H. ENFORCEMENT STRATEGIES

H.1. Sites & Facilities

Enforcement plays a pivotal role in ensuring that transporters, facilities and recycling centers comply with solid waste and recycling regulations and site-specific permits and/or approvals. Over the last eight years, the Department's solid waste enforcement program has shifted a significant percentage of its routine inspection resources from solid waste facilities (landfills, transfer stations and incinerators) to recycling centers (Class B's, C's and D's). This was done for the following reasons:

- To keep pace with the increasing numbers of recycling centers being approved to engage in the processing of recyclable materials[1];
- To accommodate the formal promulgation of recycling center rules and operating standards issued in 1995;
- To address deficient compliance rates determined to exist at a number of these centers (with the exception of the Class D centers); and
- To accommodate the deregulation of waste oil from a hazardous waste to a Class D recyclable.

Table H-1 identifies solid waste facility and recycling center compliance rates from 1995 through 2003. A review of this data demonstrates that the State's thermal destruction facilities (incinerators) and operating landfills are, by and large, well run and have good compliance rates. Solid waste transfer stations and recycling centers, both of which comprise the majority in the industry, however, are not faring as well. Further dissection of the low compliance rates finds the majority of the transfer facilities/recycling centers are operating well while a lesser number have significant problems.

At the same time there remain a significant number of non-operating sites where proper cleanup of unauthorized waste activity has not occurred or proper landfill closure has not been completed. These sites are not reflected in the chart but remain a compliance problem.

The Solid Waste enforcement program currently inspects transfer and recycling facilities on a monthly basis. In the upcoming year the enforcement program will identify transfer and recycling facilities with poor compliance histories and target these facilities for more frequent inspection. Greater attention to non-compliant facilities could result in either an improvement in the overall compliance rate for a particular facility or an increase in the number of enforcement actions and associated penalties that the facility receives as a result of greater oversight.

[1] It should be noted that while overall recycling rates are down from a few years ago, the number of facilities engaged in recycling activities is at an all time high (currently exceeding 275 facilities), compared to just 79 facilities for solid waste.

The Department is also using its CEHA (County Environmental Health Act) partners to conduct recycling center inspections (a more in-depth discussion of CEHA activities follows later in this report). It is also anticipated that operational regulations for these centers revised and effective November 2002 will help reduce instances of violations.

In addition to increases in inspection frequency, the Solid Waste Enforcement Program will endeavor to provide compliance assistance in the upcoming year to transfer and recycling facilities as they receive either new permits/approvals or renewals. The assistance will be an on-site review of the facility's operational requirements including record keeping and reporting with appropriate facility personnel to ensure there are no misunderstandings as to how inspections will be conducted and what the facility's permit/approval and regulations allow.

The Solid Waste Enforcement program is also concerned with the decline in the State's recycling rate and the appearance of increasing percentages of recyclable materials making their way into the solid waste stream for disposal rather than being recycled. While this is a difficult issue to ascertain, the Department is increasing its vigilance at transfer and disposal facilities by ensuring that processes are and remain in place to detect recyclables in incoming loads and undertaking additional investigations of hauling practices involving recyclable bottles, cans and paper. In addition, the Department has implemented a pilot use of a "Recycling Checklist" during compliance and enforcement inspections performed by programs outside of the Solid Waste Enforcement program including CEHA agencies. This checklist reviews a commercial entity's compliance with the Statewide Mandatory Source Separation and Recycling Act. Entities found in non-compliance will be referred to appropriate county and municipal recycling coordinators for follow-up and possible enforcement.

In an effort to better address regulatory requirements of handlers of Class D universal waste, inspections of these facilities will be conducted by personnel from the Bureau of Hazardous Waste Compliance and Enforcement commencing July 1, 2004. Enforcement staff from this program will be developing comprehensive inspection procedures to address universal waste requirements at Class D recycling centers and also household hazardous waste storage requirements at many local county and municipal storage yards as these practices become more prevalent throughout the State. Class D used oil facilities have historically been inspected by the hazardous waste enforcement program that will continue to do so.

There remain a significant number of non-operating sites where proper cleanup of unauthorized waste activity has not occurred. Examples of these sites are abandoned tire piles, defunct recycling operations, illegal landfills and improperly completed landfill closures.

At the present time, there are 18 sites containing approximately 3,313,000 used tires. While the Department was successful in utilizing FY '02 Scrap Tire Management Fund grants to fund the removal of a significant number of abandoned tires at the State's largest abandoned tire piles, this source of funding is now exhausted. Without an influx of additional funding, these remaining sites will continue to present a health threat due to their potential for providing a breeding ground for West Nile mosquitoes and blight on the neighboring community.

In addition, there remain approximately 578 pre and post 1982 landfills where proper closure of these non-operating landfills has not been completed. Many of these sites can be found on the Site Remediation program's (SRP) contaminated site list because of concerns about groundwater contamination. For the next several years, the Solid Waste Enforcement program will systematically examine each of these sites to ascertain their current state and to determine whether or not additional enforcement actions can be taken to compel proper closure.

The Solid Waste Enforcement program has historically relied on its standard enforcement tools to compel cleanup of illegal solid waste activity. In some cases the program has proceeded through the court system with protracted legal actions only to be stymied at the end by the responsible party declaring bankruptcy. These sites are generally abandoned or improperly closed and added to the list of New Jersey's brownfield sites in need of remediation. In some cases these sites are also suspected of having handled hazardous materials. The Solid Waste Enforcement program has historically been underfunded in its ability to effectively deal with such sites. Over the next year the program will seek Legislative support for a "Trash Fund", similar to the Spill Compensation and Control Act or "Spill Fund", to be dedicated to the cleanup of abandoned or improperly closed solid waste sites. The fund would be used to pay for the removal of solid waste where the responsible party is known but unwilling or unable to pay for the removal of solid waste or the responsible party is unknown. The fund would also be used to determine if a solid waste site is also contaminated with hazardous materials.

Finally, the Solid Waste Enforcement Program believes there is a need for development of generator regulations. Historically the solid waste program has begun the process of regulating solid waste at the transporter and facility level leaving the regulation of generators to the counties and municipalities. This results in inconsistent regulation among generators. The Solid Waste Enforcement program believes there is a need to hold some generators, particularly commercial entities responsible for the solid waste they generate.

H.2. Transporters

At the same time that the number of recycling facilities increased so did the number of solid waste transporters, both commercial and non-commercial. Commercial transporters collect and transport solid waste for profit. Non-Commercial transporters can haul only their own self-generated waste (e.g. construction/ demolition contractor). The increase in the number of transporters is due in part to the partial deregulation (especially with regards to rate regulation) of the Solid Waste Utility Control Act brought about by the Solid Waste Regulatory Reform Act (enabling regulations enacted in 1996) and also the reduced timeframes for A-901 review and approval. As a result of these increases in facilities and transporters though, enforcement resources have become stressed and our ability to monitor the transportation segment of the industry is somewhat lacking. This has become evident not only by the 77% compliance rating for "General Transporter Inspections" noted in the lower portion of Table H-1, but also by the recent proliferation of complaints regarding self-generators (non-commercial transporters or haulers) who are acting in a commercial capacity and undercutting the legitimate commercial transporters.

To address some of these issues, DEP has developed a protocol for its field and administrative staff to refer questionable vehicle registration applications to enforcement staff to conduct additional investigations to ensure the legitimacy of the application. The Department recently revised certain mandates required of the CEHA agencies requesting that these agencies increase their vigilance of the non-commercial transporter universe. In addition, the Department has dedicated an investigator to perform transporter investigations on a full-time basis. Solid Waste enforcement staff are also increasing the amount of time spent at transfer and disposal facilities to monitor transporters and their associated loads. The Department has noticed a tendency for certain facilities to be less vigilant with regards to accepting waste from unregistered/improperly registered haulers and accepting overweight vehicles. For these facilities, the Department will set up special inspection details to address these issues.

One of our more useful strategies in monitoring the transporter industry has been the imposition of roadside vehicle inspections conducted throughout the State and in particular, our participation in TRASHNET for the last four years.

Roadside inspection checks, done in conjunction with the NJ State Police, and also vehicle checks set up at solid and hazardous waste facilities make a strong visual impact on the haulers as well as the general public. As a consequence of the 9/11 attacks, these inspection details were curtailed in 2001 due to the unavailability of the State Police road troopers for obvious reasons. Normal scheduling has resumed.

TRASHNET is a multi-state, weeklong vehicle inspection event during which the Department and the NJ State Police will stop upwards of 200 vehicles at various locations throughout the State and perform an in-depth safety and credentials check. Other participating States include Delaware, Maryland, New York, Ohio, Virginia, West Virginia, Commonwealth of Pennsylvania and the District of Columbia. The TRASHNET concept originated as a result of negative publicity the above States, including New Jersey, were experiencing with accidents involving trucks transporting waste and the implied lack of safety inspections. In addition it has become obvious to anyone who drives that the number of waste transfer trailers traveling the roads has increased. The TRASHNET events are usually scheduled twice a year, however it was cancelled in the fall of 2001 and the spring of 2002 again due to the 9/11 attacks. Normal scheduling has resumed. While TRASHNET has historically been particular to solid waste, the Department expanded this event in New Jersey in calendar year 2002 to include inspections of vehicles hauling hazardous waste and in certain locations performed vehicle diesel emissions tests. Appendix table H-2 identifies NJ's inspection results since its participation in this event.

H.3. Regulated Medical Waste

In June of 1995, the DEP's Bureau of Compliance and Enforcement performed an in-depth compliance analysis of the State's Regulated Medical Waste (RMW) Program spanning in time from its inception in 1988 to early 1995. The resultant report is attached at the end of this section. In broad strokes, this report was favorable and identified a consistent increase in compliance rates in all sectors of the industry including generators, transporters and facilities. In addition, the

number of incidents involving RMW (abandoned waste, beach wash-ups, etc.) was also in decline.

Since that time, the Program has undergone a significant change in that the vast majority of the enforcement responsibilities have been transferred to the Department of Health and Senior Services (DHSS) including the inspection and monitoring of the largest segment of the industry, the generator segment, comprised of 18,000(+) entities. Through a Memorandum of Agreement signed in January of 1997 between DEP and DHSS, DHSS assumed jurisdiction of all inspections of generators, non-commercial collection facilities and destination facilities (excepting incinerators). In addition, DHSS assumed responsibility for emergency incident response involving reports of illegal disposal and abandonment, transportation accidents, wash-ups of medical waste and reports of citizen exposure.

DEP retained jurisdiction over all inspections of commercial and limited transporters, commercial collection facilities, incinerators disposing of regulated medical waste and certain incident responses at solid waste transfer stations and landfills.

With regard to the RMW transporters, commercial collection facilities and incinerator/destination facility segments of the regulated medical waste industry, Appendix table H-3 identifies the compliance rates from 1997 through 2003. These compliance ratings continue the upward trend initially identified in the 1995 report.

While these rates are prominent, it must be noted that the transporter, commercial collection and incinerator facility universe is very small (around 40 total) in comparison to RMW generators numbering 18,000(+).

Analysis of RMW complaints and incidences determines a substantial drop over the last 6 years. As noted in Appendix table H-4, from 1992 to 1996, the Department received 362 complaints/reports involving regulated medical waste. From 1997 to 2002 the number dropped to 49 to the point where RMW incidents now account for only 1.4 % of the total volume of all solid waste complaints/incidents.

With regard to RMW transporters, while the inspection compliance rates are noteworthy, the Department has noticed a decline in the number of commercial entities engaged in the transportation segment of the business. In 1995 there were twenty-five or so commercial transporters. At present there are thirteen, five of which are subsidiaries of the same company. While the diminished number of transporters makes compliance monitoring easier, the Department is obligated as per the Solid Waste Utility Control Act to ensure disposal services are readily available to customers and that there is effective competition. Thus far aside from a few complaints by certain transporters, the Department finds no evidence to conclude there are any disposal availability problems nor that the industry is non-competitive. However this aspect will continue to be monitored.

In the Spring of 2004 representatives from the Department of Environmental Protection and the Department of Health and Senior Services conducted joint inspections to ascertain compliance among regulated medical waste generators.

H.4. Solid Waste Utility Control

As previously noted in the Transporters section, the partial deregulation of the Solid Waste Utility Control Act through the Solid Waste Regulatory Reform Act helped increase the number of transporters throughout the State. This, in turn, had the effect of increasing competition among transporters, and thus making available additional companies from which customers could select service (a primary goal of the enabling legislation). The Reform Act regulations also carried an added benefit in that, by simplifying rate regulation, additional program resources were now available to focus on customer service items. One such item was the development of the "Customer Bill of Rights" which plainly identified a customer's rights and service expectations in addition to identifying customers' responsibilities to the transporter.

Continuing in that vein, in November of 2002, the Department readopted the Customer Bill of Rights and put forth additional provisions as follows:

1. Make the collector responsible for assisting the customer in the selection of the most favorable service to meet the customers needs at reasonable rates;
2. Provide that in the event of inclement weather or when operation of a solid waste vehicle would pose a threat to the safety of the public and/or the equipment and personnel of the collection company, that pick-up shall be made no later than the next regularly scheduled day or as soon as weather permits when pick-up is made on a once per week basis;
3. Require the collector to transmit copies of any notice of discontinuance of service to the Department at the same time it is transmitted to the customer;
4. Prohibit solid waste service contracts or agreements from including any clause which calls for an automatic renewal of the contract or agreement; and
5. Require solid waste collection utilities to display their name as it appears on their Certificate of Public Convenience and Necessity (CPCN) along with their also known as trading name, if applicable, on all vehicles and containers.

As the Department is statutorily charged with safeguarding the interests of consumers with respect to solid waste collection and disposal, these new requirements should go far in educating customers about their solid waste disposal options and services and ensuring that they receive fair service at reasonable rates. Additionally, the requirement to have the name of the collector on all vehicles and containers, will assist customers in reporting problems with collectors.

In addition to increasing customer protections, the Department has also sought to quicken enforcement of these protections and other requirements and make the penalty assessment process more predictable. Previously, while the Act identified maximum penalty limits it did not provide any routine assessment guidelines. To address this deficiency, the Department in November of 2002 codified the following penalty assessment procedures:

The Department adopted formal procedures for the assessment and payment of penalties. In order to assess a penalty under the Control Act, and the Reform Act, and any rule which implements these statutes, the Department shall, by means of a penalty assessment, notify the violator by

certified mail or by personal service. This notice of penalty assessment shall identify the section of the Act, rule, administrative order, etc. which was violated; concisely state the facts constituting the violation; specify the amount of the penalty to be imposed; and advise the violator of the right to request a hearing.

The Department created minimum or base penalties for some violations. By creating minimum or base penalties for violations, all violators of the same regulatory provision are treated equally, eliminating any competitive advantages and/or disadvantages. In fixing the base penalties, the Department assumed the optimal or least aggravating circumstances for each of the statutory criteria; that the violator has been fully cooperative and has promptly implemented all appropriate mitigation or prevention measures; and has an otherwise satisfactory compliance or operating history. As to the monetary amount for each violation, each base penalty reflects the Department's expertise in administering the solid waste utility program and the potential impact of each violation. Additionally, the base penalties are set at an amount determined to be minimally necessary to help deter future violations. In this regard, the base penalties assume that the violation was neither intentional nor even negligent, except as may otherwise be implicit in the particular infraction.

The Department has implemented a penalty matrix assessment system to be used when the violator has not been fully cooperative nor has promptly implemented all appropriate mitigation or prevention measures, and/or the violator has an unsatisfactory compliance or operating history. In such cases, the base penalty would be insufficient to provide an effective deterrent because the penalty amount assessed would be too low. The penalty matrix assigns a specific penalty amount for each violation depending upon both the seriousness of the violation and the conduct of the violator. The violation levels are based upon the potential effects of each type. Major violations are those which tend to cause a serious risk to the health, safety and welfare of the people of this State and the economic viability and competitiveness of the solid waste collection industry. Moderate violations would or could potentially result in a substantial risk to health, safety and welfare or to economic viability and competitiveness. Minor violations are those which are not included in either of the above categories or which are procedural in nature. Major conduct includes any deliberate or willful act. Moderate conduct includes those cases in which there is no evidence that the violation was intentional, but such may be inferred from the circumstances that the violator knew or should have known that the act or omission is a violation of the regulations. Minor conduct includes any violation that may not properly be included in the above two categories. Matrix penalties issued by the Department may be adjusted based on the following factors: 1) the compliance history of the violator; 2) the nature, timing and effectiveness of any measures taken by the violator to minimize the effects of the violation; 3) the nature, timing, and effectiveness of any measures taken by the violator to prevent future similar violations; 4) any unusual or extraordinary costs or impacts directly or indirectly imposed on the public or the environment as a result of the violation; and/or 5) other specific circumstances of the violator or violation.

The Department also established specific penalties for submitting inaccurate or false information and for failure to allow lawful entry and inspection. These penalty amounts range from $10,000 for the first offense, not more than $25,000 for the second offense, and not more than $50,000 for the third and subsequent offenses.

Last, the Department codified statutory penalties for transporting food in vehicles which also transport solid waste. With few exceptions, this section provides that no vehicle (including any truck, trailer or other haulage vehicle other than a truck tractor) utilized for the transportation of solid waste in New Jersey shall be subsequently utilized for the transportation of fresh food or fresh food products, including meat, poultry, produce or other non-processed fresh food products intended for sale for human consumption unless sanitized in accordance with rules and regulations adopted by the Department.

H.5. County Environmental Health Act (CEHA)

The CEHA statute (N.J.S.A. 26:3A2-21 et seq.) authorizes the Commissioner to delegate authority for the implementation of any program and enforcement of specified environmental health laws to certified local health agencies and provide funding for these activities. In addition, certified local health agencies, which have operating landfills in their respective counties, are authorized to collect a solid waste enforcement fee, which is a percentage of the tipping fee, to help provide funding for compliance monitoring of the county's solid waste program. In 2005, Burlington, Cumberland , Gloucester, Middlesex and Ocean counties were granted approval by the Department to collect this fee. As part of their mandatory activities, these agencies are obligated to complete an increased number of solid waste activities compared to other CEHA agencies, including a higher number of recycling inspections. Lastly, all local boards of health, whether they are certified CEHA agents or not, are authorized to enforce the Solid Waste Management Act in addition to State and local health codes. Currently, twenty one counties have CEHA programs that perform solid waste work.

The CEHA agencies provide additional valuable services to the Department's solid waste program by aiding in the response to complaints and conducting facility inspections. The Department, through the CEHA grant process coordinated by the Office of Local Environmental Management (OLEM), identifies the priority activities and inspections it requires these agencies to perform (see Chart H-5) and establishes performance criteria.

CEHA - Solid Waste Priority Activities

- Monitor transporters hauling solid waste to ensure compliance with NJDEP regulations and the County's Solid Waste Management Plan.

- Investigate all solid waste complaints received from citizens and NJDEP, such as illegal dumping of solid waste materials, unregistered transporters, and unpermitted facilities. Respond back to NJDEP within ten (10) days of receipt with the initial or final outcome of complaint as the case may warrant.

- Conduct an annual routine compliance monitoring inspection of Class A recycling centers, General Class B recycling centers, Class C compost facilities, transfer/MRF stations, resource recovery facilities, operating landfills (except as noted below), and intermodal facilities. It is recommended that the annual inspections are conducted with an inspector from the NJDEP's

Office of Solid Waste Compliance and Enforcement, provided a mutually agreed upon date can be arranged.

- Note: All five counties (Burlington, Cumberland, Gloucester, Middlesex, and Ocean) who are collecting solid waste enforcement fees at operating sanitary landfills, pursuant to N.J.A.C. 7:26-4.5, are to conduct a minimum of two compliance monitoring inspections per month of operating landfills within their counties.

- Conduct semi-annual routine compliance monitoring inspections of exempt compost facilities. Concentrate on conducting the first inspection in late Spring and the second inspection in late Fall.

- Conduct inspections as needed of exempt and limited Class B facilities, when notification of activity at these sites is received from the NJDEP's Bureau of Recycling and Planning or Bureau of Landfill and recycling Management as appropriate.

- Conduct 50 recycling audits at commercial generators to ensure compliance with the State's Mandatory Source Separation and Recycling Act.

- Conduct an annual routine compliance monitoring inspection during the operation of farmland mulch sites.

- Continue to update the list of all known convenience centers and farmland mulch sites and Class A recycling centers and provide this list to NJDEP, Office of Local Environmental Management by December 31st.

- Conduct inspections as needed to ensure contaminated soil is handled as per NJDEP guidelines.

- Enforce the State Solid Waste Management Act as required by NJDEP, initiate enforcement proceedings in a court of competent jurisdiction against violators as appropriate. NJDEP shall be notified five (5) days prior to the convening of all settlement conferences and/or court actions. The notification shall include the proposed settlement amount or the penalty amount to be sought in the court action. In addition, follow-up reports on the outcome of all settlement conferences and court actions, including the penalty assessment and compliance plan (if applicable), shall be forwarded to NJDEP's Solid Waste Compliance and Enforcement Program.

- On a spreadsheet developed by the NJDEP, electronically submit a quarterly report to NJDEP's Office of Local Environmental Management indicating the solid waste facility inspected, date of inspection, name of inspector, compliance status, and whether an NOV was issued to the facility.

- Compile and maintain files and records to support NJDEP and county enforcement actions.

While the CEHA program is an excellent resource, historically the Bureau of Solid Waste Compliance and Enforcement has experienced difficulty in the oversight of these activities due to a lack of staff at the Bureau level to perform audits of each individual CEHA program to ascertain methodologies and consistencies, and to advise of policy and/or regulation changes. The Solid Waste Enforcement program has recently reassigned an inspector to the role of CEHA coordinator. It is expected that the coordinator will participate in individual CEHA agency audits. Additionally, the inability to compile real time electronic data on inspections conducted, violations issued and compliance information and then incorporate this data into the Department's NJEMS data system for analysis and reporting purposes further adds to this difficulty.

One area in particular that requires increased oversight and clarification involves waste flow enforcement. Some counties like Union and Hudson are putting almost all their emphasis on this one activity, while most other counties continue to focus on compliance at solid waste facilities and compliance of transporters. There is inconsistency among the counties regarding this activity.

To further expand on the issue of inconsistency, each county is required to implement its County Solid Waste Management Plan, which is approved by the Department. Some counties strictly enforce transporter routes, while others do not. Certain counties collect compensatory damages from transporters bypassing the county plan requirements while others collect both compensatory damages and penalties to deter repeat violations. In addition, some counties with operating landfills may not be vigilant in keeping recyclables out of the waste stream, since they seek to maintain or increase the volume of solid waste coming to the facility.

Further, as noted previously, all local boards of health, whether they are certified CEHA agents or not, are authorized to enforce the Solid Waste Management Act; however, the Department has not been able to explore and/or develop a distinct role for these local programs. Since the Department lacks resources to oversee these local programs, there is the concern that inconsistent enforcement is occurring.

Recent efforts to address some of these issues include the realignment of the Office of Local Environmental Management under the Director of County Environmental and Waste Enforcement Programs, the establishment of a single point of contact for all CEHA issues within the Bureau of Solid Waste Compliance and Enforcement and the ability of the CEHA programs to view Department enforcement data through the NJEMS/OPRA (Open Public Records Act) web portal.

H.6. Compliance Assistance/Education/Outreach Initiatives

With the simple premise that it is often easier to address an issue up-front rather than wrestle with it after it becomes a problem, the Department has initiated several compliance assistance/educational/ outreach strategies to proactively promote compliance in certain areas. These initiatives include the Greenstart program, Department of Public Works (DPW) Compliance Assistance Project, Marina Compliance Assistance Project, and Schools Multi-media Compliance Assistance Project.

The Greenstart Compliance Assistance Program was created by the Department to provide on-site assistance to help small businesses and municipalities understand their environmental obligations, through multi-media site inspections and review of applicable environmental regulations. The Office of Local Environmental Management (OLEM) oversees the program and utilizes Department compliance and enforcement inspectors to conduct the on-site visits. The Department believes that future environmental gains are to be made through joint problem solving by the State and those segments of the regulated community most in need of assistance. Through this program, the Department seeks to build a trust that will encourage businesses and governments to proactively address potential problems and cooperatively improve compliance. Penalties will be waived by the Department if the violation is corrected within a period of time not to exceed 6 months, or up to one year if the entity is correcting the violation through the implementation of pollution prevention measures. This policy shall not apply for violations: (a) of a criminal nature; (b) that cannot be remedied immediately and are causing significant environmental or human harm; (c) which require mandatory penalties pursuant to the Clean Water Enforcement Act; (d) that are repeat offenses; or (e) required to be reported to the Department, such as information in Discharge Monitoring Reports.

In 2002, a total of 25 requests for Greenstart inspections were made with 13 conducted, and in 2003 there were 12 requests with 10 inspections conducted. In 2004, there were 2 requests. The DPW Compliance Assistance Project was created based on the Greenstart premise. From 2001 to 2004, the CEHA agencies conductged 439 multi-media on-site inspections, and countless follow-up visits at municipal and county DPW facilities. The inspector's proactively assisted the municipalities in complying with solid and hazardous waste regulations, which prevented the negative impacts non-compliance could have on air and water. This approach to provide compliance assistance has been more effective than the voluntary approach in the Greenstart program.

Another proactive compliance assistance pilot program, funded by the Federal EPA, was recently completed at marinas. From 2002 to 2004, site visits were conducted by CEHA county inspectors at 115 marinas. These visits focused on compliance in multiple media programs in addition to solid waste. A similar initiative commenced in 2004 and is expected to run for several years targeting environmental compliance (especially chemical management and recycling) -at public and private elementary and high schools throughout New Jersey.

Finally the Department's Compliance & Enforcement programs have developed a standardized format for providing compliance information helpful to the regulated community through the Department's website. The website contains helpful information concerning enforcement activities across media programs, enforcement focuses and areas of regulatory non-compliance as well as compliance assistance materials. The website was developed and is maintained by the Bureau of Enforcement and Compliance Services in the Compliance & Enforcement program.

H.7. Multimedia Efforts/NJEMS/Task Forces:

Over the last few years, the Department's enforcement programs (air, water, land use, solid waste and hazardous waste) have emphasized joint inspections in an effort to help familiarize inspectors

with the key regulatory components of each media. The goal is to develop well-rounded inspection staff able to identify potential major violations in any media. Additionally, all enforcement staff are currently utilizing "NJEMS" (New Jersey Environmental Management System) which is a centralized data management and reporting system allowing staff to view all activities undertaken by any program at a given site. Relative to solid waste enforcement, the multimedia efforts provide additional 'eyes' to help identify compliance issues while the NJEMS system provides the necessary tools for more coordinated, comprehensive and effective enforcement actions.

Different areas of the Department have also joined forces to create the Watershed Task Force and the Waterways Enforcement Team.

The Watershed Task Force will identify a specific watershed out of the twenty statewide and coordinate comprehensive inspections by all media (air, water, land use, pesticides, solid waste and hazardous waste) of all facilities, sites, businesses, and manufacturers which could have an impact on the selected watershed.

The Waterways Enforcement Team, made up of water, land use and waste inspectors will respond to complaints from riverkeepers and baykeepers as well as do periodic boat surveillance along the State's waterways. Also, they would plan and execute about three waterway strikes a year in various parts of the state.

While these task forces do not specifically target solid waste compliance issues, they will invariably uncover sites illegally storing waste and other similar type violations while providing the opportunity for this program to inspect entities such as scrap processing facilities and junkyards where we have historically had little presence.

Table H-1
SOLID WASTE COMPLIANCE AND ENFORCEMENT

1995 - 2003 Inspection Compliance Rates by Facility Type

	1995			1996			1997			1998			1999			2000			2001			2002			2003			Totals		
Solid Waste Facilities	No. of Insp.	No. of Viols	Compli-ance Rate (%)	No. of Insp.	No. of Viols	Compli-ance Rate (%)	No. of Insp.	No. of Viols	Compli-ance Rate (%)	No. of Insp.	No. of Viols	Compli-ance Rate (%)	No. of Insp.	No. of Viols	Compli-ance Rate (%)	No. of Insp.	No. of Viols	Compli-ance Rate (%)	No. of Insp.	No. of Viols	Compli-ance Rate (%)	No. of Insp.	No. of Viols	Compli-ance Rate (%)	No. of Insp.	No. of Viols	Compli-ance Rate (%)	No. of Insp.	No. of Viols	Compli-ance Rate (%)
MajorThermal Destruction	151	1	99.3	174	0	100.0	164	0	100.0	139	0	100.0	115	2	98.3	79	2	97.5	57	3	94.7	55	0	100	47	0	100	981	8	99
Minor Thermal Destruction	35	0	100.0	45	1	97.8	63	1	98.4	98	2	98.0	103	2	98.1	56	0	100.0	39	0	100.0	23	0	100	15	0	100	477	6	99
Major Sanitary Landfill	520	4	99.2	510	5	99.0	477	5	99.0	406	9	97.8	276	12	95.7	183	18	90.2	163	4	97.5	141	6	96	153	17	89	2829	80	97
Minor Sanitary Landfill	172	14	91.9	171	8	95.3	141	10	92.9	149	11	92.6	110	12	89.1	115	15	87.0	95	11	88.4	77	7	90	56	0	100	1086	88	88
Major Transfer Station	394	116	70.6	329	80	75.7	344	73	78.8	499	78	84.4	429	60	86.0	332	48	85.5	318	59	81.4	332	101	70	329	98	70	3306	713	95
Minor Transfer Station	254	41	83.9	229	22	90.4	228	54	76.3	306	67	78.1	258	52	79.8	266	41	84.6	247	38	84.6	87	27	69	62	39	37	1937	381	95
Intermodal	0	0	0.0	0	0	0.0	2	0	100.0	1	0	100.0	1	0	100.0	5	1	80.0	3	0	100.0	2	0	100	5	2	60	19	1	81
Research, Development and Demonstration Projects	0	0	0.0	0	0	0.0	0	0	0.0	9	1	88.9	16	0	100.0	39	2	94.9	74	3	95.9	57	3	95	68	2	97	263	11	76
Reg. Med Waste Destination Facility	0	0	0.0	0	0	0.0	0	0	0.0	2	0	100.0	9	0	100.0	12	0	100.0	6	0	100.0	4	0	100	26	0	100	59	0	100
Recycling Centers																														
Class B	214	59	72.4	213	45	78.9	280	66	76.4	354	63	82.2	503	68	86.5	1007	135	86.6	1080	123	88.6	902	95	89	928	86	91	5481	740	93
Class B (Limited)	0	0	0.0	2	0	100.0	7	5	28.6	24	3	87.5	19	5	73.7	28	9	67.9	37	7	81.1	39	3	92	33	1	97	189	33	94
Class C	32	7	78.1	25	4	84.0	70	12	82.9	263	71	73.0	430	80	81.4	405	80	80.2	366	68	81.4	225	49	78	246	35	86	2062	406	95
Exempt Compost	1	0	100.0	0	0	0.0	15	0	100.0	143	17	88.1	208	32	84.6	202	21	89.6	213	32	85.0	251	28	89	260	25	90	1293	155	92
Class D (Universal Waste)	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0	10	0	100.0	0	0	0	0	0	0	10	0	100
Class D (Waste Oil)	n/a	n/a	n/a	n/a	n/a	n/a	12	0	100.0	32	2	93.8	50	0	100.0	38	1	97.4	n/a	n/a	n/a	44	5	89	42	5	88	218	13	83

	1995			1996			1997			1998			1999			2000			2001											
Transportation Activities	No. of Insp.	No. of Viols	Compli-ance Rate (%)	No. of Insp.	No. of Viols	Compli-ance Rate (%)	No. of Insp.	No. of Viols	Compli-ance Rate (%)	No. of Insp.	No. of Viols	Compli-ance Rate (%)	No. of Insp.	No. of Viols	Compli-ance Rate (%)	No. of Insp.	No. of Viols	Compli-ance Rate (%)	No. of Insp.	No. of Viols	Compli-ance Rate (%)	No. of Insp.	No. of Viols	Compli-ance Rate (%)	No. of Insp.	No. of Viols	Compli-ance Rate (%)	No. of Insp.	No. of Viols	Compli-ance Rate (%)
General Transporter Inspection	19	12	36.8	13	12	7.7	78	18	76.9	177	44	75.1	185	17	90.8	80	12	85.0	119	40	66.4	45	22	51	50	21	58	766	198	61
Reg. Med Waste Transporter	n/a	n/a	n/a	n/a	n/a	n/a	73	7	90.4	107	8	92.5	91	3	96.7	98	0	100.0	97	0	100.0	89	9	90	49	3	94	604	30	80
Reg. Med Waste Collection Facility	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	1	0	100.0	3	0	100.0	11	0	100.0	6	0	100.0	4	1	75	2	0	100	27	1	73

Figure H-1

Table H-2
NJ Trashnet Results 1999 - 2002

	Feb-99	May-99	Apr-00	Oct-00	Mar-01	Oct-02	Totals
Total Non-Hazard Waste Loads Stopped	661	359	115	243	114	209	1701
Level 1 Inspections Completed	n/a	5	0	72	11	35	123
Level 2 Inspections Completed	n/a	88	36	78	48	70	320
Level 3 Inspections Completed	n/a	11	0	15	6	15	47
Man Power Utilized							
State Police	72	44	9	31	23	37	216
NJDEP	45	28	10	35	18	38	174
Total Manpower	117	72	19	66	41	75	390
Overweight Vehicles	122	12	1	37	10	18	200
Out of Service Vehicles **	35	5	9	25	7	37	118
Steering, Suspension, or Tires	0	5	0	4	12	10	31
Brakes	8	11	0	10	2	14	45
Unsecured Load	0	0	0	1	0	6	7
Drivers Out of Service*	5	3	1	7	1	4	21
Trucks Without any Violations (safety or waste)	n/a	n/a	92	123	80	110	405
Trucks with Waste Violations	72	51	23	48	18	37	249
Total Waste Violations	n/a	77	23	80	38	57	275
Total Violations (safety & waste)	685	278	145	540	222	503	2373

Table H-3
NJDEP - SOLID WASTE COMPLIANCE AND ENFORCEMENT

1997 - 2003 RMW Inspection Compliance Rates by Facility Type

	1997			1998			1999			2000			2001			2002			2003			TOTALS		
Regulated Medical Waste	No. of Insp.	Notices of Violation Issued	Compliance Rate (%)	No. of Insp.	Notices of Violation Issued	Compliance Rate (%)	No. of Insp.	Notices of Violation Issued	Compliance Rate (%)	No. of Insp.	Notices of Violation Issued	Compliance Rate (%)	No. of Insp.	Notices of Violation Issued	Compliance Rate (%)	No. of Insp	Notices of Violation Issued	Compliance Rate (%)	No. of Insp.	Notices of Violation Issued	Compliance Rate (%)	Total Insp.	Total Notices of Violation Issued	Total Average Compli-ance Rate (%)
RM W Transporter	73	7	90.4	107	8	92.5	91	3	96.7	98	0	100.0	97	0	100.0	76	11	86	62	4	94	604	18	94.5
RMW Collection Facility	n/a	n/a	n/a	1	0	100.0	3	0	100.0	11	0	100.0	6	0	100.0	4	1	75	2	0	100	27	1	96.3
RMW Destination Facility	0	0	0.0	2	0	100.0	9	0	100.0	12	0	100.0	6	0	100.0	4	0	100	24	1	96	57	1	98.3

Table H-4

Regulated Medical Waste Complaints Received by NJDEP (1997-2002)

Year	RMW Complaints Rec'd	Total Complaints Rec'd	% RMW of Total Complaints
’92 – ‘96	362	n/a	n/a
1997	2	470	0.4
1998	10	531	1.9
1999	8	480	1.7
2000	7	495	1.4
2001	7	578	1.2
2002	15	875	1.7
Totals ‘97-02	49	3429	
avg/yr ’97-02	8.2	571.5	1.4

Table H-5
CEHA OUTPUTS

PROGRAM	FREQUENCY OF INSPECTION		2001 COUNTY ENVIRONMENTAL HEALTH ACT PROGRAM ACTIVITIES			2002 COUNTY ENVIRONMENTAL HEALTH ACT PROGRAM ACTIVITIES		
II Solid Waste Control			**County**	**Solid Waste Facility Inspections**	**Solid Waste Complaint**	**County**	**Solid Waste Facility Inspections**	**Solid Waste Complaint**
A. Operating Sanitary Landfill Inspections	Annually or BiMonthly		Atlantic	61	491	Atlantic	67	243
B. Closed Landfill Inspections	N/A		Bergen	119	52	Bergen	61	52
C. Transfer Station/MRF Inspections	Annually		Burlington	181	32	Burlington	664	60
D. Resource Recovery Facility Inspections	Annually		Camden	42	44	Camden	87	59
E. Class A Recycling Center Inspections	Annually		Cape May	17	28	Cape May	11	27
F. Class B Recycling Center Inspections	Annually		Cumberland	55	115	Cumberland	62	108
G. Exempt and Limited Class B Sites	As Required		Essex	48	16	Essex	87	26
H. Class C	Annually		Gloucester	47	18	Gloucester	75	23

I. Exempt Compost Facilities	Semi-Annually		Hudson	33	29	Hudson	39	25
J. Intermodel Facility Inspections	Annually		Hunterdon	59	37	Hunterdon	34	87
K. Farmland Mulch Site Inspections	Annually		Middlesex	447	566	Middlesex	451	462
L. Convenience Center Inspections	Annually		Monmouth	422	83	Monmouth	460	76
M. Contaminated Soil Generator Inspections	As Required		Ocean	310	678	Ocean	266	639
N. Complaint Investigations			Passaic	59	57	Passaic	51	52
1. DEP Referrals	As Required		Salem	57	89	Salem	19	88
2. Citizen Complaints	As Required		Somerset	58	0	Somerset	56	0
O. DPW Site Inspections	10 Facilities		Sussex	27	27	Sussex	28	111
			Union	29	25	Union	32	29
			Warren	31	42	Warren	43	22
			TOTAL	2,102	2,429	TOTAL	2,593	2,189

2004 COUNTY ENVIRONMENTAL HEALTH ACT PROGRAM ACTIVITIES		
County	**Solid Waste Facility Inspections**	**Solid Waste Complaint**
Atlantic	31	87
Bergen	128	47
Burlington	505	37
Camden	96	34
Cape May	60	35
Cumberland	114	119
Essex	221	20
Gloucester	150	29
Hudson	81	10
Hunterdon	8	56
Mercer	0	0

Middlesex	1,820	198
Monmouth	513	33
Morris	47	14
Ocean	407	454
Passaic	82	36
Salem	62	77
Somerset	83	15
Sussex	19	67
Union	116	21
Warren	37	28
TOTAL	2,102	2,429