4G	Residuals – Reed Beds	RES	2008
NJ0108308	I1	Stormwater Basins/SLF	DGW	2007
NJ0108642	I2	Potable WTP Basins/Drying Beds	DGW	2008
NJ0130281	T1	Sanitary Subsurface Disposal	DGW	2008
NJ0142051	LSI	Lined Surface Impoundment	DGW	2009
NJ0168416	K2	Dental Facilities Onsite Wastewater Treatment Systems	DGW	2007
<b>NJPDES No.</b>	<b>Category</b>	<b>Name of General Permit</b>	<b>Discharge Type</b>	<b>Year Issued</b>
NJ0088315	5G2	Basic Industrial Stormwater	DST	2007
NJ0088323	5G3	5G3 –Construction Activity Stormwater	DST	2007
NJ0108456	CPM	Concrete Products Manufacturing	DST	2008
NJ0107671	SM	Scrap Metal Processing/Auto Recycling	DST	2005
NJ0132721	R4	Hot Mix Asphalt Producers	DST	2009
NJ0134791	R5	Newark Airport Complex	DST	2010
NJ0138622	R7	Wood Recyclers	DST	2009
NJ0138631	R8	Concentrated Animal Feeding Operations	DST	2008
NJ0141852	R9	Tier A Municipal Stormwater	DST	2009
NJ0141861	R10	Tier B Municipal Stormwater	DST	2009
NJ0141879	R11	Public Complex Stormwater	DST	2009
NJ0141887	R12	Highway Agency Stormwater	DST	2009
NJ0141950	R13	R13 -Mining and Quarrying Activity Stormwater General Permit	DST	2005

During 2010, the Master General Permits were renewed for the Groundwater Remediation Clean-up (BGR), the Newark Airport (R5), and the Residuals Transfer Facilities (ZG). The BGR permit authorizes discharges of treated groundwater to surface waters of the state. It regulates discharges from remediation clean-ups that do not typically contain petroleum products. A final renewal permit was issued on May 12, 2010 and is effective July 1, 2010 until June 30, 2015. The R5 general permit regulates the discharge of industrial stormwater from the Newark Liberty International Airport Complex and all its operators that conduct fueling of

vehicles, aircraft or equipment; washing of vehicles, aircraft or equipment; maintenance of vehicles, aircraft or equipment and de-icing or anti-icing of vehicles, aircraft or equipment. A final renewal was issued on December 1, 2010 and is effective from December 1, 2010 until November 30, 2015. The ZG general permit authorizes qualifying residuals transfer facilities that temporarily store liquid sludge and grease prior to transfer to duly permitted or approved residuals management operations for ultimate management. A final renewal was issued March 25, 2010 and is effective April 1, 2010 until March 31, 2015.

*Surface Water Permits:* These are individual permits and renewals issued for the discharge of sanitary, industrial, cooling, decontaminated ground water and stormwater runoff not eligible for coverage under a general permit.

*Stormwater Permits:* These are individual permits and renewals issued for the discharge of stormwater runoff not eligible for coverage under a general permit.

*Ground Water Permits:* These are individual permits and renewals issued to facilities for wastewater that is discharged directly or indirectly to the ground water of the State. The DWQ issues NJPDES permits for discharges to ground water (including onsite wastewater systems) for facilities that discharge 2000 gallons per day or more or any industrial discharge to ground water.

*Significant Indirect Users:* These are individual permits and renewals issued for industrial wastewater discharges to publicly owned treatment works. There are 19 Delegated Local Agencies (DLAs) with the authority to issue SIU permits for significant discharges occurring within their respective service areas. The Department is responsible for permitting SIU discharges for the remainder of the State.

*Land Application of Residuals:* These are individual permits and renewals issued to regulate the distribution, handling and land application of residuals originating from sewage treatment plants, industrial treatment plants, water treatment plants and food processing operations.

*Permit Modifications:* These are modifications to existing permits and are usually requested by the NJPDES permittee. These modifications range from a transfer of ownership, or reduction in monitoring frequency, to a total re-design of a wastewater treatment plant operation. The Department can issue modifications for all discharge types except Requests for Authorization under a general permit. Permit modifications do not extend the expiration date of the permit.

*Permit Terminations (Revocations):* These actions are also often initiated by the permittee when the regulated discharge of pollutants has ceased, usually as a result of regionalization, closure or recycling. Prior to terminating or revoking a permit, the Department ensures that sludge has been removed, outfalls have been sealed, and the treatment plant has been dismantled or rendered safe.

**Section Four - Permit Actions:** Table II-4 summarizes formal permit actions by the categories described above. For the purposes of this presentation, "Request for Authorizations" are included as new or renewals, as appropriate, under the applicable discharge type. In each permit category, the number of new permits, renewal permits, permit modifications, and terminations (revocations) are listed.

New permits and permit renewals may be controversial, particularly when the Department imposes



new requirements or more stringent effluent limitations. Such actions have historically been contested. In 2010, the Department received 4 requests for adjudicatory hearings, compared to 6 requests received in 2009. This is a request rate of 0.3 percent in comparison to the percentage of all formal permit actions. The Department recommends meeting with the applicant prior to issuing a draft permit to ensure that the data submitted in the application is current and to obtain any additional information that might be useful. This has resulted in better permits and a reduced number of requests for adjudicatory hearings.

Permit actions are summarized and compared in Table II-5. In 2010, the Department took 1,358 formal permit actions, reflecting a 3.2 percent increase in permit actions from 2009. 69.9 percent (or 949) of the final permit actions were new facilities, 15.5 percent (210) of the actions were permit renewals, 6.4 percent (87) were for permit modifications, and 8.3 percent (112) were for permit terminations.

The Department issued 99 DSW permit renewals in 2010, 20 of which were issued to major facilities. The Department also issued 949 new permits and received no hearing requests on these actions. The Department issued 210 permit renewals and received 4 hearing requests on these actions. The relatively low number of hearing requests can be attributed to the increased use of general permits, providing pre-drafts to permittees, and as noted above, meeting with the permittees prior to issuance of the draft. The general permits contain certain conditions and effluent limitations that are the same for similar types of discharges. Once a general permit is issued, applicants may request authorization to discharge under the final general permit. In such cases, applicants are aware of the permit conditions and effluent limitations before they apply for the permit. In the case of individual permits, the DWQ has increased the practice of providing a pre-draft of a permit to permittees prior to the formal public notice period. This provides the permittee with an opportunity to correct factual information used in the permit development before issuance of the formal draft permit. Understanding the permit conditions prior to applying for a general permit and providing an opportunity to correct factual information for individual permits greatly improves acceptance of the permit by the permittee and thereby diminishes the filing of hearing requests.

#### **TABLE II – 4**

#### **PERMIT ACTIONS TAKEN BY THE DIVISION OF WATER QUALITY 2007 - 2010**

<b>TYPE OF PERMIT ACTION</b>	<b>2007</b>	<b>Contested 2007</b>	<b>2008</b>	<b>Contested 2008</b>	<b>2009</b>	<b>Contested 2009</b>	<b>2010</b>	<b>Contested 2010</b>
<b>Industrial Surface Water</b>								
-New	25	0	12	0	17	0	14	0
-Renewals	54	1	80	1	43	0	68	0
-Modifications	35	0	30	0	22	0	30	0
-Terminations	33	0	32	0	32	0	15	0
<b>Subtotal</b>	<b>147</b>	<b>1</b>	<b>154</b>	<b>1</b>	<b>114</b>	<b>0</b>	<b>127</b>	<b>0</b>
<b>Municipal Surface Water</b>								
-New	1	0	0	0	0	0	0	0
-Renewals	28	8	30	8	33	6	31	4
-Modifications	35	0	25	0	29	0	11	0
-Terminations	0	0	2	0	5	0	0	0
<b>Subtotal</b>	<b>64</b>	<b>8</b>	<b>57</b>	<b>8</b>	<b>67</b>	<b>6</b>	<b>42</b>	<b>4</b>
<b>Significant Indirect User</b>								
-New	7	0	1	0	17	0	7	0
-Renewals	6	0	15	0	5	0	10	0
-Modifications	6	0	2	0	1	0	2	0
-Terminations	3	0	2	0	4	0	1	0
<b>Subtotal</b>	<b>22</b>	<b>0</b>	<b>20</b>	<b>0</b>	<b>27</b>	<b>0</b>	<b>20</b>	<b>0</b>

<b>TYPE OF PERMIT ACTION</b>	<b>2007</b>	<b>Contested 2007</b>	<b>2008</b>	<b>Contested 2008</b>	<b>2009</b>	<b>Contested 2009</b>	<b>2010</b>	<b>Contested 2010</b>
<b>Ground Water</b>								

-New	56	0	199	0	33	0	30	0
-Renewals	36	0	694	0	63	0	47	0
-Modifications	13	0	11	0	6	0	5	0
-Terminations	9	0	16	0	7	0	10	0
<b>Subtotal</b>	114	0	920	0	109	0	92	0

<b>Land Application of Residuals</b>								
-New	6	0	3	0	2	0	5	0
-Renewals	3	0	5	0	3	0	11	0
-Modifications	1	0	0	0	0	0	1	0
-Terminations	1	0	2	0	1	0	2	0
<b>Subtotal</b>	11	0	10	0	6	0	19	0
<b>Stormwater</b>								
-New	132	0	77	0	119	0	893	0
-Renewals	2300	0	192	0	741	0	43	0
-Modifications	2	0	21	0	45	0	38	0
-Terminations	158	0	145	0	88	0	84	0
<b>Subtotal</b>	2592	0	435	0	993	6	1058	0
<b>TOTALS</b>	2950	9	1596	9	1316	6	1358	4

For the Stormwater Permitting Program in 2010, new permits include 887 general permit authorizations and 6 individual permits. Renewed permits include 1 Master General Permit, 27 general permit authorizations, and 15 individual permits. Modifications were completed on 32 general permit authorizations and 6 individual permits. Permit terminations were completed for 79 general permit authorizations and 5 individual permits.

Table II-5 reflects the total number of permit actions taken by the DWQ in each of the last four years.

**TABLE II - 5 COMPARISONS OF PERMIT ACTIONS 2007 - 2010**

<b>TYPE OF PERMIT ACTION</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>
<b>New</b>	<b>227</b>	<b>292</b>	<b>188</b>	<b>949</b>
<b>Renewal</b>	<b>2427</b>	<b>1016</b>	<b>888</b>	<b>210</b>
<b>Modifications</b>	<b>92</b>	<b>89</b>	<b>103</b>	<b>87</b>
<b>Terminations (Revocations)</b>	<b>204</b>	<b>199</b>	<b>137</b>	<b>112</b>
<b>TOTAL ACTIONS</b>	<b>2950</b>	<b>1596</b>	<b>1316</b>	<b>1358</b>

## **B. NEW DEVELOPMENTS**

### **Electronic Submission**

Electronic submission of the information necessary to obtain an authorization under the Stormwater Construction Activity General Permit has been available since October 1, 2009. This General Permit authorizes point source discharges from certain construction activities. Regulated entities are required to develop a soil erosion and sediment control plan aimed at eliminating the flow of contaminated rainwater into streams and rivers. With the implementation of this electronic submission system, the State Soil Conservation District offices no longer accept paper applications/authorization requests through their offices.

For calendar year 2010, the Department issued 839 final Stormwater Construction Activity general permit authorizations, of which 526 (63%) were processed electronically. Electronic submission results in the applicant receiving an instant electronic notice of authorization upon a successful application submission (followed by a PDF authorization delivered via email) and the ability to pay online. Paper applications are accepted but processing takes longer in comparison to electronic submission.

The Department is currently testing its online portal to allow for electronic submission of Stormwater Annual Reports by permittees required to submit such reports. This feature is expected to be available to permittees in the first quarter of 2011. Going forward, the Division plans to continually expand the universe of reports that can be submitted electronically.

In conjunction with the United States Environmental Protection Agency, the Division is encouraging electronic Monitoring Report Form (MRF) submission. Electronic submission eliminates potential translation errors and postal costs, puts the sender in control of the arrival date and sends confirmation of delivery, to name a few advantages. The Division website at <http://www.nj.gov/dep/dwq/mrf.htm#eMRFs> includes a tutorial on electronic MRF submission.

### **Issuance of the Oyster Creek draft permit and public participation process**

The Bureau of Surface Water Permitting (BSWP) issued the Oyster Creek draft NJPDES permit on January 7, 2010. This permit proposes the installation of closed-cycle cooling, which generated

significant local and national public interest. As a result, BSWP coordinated and led two public hearings, one in Lacey Township (2/24/10) and one in Trenton (3/3/10).

### **Delaware River Basin Commission Administrative Agreement**

BSWP and other DEP staff met extensively with representatives from the Delaware River Basin Commission (DRBC) to update the original Administrative Agreement (AA) between the DRBC and the NJDEP. Many aspects of the original agreement, which dated back to the 1970's, were revised to reflect current practices, and to establish new practices that would further promote intergovernmental cooperation in an effort to avoid unnecessary duplication of staff functions.

### **EPA WET Training**

BSWP arranged for staff from EPA Headquarters to present the EPA NJPDES Whole Effluent Toxicity Training at the DEP Main office in Trenton. EPA toxicity specialists, as well as lab scientists, presented materials that will help DEP staff develop WET requirements for permits. This arrangement enabled the majority of the BSWP staff (approximately 25) and other bureaus within the DEP, as well as representatives from EPA Region 2, and the DRBC, to attend this valuable training without incurring any travel costs for the state.

### **Greenhouse gas reduction efforts**

In order to comply with the Global Warming Response Act, staff from the bureaus of Surface Water Permitting and Pretreatment and Residuals are working with DEP staff from other Divisions to address greenhouse gas (GHG) production from the wastewater treatment sector. A survey was developed to collect information regarding current energy usage as well as efforts to generate energy on site and reduce energy consumption. The survey also collected information about the entire treatment and power trains of the facilities. This information will be used to assess opportunities for energy usage reductions as well as energy production at the major sewage treatment plants (over 1 million gallons per day) in the state. The responses to the survey were reviewed and BSWP staff participated in a presentation of "Issues of Emerging Concern" at the Annual New Jersey Water Environment Association Conference in Atlantic City. The information gathered from the survey and the conference is being compiled to continue the effort to reduce GHG emissions in the state through case study presentations with stakeholders.

### **Information Available on DWQ Website**

The Division of Water Quality posts many useful items and news information on its website at <http://www.nj.gov/dep/dwq/> such as:

- Various technical manuals
- News items (e.g., upcoming rule proposals, public hearings, clarifications, etc.)
- Links to other programs
- Application forms and checklists

## **III. ENFORCEMENT**

### **A. INTRODUCTION**

The CWEA requires the Department to report information annually concerning the number of

inspections conducted, the number and types of violations identified, the number of enforcement actions initiated and the dollar amount of penalties assessed and collected. Since 1992 Water Compliance and Enforcement has provided this required information which has demonstrated a dramatic increase in compliance with the WPCA.

*Mandatory minimum penalties:*

Mandatory minimum penalties under the CWEA apply to violations of the WPCA that are defined as serious violations and to violations by permittees designated as significant noncompliers (SNCs). A serious violation is an exceedance of an effluent limitation in a NJPDES permit by 20 percent or more for a hazardous pollutant or by 40 percent or more for a nonhazardous pollutant. An SNC is a permittee which:

1. Commits a serious violation for the same pollutant at the same discharge point source in any two months of any six-month period;
2. Exceeds the monthly average in any four months of any six-month period; or
3. Fails to submit a completed DMR in any two months of any six-month period.

For serious violations, the CWEA requires mandatory minimum penalties of \$1,000 per violation. SNCs are subject to mandatory minimum penalties of \$5,000 per violation.

The CWEA also requires the Department to impose a mandatory penalty when a permittee omits from a DMR required information relevant to an effluent limitation. The penalty is \$100 per day per effluent parameter omitted and shall accrue for a minimum of 30 days.

Effective January 19, 1999, the DLAs were required to assess mandatory minimum penalties against any indirect user that commits either a serious violation, a violation that causes a user to become or remain in significant noncompliance or an omission violation as noted in the preceding paragraph. Please see Chapter IV of this report which contains the details of the enforcement actions taken by the DLAs.

## **B. INSPECTIONS**

*Number of Inspections:*

The CWEA requires the Department to inspect permitted facilities and municipal treatment works at least annually. Additional inspections are required when the permittee is identified as a significant noncomplier (discussed below). The inspection requirement applies to all facilities except those that discharge only stormwater or non-contact cooling water. A DLA must inspect facilities discharging into its municipal treatment works, again excluding those facilities that discharge only stormwater or non-contact cooling water.

Each fiscal year the Department performs one full inspection of most regulated facilities to determine compliance. In a full inspection, the Department reviews all DMRs and evaluates the entire water pollution control process for each discharge, including operation and maintenance practices, as well as monitoring and sampling procedures.

In 2010, the Department conducted 2767 facility inspections. This number includes 1429 Stormwater inspections that are included in the report.

## C. VIOLATIONS

### Section One - Results of Facility Inspections:

The Department is required to report the number of enforcement actions resulting from facility inspections. Whenever one or more serious or an SNC violation is discovered during an inspection, the Department issues a Notice of Violation (NOV) to the facility.

NOVs identify violations and direct the facility operator to correct the activity or condition constituting the violation within a specified period of time. As further discussed in Section C. Enforcement Actions, these documents are considered informal enforcement actions. The Department initiates a formal enforcement action, which may include the assessment of a civil administrative penalty, if a permittee fails to remedy a violation identified in a NOV. The Department will also initiate a formal enforcement action whenever it is required by the CWEA to assess a mandatory minimum penalty.

#### *Informal Enforcement Actions:*

The Department uses both formal and informal enforcement actions to promote compliance with the WPCA. An informal enforcement action notifies a violator that it has violated a statute, regulation or permit requirement, and directs the violator to take corrective actions to comply. Typically, informal actions are a first step in the enforcement process and are taken at the time the Department identifies a violation. The Department does not assess penalties in informal enforcement actions, which are preliminary in nature and does not provide an opportunity to contest the action in an adjudicatory hearing. However, the Department is always willing and available to discuss the violation with a permittee.

#### *Formal Enforcement Actions:*

The Department typically takes formal administrative enforcement action when it is required by the CWEA to assess a mandatory penalty or when a permittee has failed to remedy a violation in response to an informal enforcement action previously taken by the Department. The Department only takes a formal enforcement action when it has verified that a violation has occurred. The Department usually initiates formal administrative enforcement action through the issuance of an (AO) or Settlement Agreement with Penalty (SA/P). The Department has utilized several types of Administrative Orders (AOs).

An AO is a unilateral enforcement action taken by the Department ordering a violator to take corrective action. The Department usually issues an AO to require a permittee to comply with its permit and may prescribe specific measures to be taken by the violator.

An Administrative Order/Notice of Civil Administrative Penalty Assessment (AO/NOCAPA) identifies a violation, assesses a civil administrative penalty, and also orders a violator to take specific, detailed compliance measures.

A Notice of Civil Administrative Penalty Assessment (NOCAPA) is an action that identifies a violation and assesses a civil administrative penalty. Compliance has already been achieved.

The Department resolves administrative and judicial enforcement actions through the execution of several types of Settlement Agreements (SAs). An SA resolves an administrative enforcement action, including a penalty previously assessed by the Department. The SA does not typically

impose requirements for corrective action. An SA/P resolves an outstanding confirmed violation or an administrative enforcement action and provides for payment of penalties not previously assessed.

### **Enforcement Actions Initiated in 2010:**

#### *Informal Enforcement Actions:*

In 2010, the Department initiated 468 informal enforcement actions NOV's for Surface Water (SW), Ground Water (GW), and Significant Indirect Users (SIU) violations. This includes NOV's issued for Stormwater violations.

#### *Formal Enforcement Actions:*

In 2010, the Department initiated 113 formal enforcement actions compared with 136 in 2009.

The total number of enforcement actions (informal and formal) in 2010 was 581.

### **Section Two - Total Number of Permit Violations:**

The Department is required to report the number of actual permit violations that occurred in the preceding calendar year. There are two types of permit violations, effluent violations and reporting violations. Effluent violations occur when a discharge exceeds the limits established within the NJPDES permit or the interim limits established in a consent order. Reporting violations occur when a permittee fails to submit a Discharge Monitoring Report (DMR) or submits a DMR that does not provide all of the required information. It is important to note that enforcement actions are taken only for verified violations.

The total number of permit violations that were reported in 2010 was 1872.

### **Section Three - Violations for Which the Department Assessed a Penalty:**

In 2010, the Department assessed penalties against 113 facilities for 576 violations of the WPCA. The 576 violations addressed by the Department's actions were less than the number of violations addressed in 2009 (955). In comparison, in 1992 the Department assessed penalties against 300 facilities for 2,483 violations.

### **Section Four - Violations of Administrative Orders and Consent Orders:**

The CWEA requires the Department to report the number of violations of administrative orders (AOs), administrative consent orders (ACOs) and compliance schedule milestones (dates set forth in an ACO for starting and/or completing construction, or for attaining full compliance). The Department must also report the number of permittees that are out of compliance by more than 90 days from the date established in a compliance schedule for starting and/or completing construction, or for attaining full compliance.

#### *Violations of Interim Effluent Limitations:*

In 2010, the Department identified 16 violations of an interim effluent limitation established in an AO or ACO.

#### *Violations of Compliance Schedules:*

In 2009, the Department did not take any formal actions for violations of a compliance schedule set



forth in an ACO.

### **Section Five - Unpermitted Discharges:**

An unpermitted discharge is the release of pollutants into surface water, ground water or a municipal treatment works when the discharger does not hold a valid NJPDES permit or when the discharge is not authorized under the discharger's permit.

In 2010, the Department identified 36 unpermitted discharges at facilities that then received an enforcement action for the unpermitted discharge.

### **Section Six - Affirmative Defenses:**

The CWEA requires the Department to report the number of affirmative defenses granted that involved serious violations. The CWEA specifically provides affirmative defenses to penalty liability for serious violations and violations by significant noncompliers. It also indicates that the Department may allow these defenses for any effluent violation for which NJPDES regulations also provide defenses. The CWEA requires the permittee to assert the affirmative defense promptly after the violation occurs, enabling the Department to evaluate the asserted defense before assessing a penalty.

In 2010, the Department granted 10 affirmative defenses for violations that were considered serious as defined in the Clean Water Enforcement Act.

### **Section Seven - Serious Violations:**

The CWEA requires the Department to report the number of actual effluent violations constituting serious violations, including those violations that are being contested by the permittee. The CWEA defines a serious violation as an exceedance of a valid effluent limitation by 20 percent or more for hazardous pollutants and by 40 percent or more for nonhazardous pollutants. The CWEA establishes mandatory minimum penalties for serious violations and requires the Department to assess a penalty for a serious violation within six months of the violation.

In 2010, the Department identified and issued formal and informal enforcement actions for 192 serious effluent violations. Serious violations have decreased from a reported high figure of 847 in 1992. This decrease from eighteen years ago is a very positive trend indicating the regulated community, as a whole, is paying close attention to monitoring their discharges and taking the appropriate corrective action to prevent their facilities from having serious violations.

### **Section Eight - Significant Noncompliers:**

The CWEA requires the Department to report the number of permittees qualifying as SNCs, including permittees contesting such designation, and to provide certain information pertaining to each permittee designated as an SNC. An SNC is a permittee which: (1) commits a serious violation for the same pollutant at the same discharge point source in any two months of any six-month period; (2) exceeds the monthly average in any four months of any six-month period or (3) fails to submit a completed DMR in any two months of any six-month period (N.J.S.A. 58:10A-3w). The Department reviews each violation to determine whether the violation has caused the permittee to become an SNC or continue to be an SNC. If the permittee is or has become an SNC, the

Department initiates formal enforcement action, assessing a civil administrative penalty in an amount at least equal to the statutory minimum, and directing the SNC to attain compliance.

In 2010, the Department issued formal enforcement actions to 13 permittees identified as SNCs. In contrast, in 1992, 81 permittees were issued penalties for becoming an SNC.

Appendix III-A of this report identifies each SNC and sets forth information concerning each SNC's violations.

### **Section Nine - Violations for which the Department Did Not Assess a Penalty:**

The Department assesses a penalty only after conducting an inspection or confirming the violation by some other contact with the permittee. Accordingly, serious violations and violations which cause a permittee to become an SNC, which were reported on DMRs but not confirmed before the end of the 2010 calendar year, will be the subject of penalty assessments once the Department confirms that the violations occurred. If the Department establishes that a report of an exceedance was in error (for example, if the reported exceedance is attributable to a mistake in the reporting or processing of discharge data), the Department does not take an enforcement action for the reported exceedance.

## **D. PENALTIES ASSESSED AND COLLECTED**

The CWEA requires the Department to report the dollar amount of all civil and civil administrative penalties assessed and collected.

### **Section One - Penalties Assessed:**

In 2010, the Department assessed a total of \$1.6 million in civil and civil administrative penalties within 113 distinct enforcement actions.

### **Section Two - Penalties Collected:**

In 2010, the Department collected \$1.1 million in penalties.

## **IV. DELEGATED LOCAL AGENCIES**

### **A. INTRODUCTION**

A DLA is a political subdivision of the State, or an agency or instrumentality thereof, which owns or operates a municipal treatment works and implements a department approved industrial pretreatment program. The Department approves pretreatment programs pursuant to the General Pretreatment Regulations for Existing and New Sources of Pollution, 40 CFR Part 403, as adopted in the NJPDES regulations, N.J.A.C. 7:14A-1 *et seq.* Under these Federal regulations, the Department may approve a pretreatment program only if the DLA has specified types of legal authority and implements specified procedures including the following:

1. Control indirect discharges through permit, order or similar means to ensure compliance with applicable pretreatment standards;
2. Randomly sample and analyze the effluent from indirect users and conduct surveillance activities in order to identify, independent of information supplied by indirect users, occasional and continuing noncompliance with pretreatment standards;
3. Inspect and sample the effluent from each significant indirect user at least once a year;
4. Investigate and respond to instances of noncompliance through appropriate enforcement action.

An indirect discharge is an introduction of pollutants into a POTW from any non-domestic source regulated under section 307(b), (c), or (d) of the Federal CWA. The DLA classifies an indirect discharger as an SIU if the user is subject to the Federal Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N, or based upon factors such as the quantity of its discharge, the percentage of the POTW's capacity which it contributes, its potential to affect the POTW's operation adversely, or its potential to violate a pretreatment standard or requirement.

Nineteen (19) DLAs maintain the Department's approval for their industrial pretreatment programs, which they implement with oversight by the Department. Previous reports included data for twenty-four (24) DLAs, but in calendar year 2007, two (2) DLAs, Hamilton Township and the City of Trenton, and in calendar year 2009, three (3) DLAs, the Ewing-Lawrence Sewerage Authority, Stony Brook Regional Sewerage Authority, and Pequannock, Lincoln Park and Fairfield Sewerage Authority (aka, Two Bridges Sewerage Authority) had their IPP programs revoked by the Department due to the small number of permittees discharging to each facility. SIU permits in these service areas are now issued by the Department. A current listing of the DLAs is provided at the end of this chapter in Section F. The Department's oversight of approved pretreatment programs includes: (i) conducting periodic audits of the DLA's pretreatment program; (ii) reviewing the annual report required by 40 CFR Part 403; and (iii) providing technical assistance the DLA requests. The audit includes a review of industry files maintained by the DLA to determine whether the DLA has met its permitting, sampling, inspection, and enforcement obligations. The annual report required by 40 CFR Part 403 is a detailed discussion of the implementation of the approved pretreatment program and includes elements that allow the Department to gauge the program's success.

In addition to the Federal reporting requirements, the CWEA requires each DLA to file information with the Department annually, for inclusion in the Department's annual CWEA report. The information discussed in this chapter represents cumulative totals from these 19 DLA submissions received by the February 1, 2011 statutory deadline as well as any addenda received as of February 28, 2011. Table IV-4 summarizes the information submitted by the DLAs. The original documents are available for review upon request.

## **B. PERMITS**

The 19 DLAs have issued permits to control the discharges from a total of 801 facilities discharging to their sewage treatment plants. In its report, each DLA groups these dischargers into two categories based on the flow and character of the discharge.

Categorical/Significant/Major (CSM) includes: (i) dischargers in categories of industries for which

EPA has established national pretreatment standards pursuant to 40 CFR 403.6; (ii) dischargers defined as significant by either Federal, State or local definition; and (iii) dischargers which are considered major under the applicable local definition.

Other Regulated (OR) includes any permitted discharger that does not fall within CSM.

In 2009, the DLAs issued a total of 53 new permits, 158 renewals, and 34 permit modifications with no permits contested by interested parties. Of the DLA regulated total of 842 dischargers, 502 were classified as CSM and 340 were classified as OR. In 2010, the DLAs issued 32 new permits, 180 renewals, and 86 permit modifications with zero permits contested by interested parties. As of December 31, 2010, the DLAs had issued permits to 477 CSM facilities and 324 OR facilities for a total of 801 permits. Table IV-1 details the permit actions mentioned above and identifies the CSM and OR categories.

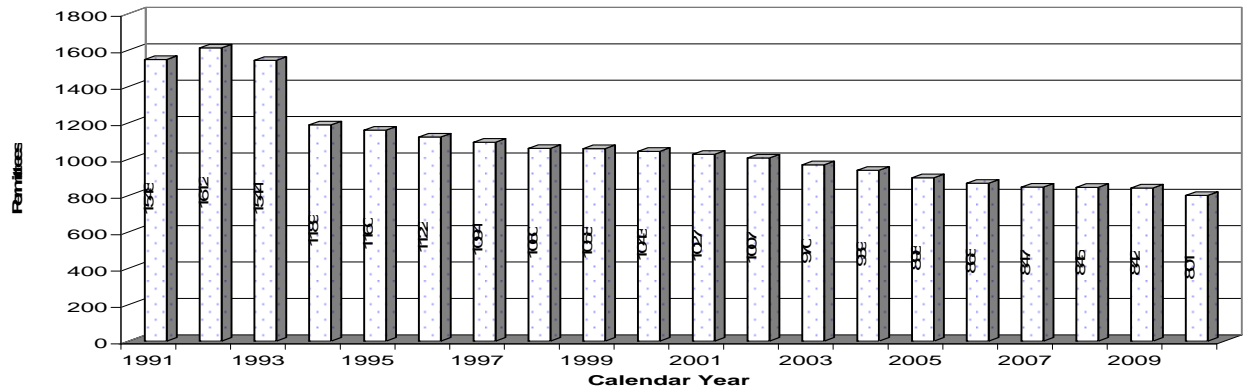
As noted in Table IV-1 below, three (3) permittees had their permit limits relaxed through an administrative order (AO) or an administrative consent order (ACO) issued by a DLA. In all three (3) of these cases, the limit was relaxed for the conventional pollutant chemical oxygen demand (COD); two (2) cases relaxed the limit for the conventional pollutant biochemical oxygen demand (BOD); and in one case interim limits were established for oil and grease, sulfide and TSS. In 2009, the DLAs issued four (4) AOs or ACOs that relaxed the local limits.

**TABLE IV - 1  
PERMIT ACTIVITY SUMMARY  
January 1 - December 31, 2010**

<b>PERMIT ACTIONS</b>	<b>CSM</b>	<b>OR</b>	<b>TOTAL</b>
<b>New Permits</b>	<b>15</b>	<b>17</b>	<b>32</b>
<b>Permit Renewals</b>	<b>93</b>	<b>87</b>	<b>180</b>
<b>Permit Modifications</b>	<b>56</b>	<b>30</b>	<b>86</b>
<b>Permits contested by interested parties</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>AO/ACO compliance schedules relaxing local limits</b>	<b>2</b>	<b>1</b>	<b>3</b>

The number of permittees regulated by DLAs has been steadily decreasing since 1992, the first full year of reporting under the CWEA. As noted in Chart IV-1, the permitted universe peaked in 1992, with 1,612 permittees under the regulation of DLAs. DLAs reported 801 permittees under their regulation at the end of calendar year 2010, representing a decrease of 50.3% (or 811 permittees) since 1992. A significant decrease (319) in the number of permittees is noted between 1993 and 1994. A majority of this decrease in permittees (249 of 319 permittees, or 78.1%) can be attributed to the Township of Wayne "delisting" facilities regulated only for oil and grease.

**CHART IV-1  
TOTAL NUMBER OF PERMITTEES REGULATED BY DLAS**



### C. INSPECTIONS AND SAMPLINGS

The CWEA requires DLAs to annually inspect each permitted facility discharging into their sewage treatment plant. For CSM permittees, the CWEA requires the DLA to annually conduct a representative sampling of the permittees' effluent. For OR permittees, the DLA is required to perform sampling only once every three years.

The DLAs inspected and sampled 754 of the 801 permittees at least once during the calendar year. The DLAs inspected and sampled 451 (94.5 percent) of the 477 CSM permittees and 303 (93.5 percent) of the 324 OR facilities. In 2009, the DLAs inspected and sampled 786 of the permittees at least once. The DLAs inspected and sampled 465 (92.6 percent) of the 502 CSM permittees and 321 (94.4 percent) of the 340 OR permittees. In 2010, there was a 5 percent shortfall in the number of CSM facilities both inspected and sampled, as compared to the 7 percent shortfall from last year. A significant number of the facilities that were not sampled/inspected during the calendar year were either not currently discharging, had not begun discharging, or were new permittees thus causing the shortfall. In assessing compliance with pretreatment program requirements, EPA guidance indicates that a 20 percent shortfall would place the DLA in reportable noncompliance. There was no sampling/inspection shortfall in the OR category as the CWEA only requires one third of these facilities to be both sampled and inspected annually. The DLAs inspected and sampled 303 of the 324 OR facilities (or 93.5 percent of the universe) in calendar year 2010, as compared to the statutory requirement of 33 percent.

### D. VIOLATIONS

#### Section One - Violations by Permitted Facilities:

The DLAs reported 559 permit violations by permitted facilities in 2010, compared with 616 violations in 2009. Violations fall into the following categories: (i) effluent violations where the discharge exceeds the limits established within the permit; and (ii) reporting violations where self-

monitoring data has not been submitted, has been submitted late, or has been submitted in an incomplete manner.

Of the 559 permit violations reported in 2010, 428 (76.6 percent) were effluent violations, and 131 (23.4 percent) were reporting violations, compared with 419 (68 percent) effluent violations and 197 (32 percent) reporting violations in 2009. The total number of violations reported decreased by 57 (9.3 percent) compared to 2009.

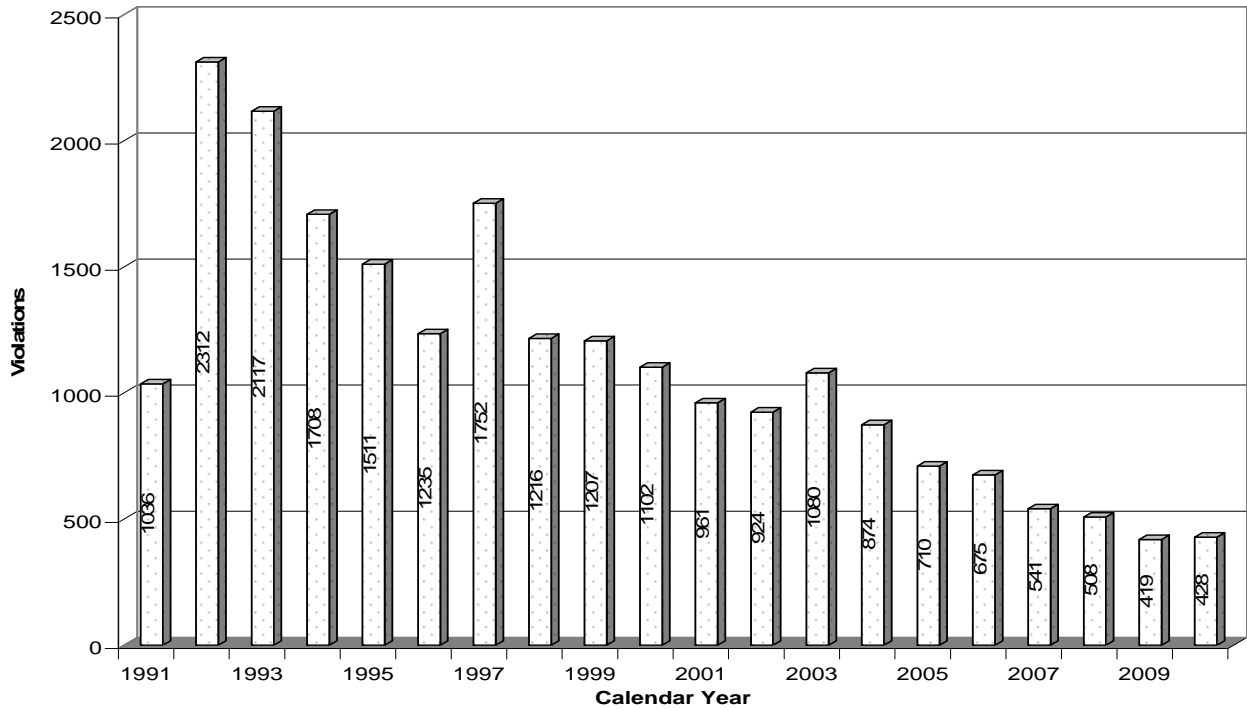
Of the 428 effluent violations, 274 (64 percent) were for non-hazardous discharges of conventional pollutants, such as suspended solids and nutrients, and 154 (36 percent) were for hazardous pollutant discharges, such as metals, organics and other toxic substances. In 2009, 214 effluent violations were for non-hazardous pollutants and 205 effluent violations were for hazardous pollutants. Of the total number of effluent violations in 2010, 159 (37 percent) constituted serious violations compared with 154 (37 percent) serious violations in 2009. Thus, while the number of serious violations slightly increased, the percentage remained constant. Table IV-2 details the permit violations mentioned above and identifies the CSM and OR categories.

**TABLE IV-2  
SUMMARY OF ALL PERMIT VIOLATIONS  
January 1 - December 31, 2010**

VIOLATION TYPE	CSM	OR	TOTAL	%
Non-hazardous pollutants	207	67	274	49.0
Hazardous pollutants	101	53	154	27.6
Reporting violations	78	53	131	23.4
<b>TOTALS</b>	<b>386</b>	<b>173</b>	<b>559</b>	<b>100.0</b>

Despite a slight increase in effluent violations from 2009 to 2010, a compilation of data from the CWEA annual reports submitted by the delegated local agencies since 1991 shows that the number of effluent violations (for both hazardous and non-hazardous pollutants) has tended to decrease from year to year (see Chart IV-2 below). Compared to the first full reporting year (calendar year 1992), discharge violations by indirect users discharging to delegated local agencies have declined from 2312 in 1992 to 428 in 2010, a decrease of 81.5 percent.

**CHART IV-2  
EFFLUENT VIOLATIONS BY DLA PERMITTEES**



**Section Two - Unpermitted Discharges and Pass-throughs:**

An unpermitted discharge is the release of pollutants, into the sanitary sewer, which is not covered under an existing permit. Unpermitted discharges include any newly identified facilities that have recently come within the jurisdiction of a DLA due to service area expansions by regional sewerage facilities and therefore must obtain a permit. In 2010, the DLAs reported two unpermitted discharges. Both of these facilities are under the CSM classification. One facility began discharging without notifying the DLA, while the other was an unpermitted facility reclassified as a CSM. Both users were issued permits shortly after being identified by the DLAs. In 2009, the DLAs reported zero unpermitted discharges.

The term pass through means a discharge which exits the treatment plant and enters the waters of the State in quantities or concentrations which alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the treatment plant’s permit, including an increase in the magnitude or duration of a violation. In 2010, one pass through incident was reported. This incident was caused by the discharge of untreated leachate/overload of a pretreatment system at the industrial user, and resulted in or contributed to the receiving treatment plant violating its discharge permit for ammonia. Penalties were issued along with an order to upgrade the pretreatment system. One pass through incident was reported in 2009.

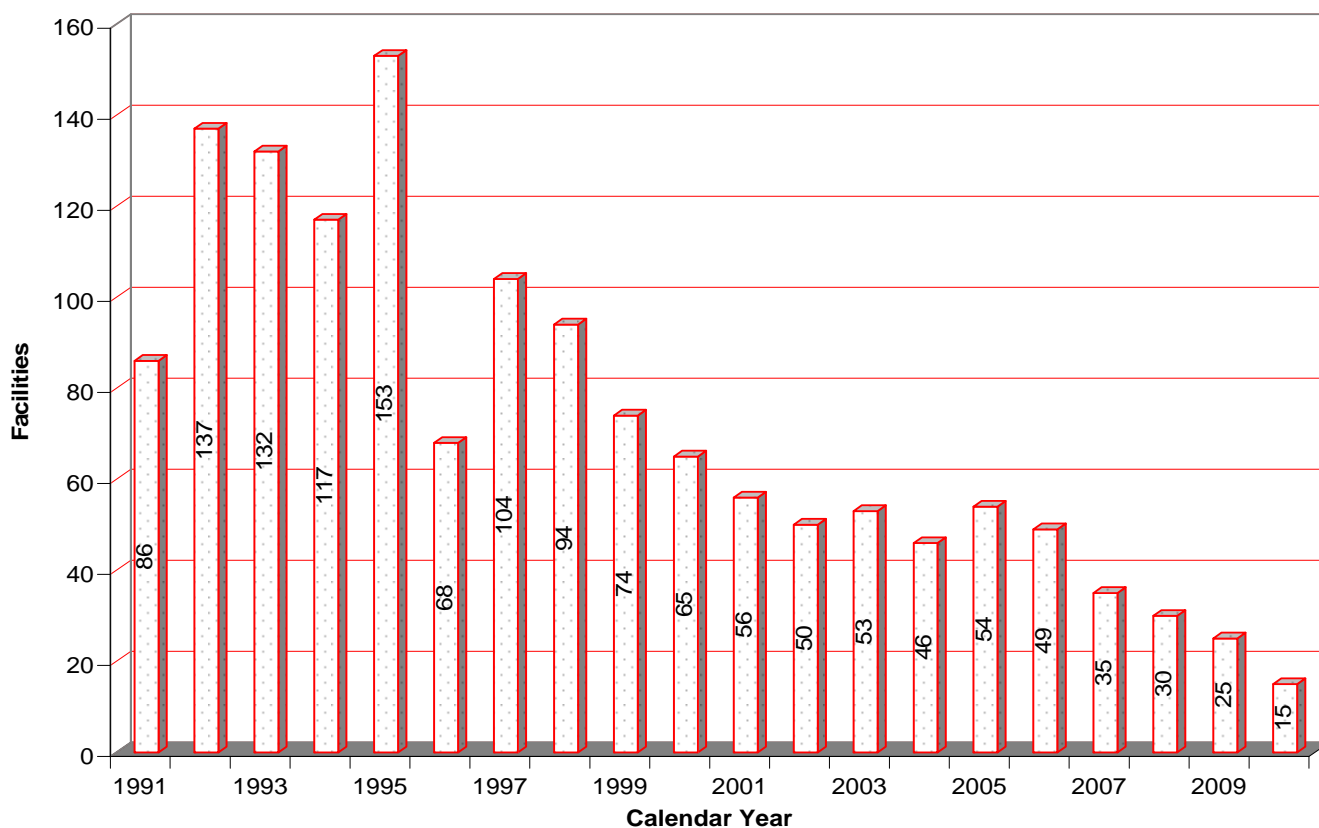
**Section Three - Significant Noncompliance:**

The CWEA requires that DLAs identify facilities designated as SNC in accordance with the definition of significant noncompliance as defined by the New Jersey WPCA under N.J.S.A. 58:10A-3.w.

The DLAs reported a total of 15 indirect users who qualified as SNC under the State definition during 2010. The analysis in the 2009 report indicated that 25 indirect users met the SNC definition. Therefore, there was a decrease by 10, or 40 percent, in the number of facilities that met the SNC criteria. The DLAs reported as a whole that by the end of calendar year 2010, 3 (20.0 percent) of the 15 indirect users in significant noncompliance had achieved compliance. Table IV-3 provides a listing, as submitted by the DLAs, of IUs that met the SNC criteria during calendar year 2010.

For facilities discharging into a delegated local agency, Chart IV-3 shows the trend in the number of indirect users meeting the SNC criteria. For calendar year 1995, the increase or spike can be attributed to implementation of new local limits by the Passaic Valley Sewerage Commissioners (PVSC) and failure by 67 companies in the PVSC service area to submit a local limits baseline monitoring report to PVSC by the prescribed deadline. Over the nineteen year period from 1992 (the first full calendar year of reporting) through 2010, the number of facilities meeting SNC criteria shows a decrease of 89.1 percent. The percentage of DLA indirect users meeting the SNC criteria in 2010 was 1.9 percent. For CSMs only, the percentage meeting SNC is 2.5. EPA guidance indicates that a 15 percent SNC rate for CSMs would place a DLA in reportable noncompliance.

**CHART IV-3  
SIGNIFICANT NONCOMPLIERS AS REPORTED BY DLAs**



**Section Four - Violations of Administrative Orders and Administrative Consent Orders:**



Two DLAs reported that two (2) users had seven violations of their AOs or ACOs, including violations of interim limits, compliance schedule milestones for starting or completing construction, or failure to attain full compliance. The two users were CSM facilities. One user had six (6) violations involving exceedences for the parameter chemical oxygen demand (COD), while the other was for violating a compliance schedule milestone date. In 2009, two DLAs reported that users had 4 violations of their AOs or ACOs.

As required by the Act, a DLA must report any permittee who was at least six months behind in the construction phase of a compliance schedule. One permittee was at least six months behind in the construction phase of a compliance schedule in 2010. Puebla Foods, Inc., Passaic was required by PVSC to install and operate a pH control system as a condition of a Settlement Agreement. Puebla Foods, Inc. failed to do so because of zoning constraints by the City of Passaic. All zoning issues were settled. Pueblo Foods, Inc. is currently in the process of settling a civil action by PVSC, completing the installation of the pretreatment system and thus recommencing operation.

### **Section Five - Affirmative Defenses:**

In calendar year 2010, four DLAs granted 26 affirmative defenses for upsets, bypasses, testing or laboratory errors for serious violations. Fourteen (53.8 percent) of the 26 affirmative defenses were given due to laboratory error, and 12 (46.2 percent) for upset or bypass. In calendar year 2009, 38 affirmative defenses were granted by six DLAs: twenty-one (55.3 percent) for laboratory error; and 17 (44.7 percent) for upset or bypass.

## **E. ENFORCEMENT ACTIONS AND PENALTIES**

### **Section One - Enforcement Actions:**

During 2010, the DLAs issued 193 enforcement actions as a result of inspections and/or sampling activities. CSM permittees were the subject of 53.9 percent (104) of these actions, and OR permittees were the subject of the remaining 46.1 percent (89). In 2009, the DLAs issued 217 enforcement actions. CSM permittees were the subject of 126 (58.1 percent) of these actions and OR permittees were subject to 91 (41.9 percent) of these enforcement actions.

It is important to note that the Department requires that DLAs respond to all indirect user violations. This section of this report only reflects the 193 enforcement actions taken as a result of DLA inspection and sampling activity as specifically required by statute and not those enforcement actions taken by DLAs based upon indirect user self-monitoring report results. Subsequent sections of this chapter reflect these additional enforcement actions taken by DLAs.

### **Section Two - Penalty Assessments and Collections:**

In calendar year 2010, 13 of the DLAs assessed a total of \$704,409 in penalties for 303 violations while collecting \$553,229. In 2009, 15 DLAs assessed \$951,038 in penalties for 233 violations while collecting \$883,331.

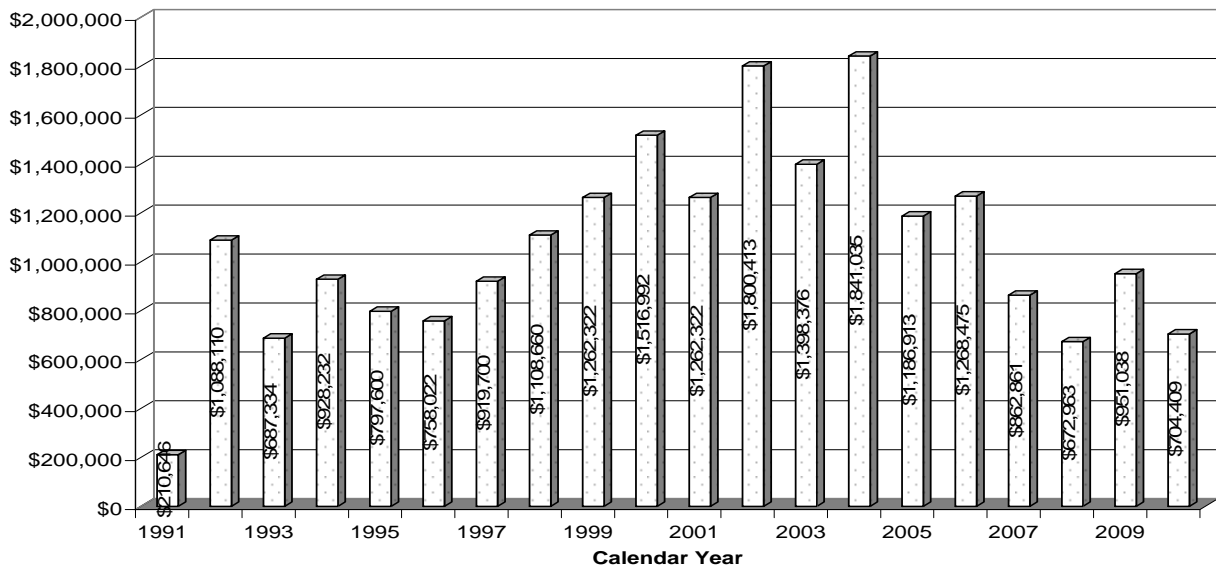
No DLAs reported that they recovered enforcement costs in civil and/or civil administrative actions in calendar year 2010. Similarly, no DLAs reported that they recovered enforcement costs in civil and/or civil administrative actions in calendar year 2009.

DLAs may refer cases to the Attorney General’s office or to the County Prosecutor for further enforcement action. In calendar year 2010, no cases were referred to either office. In 2009, one case was reported to either the Attorney General or County Prosecutor offices for further enforcement action.

The CWEA mandates that 10 percent of all administrative penalties collected by DLAs be deposited in the State Licensed Operator Training Account, but allows DLAs flexibility concerning the expenditure of the remaining balance. The DLAs use the penalty money primarily to offset the cost of the pretreatment program, and do so by depositing the money in their general operating account. Accordingly, penalty receipts collected by DLAs are used to fund salaries, sampling equipment, contract services such as legal and engineering assistance, as well as to purchase computer equipment and fund public education programs. The specific purposes for which penalty monies were expended are noted in the DLA reports and are available for review upon request.

Chart IV-4 shows the monetary penalties assessed by the DLAs since the implementation of the CWEA in 1991. The monetary penalties assessed by DLAs in 2010 decreased in comparison to 2009. This decrease is attributed to the fact that the number of substantial penalty assessments against chronic violators had decreased in 2010 as these users achieved compliance.

**CHART IV-4  
PENALTY MONEY ASSESSED BY DLAs**



**TABLE IV-3  
LIST OF IUs THAT MET THE SNC CRITERIA**

IU NAME	IU LOCATION	POTW
Alzo International/Pharmetic Mfg. Company	Sayreville, NJ	Middlesex County Utilities Authority
American Halal Meats	Newark, NJ	Passaic Valley Sewerage Commissioners
Aramark Uniform & Career Apparel, Inc.	Newark, NJ	Passaic Valley Sewerage Commissioners
Barry Callebaut U.S.A., Inc.	Pennsauken, NJ	Camden County Municipal Utilities Authority
Camden County Correctional facility	Camden, NJ	Camden County Municipal Utilities Authority
Celgene Corporation	Summit, NJ	Joint Meeting of Essex and Union Counties
Deltech Resin Company	Newark, NJ	Passaic Valley Sewerage Commissioners
Derma Rite Industries, LLC	Paterson, NJ	Passaic Valley Sewerage Commissioners
Ferro Corp., Buildings A-C	S.Plainfield, NJ	Middlesex County Utilities Authority
J & J Snack Food	Pennsauken, NJ	Camden County Municipal Utilities Authority
L'Oreal USA Products, Inc.	Piscataway, NJ	Middlesex County Utilities Authority
Lioni Latticini	Union, NJ	Joint Meeting of Essex and Union Counties
Mafco Worldwide Corporation	Camden, NJ	Camden County Municipal Utilities Authority
Menu Foods, Inc.	Pennsauken, NJ	Camden County Municipal Utilities Authority
Pennsauken Landfill	Pennsauken, NJ	Camden County Municipal Utilities Authority

**TABLE IV-4  
SUMMARY OF DLA RESPONSES IN CWEA ANNUAL REPORTS**

#	QUESTION	CSM	OR	TOTAL
1	Permitted industries in DLA service areas	477	324	801
2	Unpermitted discharges in DLA service areas	2	0	2
3	New indirect user permits issued	15	17	32
4	Renewed indirect user permits issued	93	87	180
5	Indirect user permit modifications	56	30	86
6	Permits contested by interested parties	0	0	0
7	Compliance schedules issued that relax local limits	2	1	3
8	Facilities inspected and sampled at least once	451	303	754
9	Pass-throughs of pollutants	1	0	1
10a	Reporting violations	78	53	131
10b	Effluent violations for hazardous pollutants	101	53	154
10c	Effluent violations for non-hazardous pollutants	207	67	274
11	Effluent violations constituting serious violations	107	52	159
12	Affirmative defenses granted	14	12	26
13	Indirect users qualifying as significant non-compliers	12	3	15
14	Violations of AOs/ACOs	7	0	7
15	Violations of compliance schedule milestones by 90 days or more	0	1	1
16a	As of 12/09, number if indirect users from question 13 no longer in SNC status	2	1	3
16b	2009 SNC indirect users which achieved compliance in 2010	9	7	16
17	Enforcement actions resulting from DLA inspection/sampling	104	89	193
18	Violations for which penalties have been assessed	198	105	303
19	Amount of all assessed penalties	\$573,634	\$130,775	\$704,409
20	Amount of penalties collected	\$286,533	\$266,696	\$553,229
21	Enforcement costs recovered, from violations, in an enforcement action	\$0	\$0	\$0
22	Criminal actions filed by the Attorney General or County Prosecutors	0	0	0

## F. LIST OF DLAs

Each of the DLAs listed below has filed the required CWEA annual report:

DELEGATED LOCAL AGENCY	FACILITY MAILING ADDRESS
Bayshore Regional S.A.	100 Oak Street , Union Beach, NJ 07735
Bergen County U.A.	PO Box 9, Little Ferry, NJ 07643
Camden County M.U.A	1645 Ferry Avenue, Camden, NJ 08101
Cumberland County U.A.	333 Water Street, Bridgeton, NJ 08302
Gloucester County U.A.	Paradise Road, West Deptford, NJ 08066
Hanover S.A	PO Box 320, Whippany, NJ 07981
Joint Meeting of Essex and Union Counties	500 South First Street, Elizabeth, NJ 07202
Linden-Roselle S.A.	PO Box 4118, Linden, NJ 07036
Middlesex County U.A.	PO Box 159, Sayreville, NJ 08872
Morris Township	50 Woodland Avenue, PO Box 7603 Convent Station, NJ 07961
Mount Holly M.U.A.	PO Box 486, 37 Washington Street Mount Holly, NJ 08060
North Bergen M.U.A.	6200 Tonnelle Avenue, North Bergen, NJ 07047
Northwest Bergen County U.A.	30 Wyckoff Avenue, Waldwick, NJ 07463
Ocean County U.A.	PO Box P, Bayville, NJ 08721
Passaic Valley Sewerage Commissioners	600 Wilson Avenue, Newark, NJ 07105
Rahway Valley S.A.	1050 E. Hazelwood Avenue, Rahway, NJ 07065
Rockaway Valley Regional S.A.	99 Green Bank Rd, RD#1, Boonton, NJ 07005
Somerset-Raritan Valley S.A.	PO Box 6400, Bridgewater, NJ 08807
Wayne Township	475 Valley Road, Municipal Building Wayne, NJ 07470

## V. CRIMINAL ACTIONS

In 2010, the Attorney General, through the Division of Criminal Justice and county prosecutors' offices, continued its commitment to the enforcement of the criminal provisions of the Water Pollution Control Act (WPCA), N.J.S.A. 58:10A-10(f).

For over twenty-five years, the Division of Criminal Justice has prosecuted violations of the State's water pollution laws on a statewide basis, as well as violations of air pollution, hazardous waste, solid waste and regulated medical waste laws. It also investigates and prosecutes traditional crimes, such as racketeering, thefts, frauds and official misconduct that have an impact on environmental regulatory programs, including the Department's water pollution program. The Division handles matters brought to its attention by the Department, county health departments, local police and fire departments and citizens. In addition, the Division coordinates the criminal enforcement efforts of the county prosecutors and provides technical and legal training and assistance to those offices.

In 2010, the Division of Criminal Justice conducted a total of eight WPCA investigations. The Division also reviewed over one hundred ten Department actions (NOVs, Orders, Penalty Assessments, etc.) for potential criminality. Division Detectives responded to three water pollution emergency response incidents, out of a total of twenty-six emergency response incidents. The Division filed two criminal actions (accusations) for violations of the requirements of the WPCA. (The Division filed a total of fourteen actions in environmental cases.) Two prosecutions were fourth degree violations of the WPCA. These two actions have been resolved through Pre-Trial Intervention.

In addition to its own investigative and prosecutorial activities, the Division worked closely with county prosecutors' offices to assist them in the handling of WPCA investigations. The Division provided regular legal and technical advice to the counties. In 2010, while some counties did conduct environmental crimes investigations, none resulted in criminal charges being filed.

In summary, the Attorney General, through the Division of Criminal Justice, filed two WPCA criminal actions in 2010, involving two fourth degree charges.

### **Water Pollution**

1. In State v. William Van Fechtmann (Accusation No. 10-02-0108-A), the State filed an accusation against defendant charging him with a fourth degree violation of the Water Pollution Control Act, contrary to N.J.S.A. 58:10A-10f for allowing elevated pH wastewater from Colonial Concrete to spill into the Passaic River. Defendant was admitted into the Pre-Trial Intervention Program. Colonial Concrete also paid a \$5,000 fine and \$2,500 to the Hackensack Riverkeeper.
2. In State v. Maryland Woods (Indictment No. 10-05-00065-S), the State Grand Jury returned a two count Indictment against defendant charging him with a fourth degree unlawful discharge of water pollutants, contrary to N.J.S.A. 58:10A-10f, and unlawful discharge of a hazardous substance, contrary to N.J.S.A. 2C:17-2a(2) for pumping oily waste water out of an oil tank into a storm drain in Newark. Defendant was admitted into the Pre-Trial Intervention Program.

**VI. FISCAL**  
**A. CWEA FUND SCHEDULE AND COST STATEMENT**

The CWEA establishes the Clean Water Enforcement Fund and provides that all monies from penalties, fines and recoveries of costs collected by the department shall be deposited into the CWEF. The CWEA further provides, pursuant to N.J.S.A. 58:10A-14.4, that unless otherwise specifically provided by law, monies in the CWEF shall be utilized exclusively by the Department for enforcement and implementation of the WPCA. However, beginning in July 1995 (fiscal year 1996) the department was placed on budget. Accordingly, a General Fund appropriation is provided for the program. In turn, all fine and penalty revenues are deposited in the General Fund.

The CWEA, in accordance with N.J.S.A. 58:10A-14.2a (21), requires the Department to include in this report the specific purposes for which penalty monies collected have been expended, displayed in line format by type of expenditure, and the position numbers and titles funded in whole or in part from the penalty monies deposited into the CWEF and the Program Cost Statement (Table VI-2). Accordingly, the CWEA Fund Schedule (Table VI-1) presents the monies deposited into the Fund and the Program Cost Statement (Table VI-2) presents the specific purposes for which the monies in the CWEF were expended in 2010, based upon cost accounting data. Monies collected from the Underground Storage Tank Enforcement Program are included in this number.

**CWEA**  
**EXPENDITURES**  
**FOR THE PERIOD OF 1/1/10-12/31/10**

**TABLE VI – 1**  
**CLEAN WATER ENFORCEMENT FUND SCHEDULE**  
**For the period from January 1, 2010 through December 31, 2010**

	January – June 2010	July – December 2010
Total Penalties Recorded	\$1,090,552.00	\$877,496.00

**TABLE VI-2**  
**CLEAN WATER ENFORCEMENT COST STATEMENT**  
**For the period from January 1, 2010 through December 31, 2010**

	FY2010 January - June	FY2011 July – December
Division of Law (Dept. of Law & Public Safety)	\$194,164.00	\$77,668.00
Office of Administrative Law	\$90,000.00	\$17,483.00
Office of Information Technology	-0-	-0-

Department of Environmental Protection		
- Salaries	\$241,097.00	\$264,698.00
- Materials and Supplies	\$4,552.00	\$2,857.00
- Services Other than Personal	\$44,339.00	\$38,677.00
- Maintenance and Fixed Charges	-0-	-0-
- Equipment	-0-	-0-
<b>DEP Subtotal</b>	<b>\$574,152.00</b>	<b>\$401,383.00</b>
<b>Total Disbursements</b>	<b>\$574,152.00</b>	<b>\$401,383.00</b>

*The CWEA Program Cost Statement*

The WPCA Program Cost Statement (Table VI-2) represents disbursements from the CWEF in accordance with N.J.S.A. 58:10A-14.4, for the costs associated with the implementation and enforcement of the WPCA.

## VII. WATER QUALITY ASSESSMENT

The Department routinely assesses the water quality of New Jersey’s rivers, streams, lakes, and coastal waters by evaluating data collected through its [extensive water quality monitoring networks](#) and by other entities that collect and submit high quality monitoring data and related information. Water quality assessment results are presented in the biennial [New Jersey Integrated Water Quality Monitoring and Assessment Report](#) (Integrated Report), which combines the reporting requirements of federal Clean Water Act Sections 305(b) and 303(d), and is submitted to the U.S. Environmental Protection Agency (USEPA) for approval. The Integrated Report explains the extent to which waters of the State are achieving surface water quality standards and attaining corresponding designated uses, and identifies waters that exceed water quality criteria and require development of total maximum daily loads (TMDLs). The Integrated Report also provides extensive information about the water quality conditions and trends of New Jersey’s water resources to inform the general public and guide water resource management at statewide, regional, and local levels. This information includes a detailed description of the types and relative amount of water resources in the State of New Jersey, the different types of water monitoring and assessment programs (surface and ground water), and the various management strategies and actions being employed by the Department to protect and improve water quality.

The federal Clean Water Act requires that the Integrated Report be submitted to USEPA for approval by April 1<sup>st</sup> of even-numbered years. In January of odd-numbered years, the Department solicits the submission of water quality data collected during the prior five years, to supplement Department-generated data. The Department evaluates all the data received for conformance with its data requirements and then assesses the data in accordance with the methods established in the Department’s Integrated Water Quality Monitoring and Assessment Methods Document (Methods Document). The Methods Document describes the methodology used to assess water quality for the Integrated Report. A draft [Methods Document](#) is published in the summer of odd-numbered years for public review and comment, prior to the development of the corresponding Integrated Report. The Integrated Report is published on the Department’s Web site at <http://www.state.nj.us/dep/wms/bwqsa/assessment.htm>.

The List of Water Quality Limited Waters (or 303(d) List) is a regulatory component of the Integrated Report which identifies waters that do not attain the applicable designated use because of a known pollutant and for which a TMDL must be established. The 303(d) List is adopted as an



amendment to the Statewide Water Quality Management Plan, after public review and comment, pursuant to the Water Quality Management Planning rules at N.J.A.C. 7:15-6. The 2010 Integrated Report was unavoidably delayed, and is not yet finalized. A notice of the availability of the [draft 2010 303\(d\) List](#) was published in the New Jersey Register on November 1, 2010 ([see 42 N.J.R. 2644\(a\)](#)). The Department expects to finalize the 2010 Integrated Report in summer of 2011 and submit the report to USEPA for review and approval. Work has already begun on the 2012 Integrated Report. More information on the Integrated Water Quality Monitoring and Assessment Report is available on the Department's Web site at: <http://www.state.nj.us/dep/wms/bwqsa/generalinfo.htm>.

**APPENDIX III- A**

**NJ DEPARTMENT OF ENVIRONMENTAL PROTECTION  
SIGNIFICANT NONCOMPLIERS**

**Per N.J.S.A. 58:10A-14.2b(1)**

<b>FACILITY NAME</b>	<b>PERMIT #</b>	<b>ADDRESS</b>	<b>DATE OF VIOLATIONS</b>	<b>DESCRIPTION OF VIOLATIONS</b>	<b>FOLLOW-UP and ACTION</b>	<b>TOTAL # OF VIOLATIONS</b>
Co-Steel - Raritan	NJ0031178	225 Elm St, Perth Amboy, Middlesex County	2/08 - 5/09	Co-Steel Raritan violated the effluent limits for Total Suspended Solids and Iron.	CoSteel Raritan and NJDEP executed a SA with \$23,000 penalty on 1/11/10.	11
Gerresheimer Glass Incorporated ("GGI")	NJ0004499	537 Crystal Avenue, Vineland City, Cumberland County	8/06 - 9/08	GGI violated the effluent limit for Total Suspended Solids in 8/06, 8/07, 3/08, 7/08, and 9/08. GGI also violated the effluent limit for Temperature in 5/07, 6/07, 8/07 and 9/07.	GGI and NJDEP executed a SA with \$18,000 penalty on 1/20/2010.	6
Medford Township	NJ0026832	10 Fostertown Road, Medford Township, Burlington County	5/09 - 1/10	Medford violated the effluent limit for Ammonia Nitrogen in 5/09 through 7/09 and also violated the effluent limit for 5-day Biochemical Oxygen Demand in 11/09 through 1/10.	Medford and NJDEP executed an ACO, effective 10/1/2009, addressing effluent limit violations from 3/08 through 4/09, establishing stipulated penalties in the event of further violations. On 4/9/2010, NJDEP issued a Stipulated Penalty Demand Letter to Medford, assessing penalties in the amount of \$21,000 for violations reported from 5/09 through 1/10. Medford did not pay the stipulated penalties and instead requested a Hearing on the SPDL. On 6/10/10 NJDEP issued an AONOCAPA in the amount of \$21,000. Medford requested a hearing on the AONOCAPA.	4

Missa Bay Citrus Company ("Missa Bay")	NJ0135305	508 Center Square Road, Logan Township, Gloucester County	5/09 - 8/09	Missa Bay violated the effluent limit for 5-day Biochemical Oxygen Demand in 5/09 through 8/09.	Missa Bay and NJDEP executed a SA with \$16,000 penalty in November 2010.	4
Montgomery Township MUA, Pike Brook Sewage Treatment Plant ("Montgomery")	NJ0060038	178 Harlingen Rd, Montgomery Township, Somerset County	12/04 - 11/06	Montgomery violated the effluent limit for Phosphorous in 2/06 through 4/06 and failed to conduct Acute Toxicity sampling during the 12/04 through 11/06 monitoring period.	Montgomery and NJDEP executed a SA with \$14,900 penalty on 9/15/10.	17
New Jersey Department of Corrections, Albert C. Wagner Youth Correctional Facility ("Wagner")	NJ0026719	500 Ward Avenue, Chesterfield Township, Burlington County	11/2007 - 5/2009	Wagner violated the effluent limit for Phosphorus in 11/07, 12/07 and 3/08 through 9/08 and also violated the effluent limit for Fecal Coliform in 11/08, 2/09, 3/09 and 5/09.	Wagner and NJDEP executed an ACO with a \$16,000 penalty, effective 3/29/10. The ACO established a compliance schedule for repairs and upgrades to Wagner's sewage treatment plant.	4
New Jersey Sports & Exposition Authority, Meadowlands Sports Complex ("Meadowlands")	NJ0167655	100 State Route 120, East Rutherford, Bergen County	6/09 - 7/09	The Meadowlands violated the effluent concentration limitations of its NJPDES Permit for Lead, Copper, and Zinc.	The Meadowlands and NJDEP executed a SA with \$8,000 penalty on 5/12/10.	7

North Bergen Municipal Utilities Authority, Woodcliff Sewage Treatment Plant ("North Bergen MUA")	NJ0029084	7117 River Road, North Bergen, Hudson County	12/09 - 3/10	North Bergen MUA violated the effluent limit for 5-day Biochemical Oxygen Demand from 12/09 through 3/10 and failed to sample and report for Oil & Grease, Copper, and Mercury in 3/10.	North Bergen MUA and NJDEP executed a SA with \$14,089 penalty on 12/14/10.	15
Philadelphia Coca-Cola Bottling Company ("Philly Coke")	NJ0137812	1250 Glen Avenue, Moorestown Township, Burlington County	4/08 - 8/10	Philly Coke violated the effluent limit for 5-day Carbonaceous Biochemical Oxygen Demand during most of the months from 4/08 through 8/10.	On 10/22/10, NJDEP issued an AONOCAPA to Philly Coke in the amount of \$48,250. Philly Coke requested a hearing on the AO/P.	5
Route 12 Business Park, LLC ("Route 12")	NJ0145891	Route 12 West, Frenchtown Borough, Hunterdon County	3/09 - 11/09	Route 12 exceeded the effluent limit for Total Nitrogen in 3/09 through 5/09, 10/09 and 11/09.	Route 12 and NJDEP executed a SA with \$25000 penalty on 12/30/10.	5
The Schundler Company	NJ0126772	150 Whitman Ave, Edison, Middlesex County	1/08- 4/09	The Schundler Company violated the effluent limits for Turbidity, Color, Total Suspended Solids, and Visual Floating Solids, and failed to sample and properly report.	On 02/19/10, NJDEP issued an AONOCAPA to the Schundler Company in the amount of \$41,070. The Schundler Company requested a hearing on the AONOCAPA.	24
Skylands Park	NJ0103748	Routes 565 & 206, Township of Frankford Sussex County	10/05 - 8/08	Skylands Park exceeded the effluent limit for Flow	A Stipulation of Settlement was executed on 7/19/10 which included a penalty of \$52,125 in settlement of violations cited in a 3/25/09 AONCAPA.	6

Terminal Ventures, Inc. d/b/a Eastern Terminal ("Eastern Terminal")	NJ0031747	195 Howell St., Jersey City, Hudson County	4/09 - 9/09	Eastern Terminal failed to sample and report for Petroleum Hydrocarbons, Benzene, and Naphthalene for the 4/09 - 6/09 and 7/2009 - 9/2009 monitoring periods.	Eastern Terminal and NJDEP executed a SA with \$14,500 penalty on 1/20/10.	21
former Tyco Electronics Corp., Laser Diode Facility ("Tyco")	NJ0137758	1130 Somerset Street, New Brunswick, Middlesex County	3/06- 10/08	Tyco violated effluent limits for Chlorine Produced Oxidants, Volatile Organics and Chronic Toxicity.	On 5/30/07, the Department issued an AONOCAPA with a \$54,273 penalty to Tyco. Tyco requested a hearing on the AONOCAPA. Subsequently there were additional chronic toxicity violations between 12/07-10/08. Tyco and NJDEP executed ACO on 7/1/10 which included interim effluent limits, financial assurance and public notice requirements, submission of quarterly progress reports, and payment of a \$54,750 penalty.	22
Union Township Board of Education Elementary School ("Union Twp BOE")	NJ0024091	165 Perryville Rd, Union Township, Hunterdon County	7/09 - 11/09	Union Twp BOE violated the effluent concentration limit for Phosphorus in 7/09, 10/09 and 11/09.	Union Twp BOE and NJDEP executed a SA with \$11,000 penalty on 9/22/10.	21
Wrightstown Borough Municipal Utilities Authority ("Wrightstown")	NJ0022985	Martha Avenue, Wrightstown Borough, Burlington County	4/09 - 3/10	Wrightstown violated the effluent limit for Total Phosphorus in 5/09, 8/09, 10/09 through 3/10. Wrightstown also violated the effluent limit for Ammonia Nitrogen in 5/09 and the effluent limit for pH in 4/09 and 6/09.	Wrightstown and NJDEP executed an ACO with a \$16,000 penalty, effective 5/1/10. The ACO established interim effluent limits for Phosphorus and requires Wrightstown to design and install treatment for Phosphorus if required following NJDEP's completion of an ongoing evaluation study.	21