

2006 ANNUAL REPORT

OF THE

CLEAN WATER ENFORCEMENT ACT

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

Calendar Year 2006



October 2007

New Jersey Department of Environmental Protection

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GOVERNOR**

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The New Jersey Department of Environmental Protection's Water Compliance and Enforcement Element, under the direction of Wolfgang Skacel, Assistant Commissioner, Compliance and Enforcement, oversaw the preparation of this report.

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Delegated Local Agencies

Bayshore Regional S.A.	Bergen County U.A.
Camden County M.U.A.	Cumberland County U.A.
Ewing-Lawrence S. A.	Gloucester County U.A.
Hamilton Twp. Dept. of Water Pollution Control	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.
Ocean County U.A.	Pequannock, Lincoln Park
Passaic Valley Sewerage Commissioners	Rahway Valley S.A.
Rockaway Valley Regional S.A.	Somerset-Raritan Valley S.A.
Stony Brook Regional S.A.	Trenton, City of
Wayne Township	

County Prosecutors:

Bergen County	Burlington County
Morris County	

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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, 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 fourteen 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 discharges (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, at times, 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 predraft 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.

The Department's DWQ regulated 702 facilities that discharged to the surface waters of the State in 2006, as compared to the 729 facilities regulated in 2005. The Department also regulates facilities discharging to ground water and to POTWs, discharging stormwater only, or that handle, distribute or land apply residuals. These additional types of facilities that the Department also regulates are listed in this report as "Other". In 2006, the DWQ regulated 4,929 of these other facilities (either separately or combined with a DSW), as compared to the 4,949 regulated in 2005, an increase of .4 percent. The DWQ regulated a total of 5,358 facilities in 2006, compared with 5,397 facilities in 2005, an increase of .7 percent.

Since the Department issues permits for "discharge types" rather than facilities, a facility with more than one discharge type may have more than one permit. As of December 31, 2006, the Department permitted 5,982 discharge types for 5,358 facilities.

In 2006, the Department took 922 formal permit actions, reflecting a 45 percent decrease in permit actions from 2005.

The Department issued 473 new permits and received 2 hearing requests on these actions. The Department also issued 122 permit renewals and received 12 hearing requests on these actions. Fourteen of these permit renewals issued by the Department were for DSW permit renewals to 14 major facilities in 2006. Over the past few years, DWQ has focused its permitting resources on renewing major DSW permits.

For the Stormwater Permitting Program in 2006, 8 general permit renewal authorizations were issued, 1 Master General Permit modification was issued, 371 new general permit authorizations were issued, 2 were modified, and 161 general permit authorizations were terminated. In addition, 5 new individual permits were issued, 16 were renewed, 5 were terminated, and 11 individual permit modifications were completed.

Enforcement

Inspections

The Department is required to inspect 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 2006, the Department conducted 3637 facility inspections. This number includes 1713 Stormwater inspections that are now included in the report.

Violations

In 2006, the Department assessed penalties against 157 facilities for 681 violations of the WPCA. The 681 violations addressed by the Department's actions were more than the number of violations addressed in 2005 (509). In comparison, in 1992 the Department assessed penalties against 300 facilities for 2,483 violations.

Serious Violations

In 2006, the Department identified and issued formal and informal enforcement actions for 281 serious effluent violations. These violations involved discharges from 74 facilities. Of the 281 serious violations, 76 percent (213) involved violations of limitations for nonhazardous pollutants, and the remaining 24 percent (68) involved violations of limitations for hazardous pollutants. Serious violations have decreased from a reported high figure of 847 in 1992. This decrease from fourteen 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 2006, the Department issued formal enforcement actions to 10 permittees identified as SNCs. Appendix III-A of this report identifies each SNC and sets forth information concerning each SNC's violations. In 1992, 81 permittees were issued penalties for becoming an SNC.

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 2006, the Department initiated 609 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. There were more NOV's issued in 2006 (609) when compared to 2005 (544).

Formal Enforcement Actions:

In 2006, the Department initiated 157 formal enforcement actions compared with 103 in 2005. Since these are the documents in which the Department assesses penalties and, the Department typically initiates penalty actions only against a permittee committing a serious violation or violations which causes it to become an SNC, this is consistent with the general overall improved compliance trend noted previously.

Penalties Assessed and Collected

In 2006, the Department assessed a total of \$4.38 million in civil and civil administrative penalties within 157 distinct enforcement actions. This is an increase from the \$2.23 million assessed in 2005.

In 2006, the Department collected \$1.94 million in penalties. This is up from last years amount collected (\$772,147 thousand). There were 3 payments made greater than \$100,000.

Delegated Local Agencies (DLA)

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 24 DLAs have issued permits to control the discharges from a total of 868 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 838 of the 868 permittees at least once during the calendar year.

The DLAs reported 967 permit violations by permitted facilities in 2006, compared with 1,031 violations in 2005. The DLAs reported a total of 49 indirect users who qualified as SNCs under the State definition during 2006. The analysis in the 2005 report indicated that 54 indirect users met the SNC definition. Therefore, there was a decrease of 5, or a 9.3 percent decrease in the number of facilities in significant noncompliance. The DLAs reported as a whole that by the end of calendar year 2006, 26 (53.1 percent) of the 49 indirect users in significant noncompliance had achieved compliance. During 2006, the DLAs issued 263 enforcement actions as a result of inspections and/or sampling activities.

In calendar year 2006, 18 of the DLAs assessed a total of \$1,268,475 in penalties for 565 violations while collecting \$1,352,060. In 2005, 18 DLAs assessed \$1,186,913 in penalties for 603 violations while collecting \$924,051.

Criminal

In 2006, the Division of Criminal Justice conducted a total of twenty-five (25) WPCA investigations. The Division also reviewed over 386 Department actions (NOVs, Orders, Penalty Assessments, etc.) for potential criminality. Division State Investigators responded to twenty-three (23) water pollution emergency response incidents, out of a total of 66 emergency response incidents. The Division filed three (3) criminal actions (indictments or accusations) for violations of the requirements of the WPCA. (The Division filed a total of sixteen (16) actions in environmental cases.) Two (2) of the criminal actions constituted fourth degree charges involving a negligent violation of the WPCA. One involved third and fourth degree charges for false submissions to the Department under the Safe Drinking Water Act. Two of the three actions have been resolved through guilty pleas. (One defendant who was convicted at trial in 2005 was sentenced in 2006.) In 2006, through the successful prosecution of cases involving water pollution, the Division obtained \$175,750 in fines and restitution.

Fiscal

A total of \$3,328,271 in penalty receipts was deposited in calendar year 2006.

In calendar year 2006, the Clean Water Enforcement Fund disbursed \$252,000 to the Division of Law for the costs of litigating civil and administrative enforcement cases and other legal services; \$91,557 to the Office of Administrative Law for costs associated with adjudicating WPCA enforcement cases. The CWFEB disbursed \$737,057 for expenses incurred by the Department.

Water Quality Assessment

The Water Quality Assessment section of the CWEA Report provides an overview of water quality within New Jersey. The Department assesses the status of rivers, streams, lakes, and coastal waters through extensive water quality monitoring networks. These results are then compiled and assessed biennially into a formal *Integrated Report* (combined 305(b) report and 303(d) List), which is submitted to the US Environmental Protection Agency (USEPA).

The Federal Clean Water Act (Act) mandates states to biennially report to the USEPA on the quality of their waters as per their achievement of water quality standards and attainment of designated uses. This report is called the *Water Quality Inventory Report* or the 305(b) Report. In addition, the Act also requires states to biennially provide USEPA with a list of waterbodies for which required technology-based effluent limits are not stringent enough to achieve the state's surface water quality standards. This list is termed the *List of Water Quality Limited Waters* or the *303(d) List*. Since both reporting efforts share the same data sets, New Jersey began integrating these two reports into a single document known as the *Integrated Water Quality Monitoring and Assessment Report* or *Integrated Report*. The Integrated Report presents the extent to which waters of the State are achieving state surface water quality standards and attaining corresponding designated uses, and identifies waters that are impaired and need total maximum daily loads (TMDLs) as required under section 303(d) of the Act. New Jersey submitted its first Integrated Report in 2002.

A key component of the [2006 Integrated Report](#) is the [Integrated List](#), which identifies the use attainment and assessment status of all waters of the State. The Integrated List is generated by placing all of the State's waterbodies into one of five sublists. Sublist 1 identifies waterbodies where the designated use is assessed and attained and all other designated uses in the assessment unit are assessed and attained (except for fish consumption). Sublist 2 identifies waterbodies where the designated use is assessed and attained but one or more other designated uses are not attained and/or there is insufficient information to make a determination. Sublist 3 identifies waterbodies for which there is insufficient data available to determine if the designated use is attained. Sublist 4 identifies waterbodies where the designated use is not attained but a TMDL has been completed or other enforceable pollution control requirements are reasonably expected to achieve use attainment. Sublist 5 identifies waterbodies where the designated use is not attained or is threatened by a pollutant(s) and a TMDL is required. Sublist 5 is used to develop the List of Water Quality Limited Waters ([303\(d\) List](#)). The most recent Integrated Report is the [2006 Integrated Report](#), which forms the basis for the water quality information presented in the CWEA Annual Report. The 2006 Integrated Report can be found on the Departments website at <http://www.state.nj.us/dep/wms/bwqsa/docs/2006IntegratedReport.pdf>

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 (NJPDES), whereby a person must obtain a NJPDES 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 include Industrial permits issued to facilities discharging various types of wastewater (such as process water, cooling water, decontaminated groundwater, and commingled stormwater) to surface waters and Municipal permits 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 DGW permits.

Facilities that distribute, handle or land apply residuals are issued a Land Application of Residuals permit.

Section One - Number of Facilities Permitted:

The Department's DWQ regulated 702 facilities that discharge to the surface waters of the State in 2006, as compared to the 729 facilities regulated in 2005. The Department also regulates facilities discharging to ground water and 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. Some facilities have both a DSW discharge and another type of discharge. In 2006, the DWQ regulated 4,929 of these other facilities (either separately or combined with a DSW), as compared to the 4,949 regulated in 2005, a decrease of .4 percent. The DWQ regulated a total of 5,358 facilities in 2006, compared with 5,397 facilities in 2005, a decrease of .7 percent.

TABLE II-1 REGULATED FACILITIES 2003-2006

FACILITIES REGULATED (including stormwater)	2004	2005	2006	% Growth 2005-2006

Discharge to Surface Water only	494	448	429	-4.2
DSW/Other combined	265	281	273	-2.8
Other only	3991	4668	4656	-25
TOTAL	4,750	5,397	5358	-72

The Department may at times issue 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, 2006, the Department permitted 5,982 discharge types for 5,358 facilities. Table II-2 below provides information regarding the number of discharge types permitted by the Department between 2003 and 2006.

TABLE II - 2 REGULATED DISCHARGES BY TYPE 2003-2006

ACTIVITY TYPE	2003	2004	2005	2006
INDUSTRIAL DSW	533	510	467	466
MUNICIPAL DSW	266	262	262	313
SIU	78	81	82	80
GROUNDWATER	1112	1145	1137	1179
RESIDUALS	60	67	59	71
STORMWATER	2673	3410	3838	3873
TOTAL	4,722	5,475	5,845	5982

The number of permitted discharges regulated by the DWQ has been growing steadily over the past several years. 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. In 2006, the permitted facility universe increased by 137, mainly due to the issuance of the phase one stormwater general permit authorizations.

Section Two - 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**

NJPDES No.	Category	Name of General Permit	Discharge Type	Year Issued
NJ0142581	ABR	Wastewater Beneficial Reuse	DSW	2006
NJ0070203	CG	Non-contact Cooling Water	DSW	2000
NJ0102709	B4B	Groundwater Petroleum Product Clean-up	DSW	2003
NJ0128589	B6	Swimming Pool Discharges	DSW	1998
NJ0134511	B7	Construction Dewatering	DSW	1999
NJ0132993	BG	Hydrostatic Test Water	DSW	1999
NJ0105023	CSO	Combined Sewer Overflow	DSW	2004
NJ0105767	EG	Land Application Food Processing Residuals	RES	2003
NJ0132519	ZG	Residuals Transfer Facilities	RES	2004
NJ0132501	4G	Residuals – Reed Beds	RES	2002
NJ0108308	I1	Stormwater Basins/SLF	DGW	2001
NJ0108642	I2	Potable WTP Basins/Drying Beds	DGW	2003
NJ0130281	T1	Sanitary Subsurface Disposal	DGW	2003
NJ0142051	LSI	Lined Surface Impoundment	DGW	2004
NJ0088315	5G2	Basic Industrial Stormwater	DST	2002
NJ0088323	5G3	5G3 -Construction Activity Stormwater	DST	1997
NJ0108456	CPM	Concrete Products Manufacturing	DST	2003
NJ0107671	SM	Scrap Metal Processing/Auto Recycling	DST	2004
NJ0132721	R4	Hot Mix Asphalt Producers	DST	2004
NJ0134791	R5	Newark Airport Complex	DST	2000
NJ0138631	R8	Concentrated Animal Feeding Operations	DST	2003
NJ0141852	R9	Tier A Municipal Stormwater	DST	2004
NJ0141861	R10	Tier B Municipal Stormwater	DST	2004
NJ0141879	R11	Public Complex Stormwater	DST	2004
NJ0141887	R12	Highway Agency Stormwater	DST	2004
NJ0141950	R13	R13 -Mining and Quarrying Activity Stormwater General Permit	DST	2005

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.

The Construction Activity General Permit (NJ0088323) is for construction activities disturbing 1 acre or more, all of which are considered industrial activities. Last renewed in 2002, this permit is administered by the 15 local Soil Conservation Districts in conjunction with the Soil Erosion and Sediment Control Plan certification. The Department issued 3,519 construction activity general permit authorizations in 2006. There are a total of 11,632 active authorizations under this general permit.

Ground Water Permits: These are individual new 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 wastewater discharges to publicly owned treatment works. There are 24 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 Three - 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. Since the Construction General Permit (NJ0088323) is administered by the local Soil Conservation Districts, those

permit actions are not summarized here. In each permit category, the number of new permits, renewal permits, permit modifications, and terminations (revocations) are listed.

In 2006, the Department took 922 formal permit actions, reflecting a 45 percent decrease in permit actions from 2005. Approximately 51 percent of the final permit actions were new facilities, 13 percent of the actions were permit renewals, 14 percent were for permit modifications, and 22 percent were for permit terminations. New permits and permit renewals may be controversial, particularly when the Department imposes new requirements or more stringent effluent limitations, and have historically been contested. In 2006, the Department received 14 requests for adjudicatory hearings, compared to 12 requests received in 2005. This is a request rate of 1.5 percent as a percent of 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.

The Department issued DSW permit renewals to 14 major facilities in 2006. Over the past few years, DWQ has focused its permitting resources on renewing major DSW permits. The Department also issued 473 new permits and received 2 hearing requests on these actions. The Department issued 122 permit renewals and received 12 hearing requests on these actions. The relatively low number of hearing requests can be attributed to the increased use of general permits and to providing predrafts to permittees. 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 regular permits, the DWQ has increased the practice of providing a predraft 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 regular 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
2004 - 2006

TYPE OF PERMIT ACTION	2004	Contested 2004	2005	Contested 2005	2006	Contested 2006
Industrial Surface Water						
-New	17	0	22	0	18	0
-Renewals	31	0	66	1	26	1
-Modifications	38	0	22	0	39	0
-Terminations	57	0	27	0	16	0
Subtotal	143	0	137	1	99	1
Municipal Surface Water						
-New	0	0	0	0	47	0
-Renewals	49	8	40	1	26	9
-Modifications	17	0	28	0	54	0
-Terminations	5	0	4	0	5	0
Subtotal	71	8	72	1	132	9
Significant Indirect User						
-New	3	0	6	0	3	0
-Renewals	7	0	10	0	11	0
-Modifications	6	0	1	0	5	0
-Terminations	0	0	5	0	1	0
Subtotal	16	0	22	0	20	0
Ground Water						
-New	51	0	50	0	28	2
-Renewals	199	0	31	0	31	0
-Modifications	8	0	12	0	9	0
-Terminations	27	0	15	0	12	0
Subtotal	285	0	108	0	80	2
Land Application of Residuals						
-New	4	0	5	0	1	0
-Renewals	7	0	2	0	4	1
-Modifications	2	0	2	0	3	0
-Terminations	4	0	2	0	3	0
Subtotal	17	0	11	0	11	1
Stormwater						
-New	954	0	255	0	376	0
-Renewals	165	0	271	0	24	1
-Modifications	24	0	684	0	14	0
-Terminations	97	0	123	0	166	0
Subtotal	1240	0	1333	0	580	1
TOTALS	1772	8	1683	1	922	14

For the Stormwater Permitting Program in 2006, 8 general permit renewal authorizations were issued, 1 Master General Permit modification was issued and 371 new general permit authorizations were issued, 2 were modified, and 166 general permit authorizations were terminated. In addition, 5 new individual permits were issued, 16 were renewed, 5 were terminated, and 11 individual permit

modifications were completed.

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

TABLE II - 5 COMPARISON OF PERMIT ACTIONS 2003 - 2006

TYPE OF PERMIT ACTION	2003	2004	2005	2006
New	444	1,029	338	473
Renewal	775	458	420	122
Modifications	77	95	749	124
Terminations (Revocations)	139	190	176	203
TOTAL ACTIONS	1435	1772	1683	922

B. NEW DEVELOPMENTS

Section One -Municipal Stormwater Regulation Program and Underground Injection Control

As part of its continuing efforts to implement the federally mandated Stormwater Regulation Program, the Department has developed a Statewide Stormwater/Nonpoint Education Program (Program). The Program consists of three phases: developing and distributing a series of posters to all municipalities, libraries, schools, highway rest stops, and public complexes; broadcasting radio public service announcements via a contract with the New Jersey Broadcasters Association; and developing and airing television commercials to be aired on New Jersey broadcast and cable stations. This program is designed to provide a comprehensive and cost-effective method to meet the federal public education requirements, and to educate New Jersey's citizens about their role in preventing nonpoint pollution.

Since the adoption of the NJPDES rule amendments and issuance of the Tier A, Tier B, Public Complex and Highway Agency Stormwater General Permits, the Department has continued to work closely with municipalities, stakeholders, and the New Jersey State League of Municipalities. The Department held 9 regional workshops for municipalities, public complexes and highway agencies to provide an update on permit requirements and to discuss relevant issues. Feedback indicated that these regional workshops were well received and additional workshops were held in January 2007.

In addition, Annual Reports submitted by municipalities, public complexes and highway agencies indicate that the Program is being widely implemented. Information reported indicates that municipalities swept over 74,000 miles of roadway collecting 61,500 tons of material that may otherwise have been washed into the State's lakes, river, and streams. Annual Reports also indicated that more than 104,000 catch basins were inspected and cleaned, removing nearly 6,600 tons of debris.

Section Two - General Permits Issued or Renewed

The Division renewed two NJPDES general permits, the Newark Airport Complex Stormwater

General Permit and the Non-Contact Cooling Surface Water General Permit. The Division also issued the Beneficial Reuse Surface Water 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. In addition, it makes permit requirements consistent across the regulated community.

The following is a brief description of the three general permits:

• **Newark Airport Complex General Permit**

The General Stormwater permit for the Newark Liberty Airport Complex, (category R5), NJPDES permit number NJ0134791, was renewed and became effective on 12/01/05. This permit is for the discharge of Stormwater runoff from the airport complex into the Newark Bay and regulates 40 facilities at the airport.

• **Beneficial Reuse General Permit**

The Division issued a general permit, (category ABR), NJPDES permit number NJ0142581 for restricted access use of reclaimed water for beneficial reuse. This involves the use of treated wastewater where the possibility of exposure to the general population is minimal and worker exposure is controlled. Such applications include sanitary sewer jetting, street sweeping, sewage treatment plant washdown, fire protection, irrigation of landscaping within a secured perimeter (fenced area) and certain industrial processes (i.e., non-contact cooling water and boiler make-up water). This general permit has been developed, in part, to provide a mechanism to formally regulate those NJPDES permittees previously authorized for restricted access reuse under the drought emergency that desire to continue reusing their treated wastewater. This general permit will also be the mechanism for future requests for authorization for restricted access reuse provided the proposed activity complies with the requirements of this general permit.

The Division's ultimate goal is to incorporate reuse into each facility's individual permit. Therefore, each authorization under the general permit will only be effective until the individual NJPDES discharge permit for the authorized facility is renewed or modified. The Division issued 56 authorizations under this general permit.

• **Non-Contact Cooling General Permit**

The Department renewed the general permit for non-contact cooling water on September 12, 2006. The permit has similar requirements as contained in the previous general permit along with an additional provision to allow coverage of commingled non-contact cooling water and Stormwater. The Department plans on issuing approximately 45 authorizations under this general permit.

Section Three - Swimming Pool Discharges

The Swimming Pool Discharges General Permit **Renewal** was issued draft on May 23, 2005. This general permit authorizes discharges from municipal, commercial and other non-residential swimming pools. These discharges result from the backflushing of filtration equipment used to remove solids and other materials from pool water. Following issuance of the draft permit, issues

were raised concerning how to regulate discharges into shellfish waters. The Department anticipates redrafting the permit to address this issue, and finalizing in 2007.

Section Four – Basic Industrial Stormwater General Permit

The Division has continued its efforts to identify and permit industrial facilities required to be regulated under the Stormwater Permitting Program. Through a significant recruitment effort during FY 2006, the Division identified and permitted 351 new facilities that were previously operating without a valid NJPDES permit. In addition, through a coordinated effort with the Department's enforcement staff, the Division identified and revoked 163 permits for facilities that were no longer in operation.

Section Five - NJPDES Permit Universe Status

The total NJPDES issued permits universe as of September 30, 2006 is 5605 permits. This is up from 5305 permits as of September 30, 2005, a 5.7% increase. Of these 5605 permits, 5265 (94%) are current, while only 340 are beyond their expiration date. The Division is continuing its efforts to further reduce the number of permits operating with expired but administratively extended permits.

Section Six - Municipal and Industrial Surface Water Permitting

The Division has continued to work towards its goals of reducing its backlog for both industrial and municipal permits. The backlog for majors has continued in its steady downward trend, beginning with a high of 35% in January 2002, to 14% as of September 2005. The Division will maintain its focus on renewal of major permits and reduction of the backlog. As part of the above actions, the Division has successfully renewed a number of old permits that had been expired for over 10 years.

Section Seven – Ground Water Permitting

The Division issued renewal permits for Ground Water monitoring of two of the largest operating landfills in the state, Middlesex County and Pennsauken Landfills. As a component of the Department's continuing efforts to ensure adequate water supply resources, the Division has developed an Aquifer Storage and Recovery Permitting program that enables the Department to issue permits regulating the discharge of potable water into ground water aquifers through the process of deep well injection. This allows water purveyors to store potable water in the subsurface for recovery at a later date.

Section Eight – PCB PMP Rule for Select Major Discharge to Surface Water Facilities

The Division is preparing an adoption package for new rules at N.J.A.C. 7:14A-11.13 and 14.4 that would impose regulatory requirements with respect to the discharge of PCBs from NJPDES discharge to surface water major facilities that discharge to a PCB-impaired waterbody. The rule proposal first appeared in the December 19, 2005 NJ Register. There are approximately 40 facilities that will be subject to this new rule. Affected facilities will first be required to monitor their discharge for PCBs, using Method 1668A to analyze up to six samples during a 24 month period. Based on the monitoring results, the Department will then determine which facilities will be required to develop and implement a PCB Pollution Minimization Plan (PMP). The purpose of the PMP is to identify and eliminate discrete sources of PCBs. Facilities that are already subject to an adopted PCB TMDL (such as the facilities included in the Delaware River TMDL) are exempt from the proposed new rules.

Section Nine – Sludge Quality Assurance Regulations (N.J.A.C. 7:14C) Readopted

The final readoption with amendments of the Sludge Quality Assurance Regulations appeared in the New Jersey Register on June 3, 2006. These rules prescribe the method and frequency for reporting on the quantity, quality and management method of sludge generated by domestic and industrial treatment works.

Section Ten – Statewide Sludge Management Plan Update Adopted

The update to the Statewide Solid Waste Management Plan (SSWMP) was adopted on January 5, 2006. The 1978 amendments to the New Jersey Solid Waste Management Act (N.J.S.A. 13:1E-46) require that the SSWMP contain a sewage sludge management strategy. Section K of the SSWMP fulfills the statutory mandate and replaces the 1987 Statewide Sludge Management Plan.

Section Eleven – Mercury Rules

In September 2006, the Department proposed new rules at N.J.A.C. 7:14A-21, Requirements for Indirect Users. The proposed new rules are intended to significantly reduce mercury released to the environment by dental facilities. The proposed new rules would, under most circumstances, exempt a dental facility from the requirement to obtain an individual permit for its discharge to a POTW, if it (i) implements best management practices (BMPs) for the handling of dental amalgam waste, and (ii) installs and properly operates an amalgam separator. These measures are expected to prevent 99 percent of the dental mercury wastes from being conveyed to the POTW.

Section Twelve - NJPDES Program for Submission of Electronic Monitoring Report Forms

Electronic Data Interchange (EDI) was initiated by the Division beginning in July 2003. The electronic Monitoring Report Form (MRF) is designed to utilize a Microsoft Excel '97 based template. Permittees are now able to submit all of their MRFs electronically via the Internet. Information on the program and the NJPDES EDI application is available through the NJDEP On-Line web portal at: <https://www.njdeponline.com>. Once the Division receives an EDI application form and approves it, permittees have the ability to access and download their MRFs on-line. New participants continue to sign up for the convenience, accuracy and savings offered by EDI. As of September 30, 2006, 128 permittees are signed up to use EDI to submit their monitoring data. EDI accounted for 12.23% of the total records entered into the NJPDES database during the most recent quarter.

Section Thirteen - Information Available on DWQ Web Site

The Division of Water Quality continues to maintain a number of helpful documents on its website which were previously distributed to permittees with their Monitoring Report Forms (MRF). These may be accessed at: www.nj.gov/dep/dwq/bpm.htm.

Additionally, various NJPDES permit forms and checklists may be accessed at: www.nj.gov/dep/dwq/forms.htm.

Other permitting and technical information may be viewed and/or downloaded at: www.nj.gov/dep/dwq/permitng.htm.

The Division receives many public requests for information from the NJPDES database.

Some of the more popular and most requested information has been posted on the web site for download and updates and expanded information is made available on a periodic basis. The direct link for accessing this information is **www.nj.gov/dep/dwq/database.htm**. The Division web site also includes a crosslink to a series of reports that are available through the Department's Open Public Records Act web site (i.e., via the DEP Data Miner utility). These semi-custom reports are generated through a link to the NJEMS database system. In addition to lists of permits selectable by a variety of categories, this interactive link allows for the retrieval and download of NJPDES DMR and WCR data. The DMR and WCR data is available for user selected periods beginning in July 2000. The report displays the raw data as reported by the permittees to the Department.

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. (see Chapter IV. page---for the details of the enforcement actions taken by DLAs)

Affirmative defenses:

The CWEA establishes the following basis for affirmative defenses to mandatory minimum penalties: upsets, bypasses and testing or laboratory errors.

An upset is an exceptional incident (such as a flood or storm event) beyond the permittee's reasonable control that causes unintentional and temporary noncompliance with an effluent limitation. As part of the affirmative defense, the permittee must identify the cause of the upset whenever possible and establish that the permitted facility was being operated properly at the time of the upset and that all remedial measures required by the Department or the DLA were taken.

A bypass is an intentional diversion of waste streams from any portion of a treatment works.

Whether or not the permittee anticipated the need for the bypass, a permittee may raise the affirmative defense only if the bypass was unavoidable to prevent loss of life, personal injury or severe property damage and there was no feasible alternative to the bypass. If the bypass was anticipated, the permittee should have provided the Department with prior notice in order to be eligible for the affirmative defense. If the bypass was unanticipated, the permittee should demonstrate that it was properly operating its facility and that it promptly notified the Department or the DLA as well as took remedial measures required by the Department or the DLA.

To establish an affirmative defense for testing or laboratory error, the permittee must establish that an exceedance of an effluent limitation resulted from unanticipated test interferences, sample contamination, analytical defects, procedural deficiencies in sampling or other similar circumstances beyond the permittee's control.

Compliance schedules:

Under the CWEA, the Department may establish a compliance schedule for a permittee to complete remedial measures necessary for compliance. However, the permittee, other than a local agency, as defined below, must provide financial assurance for completion of those remedial measures in the form of a bond or other security approved by the Commissioner.

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 and to those facilities which DLA is required to inspect. A DLA must inspect facilities discharging into its municipal treatment works, again excluding those facilities that discharge only stormwater or non-contact cooling water. Neither the Department nor a DLA is required to inspect permitted facilities that discharge stormwater runoff which has come into contact with a Superfund site, listed on EPA's National Priorities List, or municipal treatment works receiving such stormwater runoff.

Each fiscal year the Department performs one full inspection of every regulated facility and an additional interim inspection, as needed, 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. To determine the need for an interim inspection, the Department reviews the facility's DMRs and focuses upon specific compliance issues.

In 2006, the Department conducted 3637 facility inspections. This number includes 1713 Stormwater inspections that are now included in the report.

The data presented below concerning the number of facilities and discharges inspected combines local and nonlocal facilities. A local facility is a publicly owned treatment works (POTW) or other

facility, such as a school, landfill or wastewater treatment plant, that is operated by a local agency (a political subdivision of the State, or an agency or instrumentality thereof). A nonlocal facility is any facility that is not operated by a local agency. For 2006 the Department is now including Stormwater inspections as they are conducted under the CWEA as well.

The data presented below also distinguishes between the different types of NJPDES permits: Discharge to Surface Water (DSW), Discharge to Groundwater (DGW), Stormwater and discharges into a municipal treatment works by an Significant Indirect User (SIU).

**TABLE III - 1
SUMMARY OF NJPDES INSPECTIONS PERFORMED**

NUMBER OF INSPECTIONS					
BY DISCHARGE TYPE					
Discharge Type	2002	2003	2004	2005	2006
DSW	1,035	814	772	694	668
DGW	915	857	935	1006	1181
SIU	78	73	78	78	75
*Stormwater					1713
TOTALS	2,028	1,744	1,785	1,778	3637
BY FACILITY TYPE					
Facility Type	2002	2003	2004	2005	2006
Local	515	451	452	465	1001
Nonlocal	1,513	1,293	1224	1313	2636
TOTALS	2,028	1,744	1,785	1,778	3637

For 2006 the Department is now including Stormwater inspections as they are conducted under the CWEA as well.

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 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 in most cases.

An Attorney General Referral (AGR) is made by the Department to the New Jersey State Attorney

General to initiate a civil enforcement action against a violator to compel compliance, collect a penalty, or an activity or condition poses an immediate and substantial threat to public health and the environment. An AGR is also made when a permittee has failed to work cooperatively with the Department toward attaining compliance despite formal administrative enforcement actions. The State Attorney General, on behalf of the Department, will then file civil enforcement actions in the New Jersey State Superior Court against the violator. When the Court finds that a defendant has violated the WPCA, it will typically issue a Judicial Order (JO) directing the defendant to comply within a specified period of time and may also require the defendant to pay a civil penalty- Judicial Order with Penalty (JO/P).

The Department issues Stipulated Penalty Demand Letters (SPDLs) to permittees demanding payment of penalties stipulated under an ACO or JCO for the permittee's failure to comply with terms of the order.

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.

An Administrative Consent Order (ACO) requires a permittee to take specific measures to attain compliance through a binding agreement between the Department and the violator. It may resolve a previously issued civil administrative enforcement action. An ACO may provide interim effluent limitations, relaxing limits contained in a permit until specified improvements are made in accordance with a compliance schedule. Compliance schedules usually establish milestones for starting and completing construction of required facility improvements, or implementing other measures to achieve compliance. ACOs also normally provide for stipulated penalties - to be paid by the violator if it fails to comply with the compliance schedule or exceeds interim effluent limitations.

A Judicial Consent Order (JCO) resolves a judicial enforcement action and is therefore subject to the Court's approval and its ongoing jurisdiction.

An ACO/P or JCO/P assesses a new penalty in addition to requiring a permittee to take specific measures to attain compliance.

Enforcement Actions Initiated in 2006:

Informal Enforcement Actions:

In 2006, the Department initiated 609 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. There were more NOV's issued in 2006 (609) when compared to 2005 (544).

Formal Enforcement Actions:

In 2006, the Department initiated 157 formal enforcement actions compared with 103 in 2005. Since these are the documents in which the Department assesses penalties and, the Department typically initiates penalty actions only against a permittee committing a serious violation or violations which causes it to become an SNC, this is consistent with the general overall improved compliance trend noted previously.

The number of formal actions issued (157) in 2006 is an increase from the low reported in 2003 (117). The total number of enforcement actions (informal and formal) in 2006 was 766.

Table III-5 summarizes enforcement actions taken from 2002 – 2006 and includes data from 1992 to show the increase in compliance rates.

**TABLE III - 2
SUMMARY OF ENFORCEMENT ACTIONS
(INCLUDING STORMWATER)**

TYPE OF ENFORCEMENT ACTION	1992	2002	2003	2004	2005	2006
INFORMAL ACTIONS	1273	790	644	677	544	609
NOV	768	790	644	677	544	609
FORMAL ACTIONS	752	139	117	137	103	157
ENFORCEMENT DIRECTIVES	317	N/A	N/A	N/A	N/A	N/A
ORDERS	274	44	36	27	18	58
SETTLEMENTS	152	102	81	110	85	95
AUTO PAYMENTS	9	N/A	N/A	N/A	N/A	N/A
TOTALS	2,025	929	761	814	647	766

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 on verified violations. The number of effluent violations that were addressed by the issuance of a formal enforcement action in 2006 is reported in Section Six below.

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

In 2006, the Department assessed penalties against 157 facilities for 681 violations of the WPCA. The 681 violations addressed by the Department's actions were more than the number of violations addressed in 2005 (509). In comparison, in 1992 the Department assessed penalties against 300 facilities for 2,483 violations.

Table III-1 below groups violations into the following categories: effluent violations, violations of compliance schedules, DMR reporting violations and other violations.

**TABLE III - 3
SUMMARY OF VIOLATIONS FOR WHICH A PENALTY WAS ASSESSED
Calendar Year 2006**

VIOLATION CATEGORY	Number	Percentage
Effluent	326	48
- Nonhazardous	237	73
- Hazardous	89	27
Compliance Schedule	0	0
Reporting	115	17
- Nonsubmittal	13	12
- Omissions	102	88
Other	240	35
TOTALS	681	100

 Effluent violations comprised 48 percent (326) of the 681 violations for which the Department assessed penalties in 2006. Of the 326 effluent violations in 2006, 73 percent (237) concerned discharges of nonhazardous pollutants, such as suspended solids, nutrients and fecal coliform. The other 27 percent (89) concerned discharges of hazardous pollutants, such as chlorine residual, metals, pesticides and organics.

Of the 326 effluent violations, 215 violations were from just 5 permittees. They were:

- WARREN CNTY DIST LANDFILL – 15 violations
- FRANKLIN TWP ELEMENTARY SCHOOL – 29 violations
- FIBERMARK - HUGHESVILLE FACILITY – 17 violations
- FERRO CORP – 98 violations
- BERGEN CNTY UTILITIES AUTHORITY (BCUA) – 56 violations

Reporting violations accounted for 17 percent (115) of the violations for which the Department assessed a penalty. Reporting violations decreased in 2006 (2005 had 251 reporting violations). Of the 115 reporting violations 33 (29 percent) were from just 2 permittees. These 2 facilities were:

- HOWARD M DOWN GENERATING STATION – 15
- MIKASA FACTORY STORE - 18

The final category addressed in this report is "Other" which includes unpermitted discharges,

improper sampling, and sewer connection/extension violations. This category accounted for 35 percent (240) of the violations for which the Department assessed a penalty for in 2006.

Table III-2 below lists the number and percentage of effluent, compliance schedule and reporting violations by calendar year.

**TABLE III - 4
SUMMARY OF VIOLATIONS BY CATEGORY**

		Violation Category								
Year	Number / Percentage	Effluent			Compliance Schedule	Discharge Monitoring Report			Other	Totals (columns 5,6,9,10)
		Non-hazardous	Hazardous	Subtotal		Non-submittal	Omissions	Subtotal		
1992	Number	1,192	254	1,446	73	38	370	408	556	2,483
	Percentage	82.4%	17.6%	58.2%	2.9%	9.3%	90.7%	16.4%	22.4%	100.0%
2002	Number	145	34	179	0	4	62	66	128	373
	Percentage	81.0%	19.0%	48.0%	0.0%	6.1%	93.9%	17.7%	34.3%	100.0%
2003	Number	79	139	218	0	31	109	140	307	665
	Percentage	36.2%	63.8%	32.8%	0.0%	22.1%	77.9%	21.0%	46.2%	100.0%
2004	Number	212	67	279	2	56	217	273	94	648
	Percentage	76%	24%	43.1%	0.3%	21%	79%	42.1%	14.5%	100.0%
2005	Number	161	36	197	0	0	251	251	61	509
	Percentage	82%	18%	39%	0.0%	0.0%	100%	49%	12%	100%
2006	Number	237	89	326	0	13	102	115	240	681
	Percentage	73%	27%	48%	0.0%	12%	88%	17%	35%	100%

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. Although not expressly required by the CWEA, the Department also includes in this section of the report, the number of violations of judicial orders (JOs) and judicial consent orders (JCOs). Information concerning violations is presented below.

Violations of Interim Effluent Limitations:

In 2006, for the seventh consecutive year, the Department did not identify any violations of an interim effluent limitation established in an AO or ACO. In contrast, in 1992, the Department identified 191 violations of interim effluent limitations established in 29 ACOs.

Violations of Compliance Schedules:

In 2006, 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 2006, the Department issued 23 formal enforcement actions against facilities responsible for unpermitted discharges.

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.

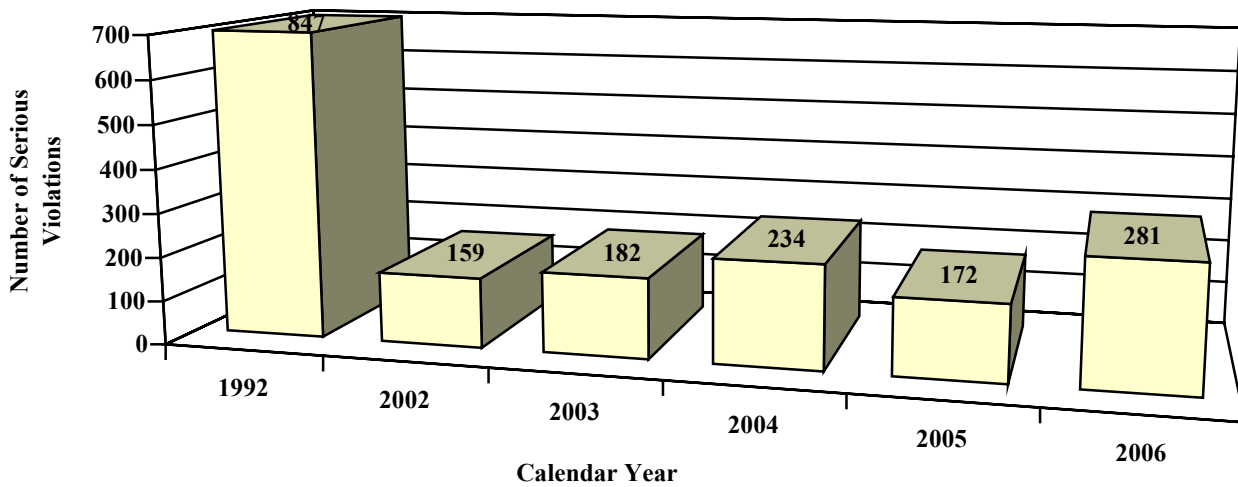
In 2006, the Department granted zero affirmative defenses for violations that were considered serious as defined in the Clean Water Enforcement Act.

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 2006, the Department identified and issued formal and informal enforcement actions for 281 serious effluent violations. These violations involved discharges from 74 facilities. Of the 281 serious violations, 76 percent (213) involved violations of limitations for nonhazardous pollutants, and the remaining 24 percent (68) involved violations of limitations for hazardous pollutants. Serious violations have decreased from a reported high figure of 847 in 1992. This decrease from fourteen 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.

CHART III - 1 SERIOUS VIOLATIONS



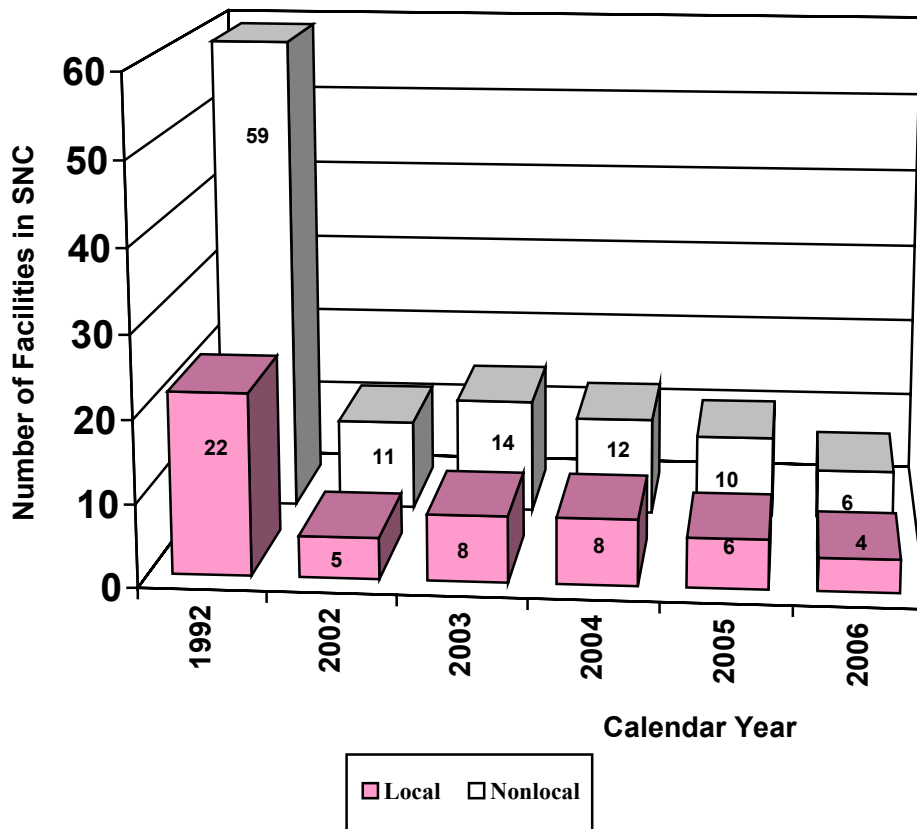
Section Eight - Significant Noncompliers:

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 2006, the Department issued formal enforcement actions to 10 permittees identified as SNCs.

Appendix III-A of this report identifies each SNC and sets forth information concerning each SNC's violations. In 1992, 81 permittees were issued penalties for becoming an SNC. In 2006, of the 10 SNC permittees 6 were nonlocal agencies and 4 were local agencies.

CHART III - 2 SIGNIFICANT NONCOMPLIERS



As has been the case since 1996, the percentage of permittees in significant noncompliance in 2006 was less than 2.0 percent of the total NJPDES permittees with monitoring and reporting requirements in their permits. Chart III-2 above shows the number of facilities which the Water Compliance and Enforcement Element has taken formal enforcement action against because they had reporting or discharge violations of their permit effluent limitations that caused them to be, or continue to be, in significant noncompliance as defined by the 1990 amendments to the WPCA (N.J.S.A. 58:10A-1 et seq.).

Chart III-2 shows a significant decreasing trend, which has been consistent over the past five years. Given the large total number of permitted discharges with reporting requirements and effluent limitations compared to the limited number of facilities in significant noncompliance during the past five years, only slight variation in the numbers is expected from year to year as we have seen again this year. Any new and more restrictive discharge limitations imposed in NJPDES permits in the future could actually result in nominal increases in the number of SNCs. However, the regulated community is more educated and prepared to address any such limitations and take the steps necessary to achieve and maintain compliance and therefore, avoid SNC designation.

The Department believes its multifaceted compliance assistance program has played a major role in the significant reduction in SNCs and violations overall. The DMR manual, which was initially published in 1991 with a second edition in 1993 and updates in 2000 (through guidance on the new reporting forms), has been invaluable in providing guidance to permittees in proper discharge monitoring and completion of their DMRs.

As of June 2007 the newest version of the NJPDES Monitoring Report Form Reference Manual is

available for download. This manual replaces the old "DMR" manual and covers reporting practices for Discharge Monitoring Reports, Residual Transfer Reports, and Waste Characterization Reports. The link to the manual can be found on the Departments website at the following address:
<http://www.state.nj.us/dep/dwq/hot.htm>

NJPDES MRF Reference Manual Seminars and training courses conducted with various organizations have assisted permittees and licensed operators in achieving a better understanding of the WPCA requirements. This has also resulted in numerous wastewater treatment system improvements at both local and nonlocal facilities.

However, the largest portion of the assistance program over the years has been performed by department personnel both during permit pre-application meetings, as part of the DWQ's technical assistance program, and in particular, while conducting compliance evaluation inspections. During these activities, detailed assistance and guidance has been given to the permittee on virtually every aspect of the NJPDES program. This education and outreach effort undoubtedly has played a significant role in the tremendous increase in compliance by the regulated community.

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 2006 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.

Section Ten - Laboratory Certification Program:

On July 1, 1995, the Water Compliance and Enforcement Element received enforcement jurisdiction over the Laboratory Certification program for violations under the WPCA as well as other statutes.

Formal enforcement actions are taken based upon violations discovered by the Department's Office of Quality Assurance during its audits of certified laboratories or as a result of a laboratory's failure to comply with the proficiency testing program. While the actions shown below in Table III-7 were taken pursuant to the WPCA, they are being reported here separately from the other sections of this report since inclusion of these actions would alter any trend analysis contained herein. Additionally, some of the enforcement actions involve the issuance of a Notice of Certification Suspension that is unique to only this program. The statistics for calendar year 2006 and earlier listed in Table III-6 are not included in Table III-5 or Table III-7.

**TABLE III - 5
LABORATORY CERTIFICATION ACTIVITIES**

TYPE OF ACTIVITY	2002	2003	2004	2005	2006
- ENFORCEMENT ACTIONS					
AO/NOCAPA	1	2	10	0	0
AO/S	0	60	22	30	14
AO/P/S	0	0	0	4	5
IRO/P	N/A	N/A	N/A	N/A	N/A
ACO/P	0	0	0	0	0
SA	2	1	2	0	0
SA/P	0	0	2	1	4
PENALTIES ASSESSED \$	25,000	14,250	103,571	\$7000	\$7000
PENALTIES COLLECTED \$	48,500	6,750	7,750	1,500	\$25,000

Notes: AO/S - Administrative Order and Notice of Certification Suspension

AO/P/S - Administrative Order, Notice of Civil Administrative Penalty Assessment and Notice of Certification Suspension

The issuance of AO/Ss ceased after 1998 because of the temporary suspension of the EPA laboratory proficiency study program in June of 1998. As part of this program in New Jersey, a laboratory's repeated failure to analyze proficiency samples and submit the results or failure to obtain results within the determined acceptable range of values would be cause for an AO/S to be issued. A new proficiency study program was established in late 2002 and Certification Suspensions resumed in 2003.

D. COMBINED SEWER SYSTEM ENFORCEMENT

The Department issued a general NJPDES - DSW Permit (permit) for Combined Sewer Systems (CSS) and Combined Sewer Overflows (CSO) in order to comply with the New Jersey Sewage Infrastructure Improvement Act. The effective date of the permit was March 1, 1995. The permit required that, within one month of the effective date of this permit, each individual CSS owner and CSO discharger request authorization to discharge. The permit also required that authorized CSO dischargers develop Combined Sewer Overflow Interim and Long-term Solids/Floatables Control Plans on or before March 1, 1996. These requirements are the first steps in the control of pollutants from these types of systems. The CSO General Permit (NJ0105023) requires a comprehensive discharge-point-by-discharge-point evaluation of the control methods to be used. The general permit requires that the permittee capture and remove solids and floatables that can not pass through a bar screen having a 0.5-inch opening. The permit does not specify the technology to be used. If solids/floatables removal can not meet the 0.5-inch standard, the permittee must demonstrate the most appropriate alternative control measures for each CSO point that can not meet this standard. The alternatives chosen would be based on an incremental cost/performance analysis. The general permit requires that these solids/floatables control plans be implemented according to a compliance schedule. The overall process of addressing these CSO discharges is expected to take a number of years and cost an estimated \$3.4 billion.

This general permit was renewed by Division of Water Quality (DWQ) in February 2000. Any person who owned and/or operated any part of a combined sewer system was required to apply for this NJPDES General Permit. Subsequently, on June 30, 2004, DWQ issued phase II of the CSO General Permit. This NJPDES General permit addresses CSO Long-term Control Plans (LTCs) and includes additional provisions that will require owners and/or operators of combined sewer systems to develop and evaluate the feasibility of pathogen control technologies to meet the requirements of the federal Clean Water Act (CWA). The permittees are also required to prepare cost and performance curves for various scenarios and to quantify expected removal of other pollutants that may occur incidental to the control of pathogens

Water Compliance & Enforcement (WC&E) has been coordinating a major effort with the DWQ to ensure that all CSO owners are appropriately committed to both the interim and long-term solids and floatables control measures required by these general NJPDES permits. When WC&E identifies situations where permittees are not in compliance with the planning, design or construction milestones in their NJPDES permits, it issues appropriate formal enforcement actions which establish an alternative compliance schedule and assesses penalties for the noncompliance. The penalties are comprised of both a punitive component and an economic benefit component (the economic benefit realized by the violator in delaying expenditures necessary for attaining compliance).

The following is a summary of some of the major CSO enforcement actions in taken in 2006:

City of Camden- A revised construction schedule and Force Majeure (F/M) request was submitted. NJDEP granted Force Majeure by letter dated December 20, 2004 extending the Solids/Floatables design completion and TWA application deadline to November 30, 2005.

An August 29, 2005 letter from CCMUA advised that denial of access to the site by

Campbell Soup (CS) is delaying design and compliance with November 30, 2005 deadline for this particular site. CCMUA advised that agreement was reached with CS allowing design to proceed. Potential site remediation issues, if found during Solids/Floatable system construction, have not been resolved and will present future problems.

2006 Update - The solids floatable (S/F) design is complete. The F/M approval for the Campbell Site was extended by a Treatment Works Approval (TWA's). TWAs were approved for Camden on 04/27/06 & 05/25/06. Camden had requested and received additional time to complete construction from both enforcement & permitting groups. New deadlines for construction completion are 04/26/08 & 05/25/08.

City of Newark - An AONCAPA was issued to the City of Newark for unpermitted discharge/overflow of untreated sewage. A Settlement Agreement was signed and the City of Newark paid a penalty in the amount of \$2500.00. A Treatment Works Approval (TWA) application was submitted in January 2004. The TWA was approved by DEP on March 25, 2004. Solids/Floatable (S&F) control facilities construction deadline was June 25, 2005. East Newark is claiming force majeure issues and consequently requesting a 5-month extension to complete construction. S&F control chamber was operational as of February 3, 2006.

2006 Update - by letter dated 4/12/07, DEP partially granted the Force Majeure extension for each outfall to the anticipated completion date set forth in Newark's 1/9/07 correspondence. DEP has partially granted FM request 04/12/07.

City of Paterson An amended Judicial Consent Judgment was entered into on March 12, 2004. The amendment includes a revised construction schedule, penalties and economic benefit assessment of \$419,169 to be paid in ten equal annual installments. Paterson submitted a Force Majeure (FM) request on March 12, 2004 for missing JCO construction schedule deadlines. Paterson submitted additional information in a letter dated September 14, 2004. Paterson also submitted an additional FM request for an extension of time to the milestone related to CSO Area 028. The Department has requested additional information from Paterson, and the outstanding FM requests are under review pending the submittal from Paterson of this information. A Compliance Evaluation and Assistance Inspection was conducted on November 10, 2005 to determine Paterson's compliance with its NJPDES Permit and JCJ to review and discuss information submitted to support Paterson's FM requests.

2006 Update - Paterson responded to the 11/10/05 inspection in a package dated 01/27/06. In this package, Paterson provided additional information supporting the Force Majeure requests. The Force Majeure requests are under review. As of 09/13/06, there are 8 operational netting facilities and 4 operational romag screens for a total of 12 complete projects.

City of Rahway An ACO executed on May 5, 2000 established the deadline for elimination of its CSO points by March 2004. A Force Majeure was granted

March 5, 2004 for extension of the enforcement construction schedule deadlines in the ACO. The deadline was extended to June 1, 2004 to complete construction necessary for the separation of the combined tributary to outfall 002. The deadline to temporarily plug and permanently seal outfall 002 were extended to July 1, 2004 and July 1, 2005, respectively. Outfalls 001, 003, 004 and 005 have been separated and temporarily plugged in accordance with the ACO. A second Force Majeure was granted by NJDEP on October 5, 2004. The deadline to temporarily plug and permanently seal outfall 002 was extended to September 30, 2004 and September 30, 2005, respectively. Deadline to permanently seal outfall 003 was extended to April 1, 2005. As of October 05, 2005, all outfalls have been permanently sealed. A final close-out inspection will be conducted in early 2006. An ACO close-out letter will be issued; the Permitting group will be notified at that time that Rahway's CSO permit can be terminated.

2006 Update - 06/16/06 inspection confirmed all overflow pipes have been sealed.

ACO was closed 09/28/06 and the City was told to apply to have their NJPDES CSO permit terminated. Permit was revoked with an effective date of 12/01/06.

E. 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 2006, the Department assessed a total of \$4.38 million in civil and civil administrative penalties within 157 distinct enforcement actions. This is a increase from \$2.23 million assessed 2005. Table III-7 outlines the penalties assessed by the Department since 2002. The positive action on several large enforcement cases has resulted in a significant increase in the amount of penalties assessed. This increase has also resulted in an increase of penalties collected as shown in Section 2 below.

**TABLE III-6
LOCAL (LOC) AND NONLOCAL (NL) PENALTIES ASSESSED**

PENALTY RANGES	2005			2006		
	\$ AMOUNT ASSESSED IN RANGE	TOTAL # OF ACTIONS	LOC/NL PENALTY ASSESSED	\$ AMOUNT ASSESSED IN RANGE	TOTAL # OF ACTIONS	LOC/NL PENALTY ASSESSED
>\$500,000	\$705,000	1	00/01	\$1,536,000	1	00/01
\$250,001 – 500,000	0	0	00/00	\$335,440	1	00/01
\$100,001 – 250,000	\$450,100	3	02/01	\$816,200	4	02/02
\$25,001 – 100,000	\$554,509	11	03/08	\$905,218	24	03/21
\$1 - 25,000	\$522,488	85	22/63	\$790,916	127	50/77
TOTALS	\$2,232,097	100	27/73	\$4,383,774	157	55/102

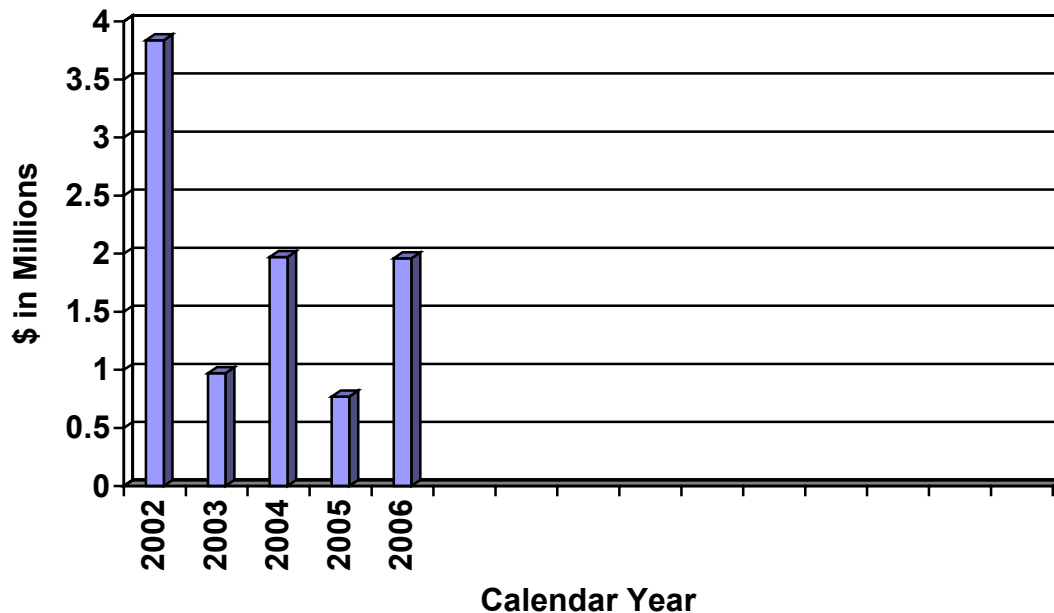
PENALTY RANGES	2004			2003			2002		
	\$ AMOUNT ASSESSED IN RANGE	TOTAL # OF ACTIONS	LOC/NL PENALTY ASSESSED	\$ AMOUNT ASSESSED IN RANGE	TOTAL # OF ACTIONS	LOC/NL PENALTY ASSESSED	\$ AMOUNT ASSESSED IN RANGE	TOTAL # OF ACTIONS	LOC/NL PENALTY ASSESSED
>\$500,000	\$958,612	1	00/01	\$604,110	1	00/01	\$917,669	2	01/01
\$250,001 – 500,000	\$ 0.0	0	00/00	\$677,182	2	01/01	\$0	0	00/00
\$100,001 – 250,000	\$610,683	4	01/03	\$467,600	3	01/02	\$314,000	2	00/02
\$25,001 – 100,000	\$1,049,527	20	06/14	\$419,877	8	02/06	\$588,237	13	02/11
\$1 - 25,000	\$621,179	107	30/77	\$295,030	44	25/19	\$452,169	77	25/52
TOTALS	\$3,240,001	132	37/95	\$2,463,799	58	29/29	\$2,272,075	95	28/67

Section Two - Penalties Collected:

In 2006, the Department collected \$1,944,496 million in penalties. This is up from last years amount collected (\$772,147 million). The increase can be attributed to an increase in the amount of penalties assessed and several large enforcement cases that have been resolved. There were 3 payments made greater than \$100,000. The highest payment received was from the Port Authority of New York & New Jersey - Lincoln Tunnel (\$335,440).

As shown in Chart III-3 below, penalty collections have averaged \$1.9 million over the past five years. It is anticipated that the amount of penalties collected each year will remain in the neighborhood of \$2.0 million or drop slightly lower. Of course, one large payment of an outstanding assessment could temporarily reverse this trend.

**CHART III - 3
PENALTIES COLLECTED 2001-2006**



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.

Twenty-four DLAs currently have obtained the Department's approval for their industrial pretreatment programs, which they implement with oversight by the Department. A listing of the DLAs is provided at the end of this chapter. The Department's oversight 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 24 DLA submissions received by the February 1, 2007 statutory deadline as well as any addenda received as of February 28, 2007. Appendix IV-A summarizes the information submitted by the DLAs. The original documents are available for review upon request.

B. PERMITS

The 24 DLAs have issued permits to control the discharges from a total of 868 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 2005, the DLAs issued a total of 46 new permits, 302 renewals, and 109 permit modifications with one permit contested by interested parties. Of the DLA regulated total of 898 dischargers, 536 were classified as CSM and 362 were classified as OR. In 2006, the DLAs issued 40 new permits, 205 renewals, and 82 permit modifications with one permit contested by interested parties. As of December 31, 2006, the DLAs had issued permits to 531 CSM facilities and 337 OR facilities for a total of 868 permits. Table IV-1 details the permit actions mentioned above and identifies the CSM and OR categories.

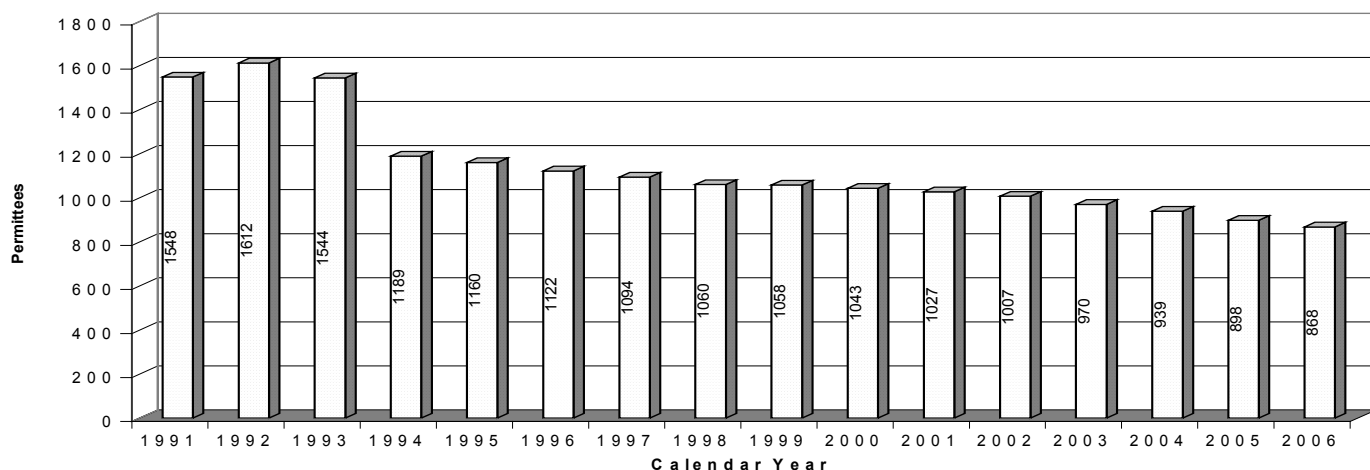
As noted in Table IV-1 below, seven (7) permittees had their permit limits relaxed through an administrative order (AO) or an administrative consent order (ACO) issued by a DLA. In six (6) of these cases, the limits were relaxed for conventional pollutants (BOD, TSS, oil and grease, etc.). In 2005, the DLAs also issued four (4) AOs or ACOs that relaxed the local limits.

**TABLE IV - 1
PERMIT ACTIVITY SUMMARY
January 1 - December 31, 2006**

PERMIT ACTIONS	CSM	OR	TOTAL
New Permits	22	18	40
Permit Renewals	114	91	205
Permit Modifications	64	18	82
Permits contested by interested parties	1	0	1
AO/ACO compliance schedules relaxing local limits	5	2	7

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 868 permittees under their regulation at the end of calendar year 2006, representing a decrease of 46.2% (or 744 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 838 of the 868 permittees at least once during the calendar year. The DLAs inspected and sampled 504 (94.9 percent) of the 531 CSM permittees and 334 (99.1 percent) of the 337 OR facilities. In 2005, the DLAs inspected and sampled 857 of the permittees at least once. The DLAs inspected and sampled 507 (94.6 percent) of the 536 CSM permittees and 350 (96.7 percent) of the 362 OR permittees. In 2006, there was a shortfall of approximately 5 percent in the number of CSM facilities both inspected and sampled, which is equivalent to the 5 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 334 of the 337 OR facilities (or 99.1 percent of the universe) in calendar year 2006, as compared to the statutory requirement of 33 percent.

D. VIOLATIONS

Section One - Violations by Permitted Facilities:

The DLAs reported 967 permit violations by permitted facilities in 2006, compared with 1,031 violations in 2005. 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 or has been submitted in an incomplete manner.

Of the 967 permit violations reported in 2006, 675 (69.8 percent) were effluent violations, and 292 (30.2 percent) were reporting violations, compared with 710 (68.9 percent) effluent violations and 321 (31.1 percent) reporting violations in 2005. The total number of violations reported decreased by 64 (6.2 percent) compared to 2005.

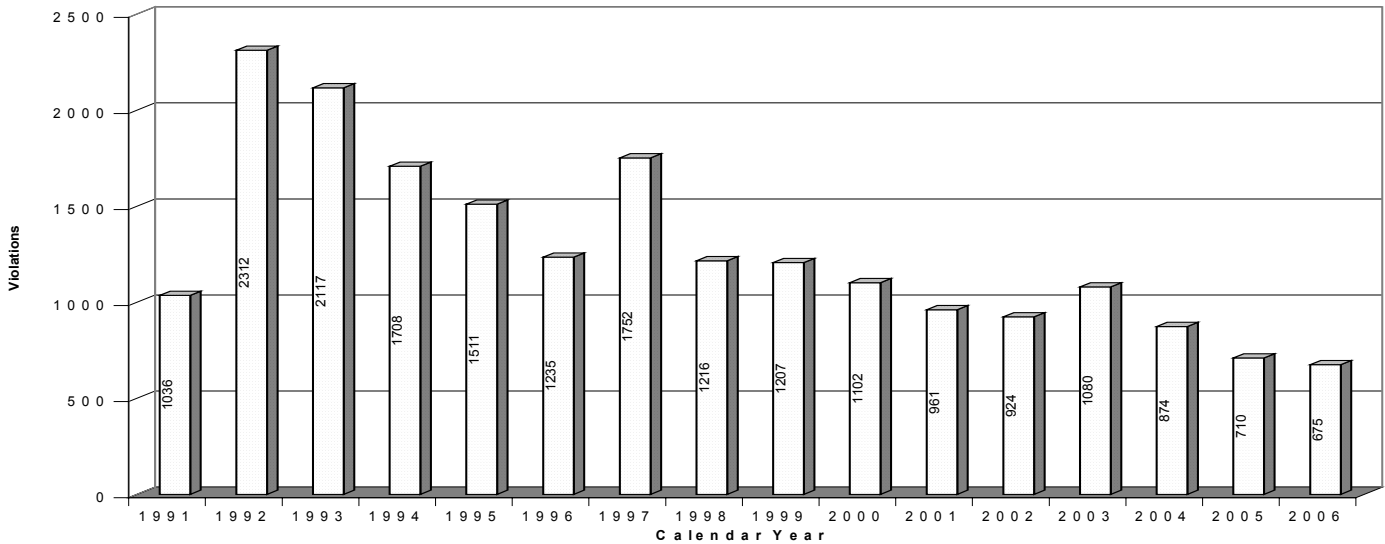
Of the 675 effluent violations, 355 (52.6 percent) were for non-hazardous discharges of conventional pollutants, such as suspended solids and nutrients, and 320 (47.4 percent) were for hazardous pollutant discharges, such as metals, organics and other toxic substances. In 2005, 355 effluent violations were for non-hazardous pollutants and 368 effluent violations were for hazardous pollutants. Of the total number of effluent violations in 2006, 234 (34.7 percent) constituted serious violations compared with 300 (44.4 percent) serious violations in 2005. 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, 2006**

VIOLATION TYPE	CSM	OR	TOTAL	%
Non-hazardous pollutants	243	112	355	36.7
Hazardous pollutants	239	81	320	33.1
Reporting violations	155	137	292	30.2
TOTALS	637	330	967	100.0

Based on a compilation of data from the CWEA annual reports submitted by the delegated local agencies since 1991, 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 675 in 2006, a decrease of 70.8 percent.

**CHART IV-2
EFFLUENT VIOLATIONS**



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 2006, the DLAs reported one unpermitted discharge. This facility is an OR facility. Although this facility was considered as "unpermitted" by the delegated local agency, the permit issuance of this facility is underway. The DLA was in the process of soliciting the permit application for this facility. In 2005, the DLAs reported six 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. No pass through incidents were reported in 2006.

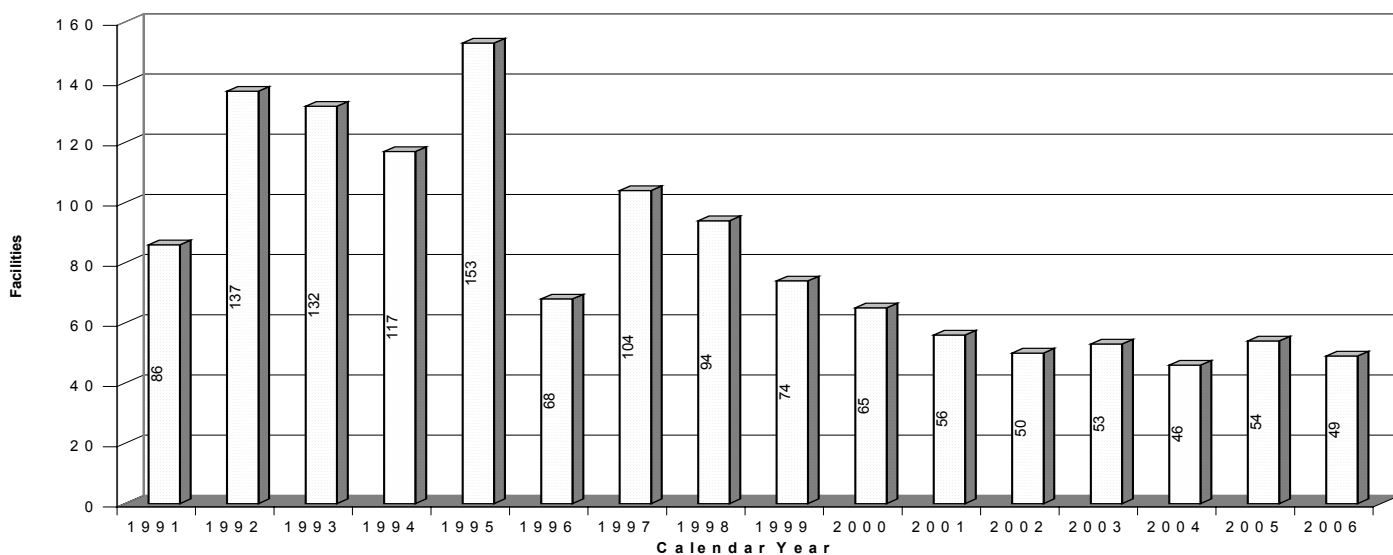
Section Three - Significant Noncompliance:

The CWEA requires that DLAs identify facilities designated as SNCs 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 49 indirect users who qualified as SNCs under the State definition during 2006. The analysis in the 2005 report indicated that 54 indirect users met the SNC definition. Therefore, there was a decrease of 5, or a 9.3 percent decrease in the number of facilities in significant noncompliance. The DLAs reported as a whole that by the end of calendar year 2006, 26 (53.1 percent) of the 49 indirect users in significant noncompliance had achieved compliance. Appendix IV-B provides information submitted by each DLA regarding the individual indirect users in significant noncompliance.

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 twelve year period from 1992 (the first full calendar year of reporting) through 2006, the number of facilities meeting SNC criteria shows a decrease of 64.2 percent. The percentage of DLA indirect users meeting the SNC criteria in 2006 was 5.6 percent.

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



Section Four - Violations of Administrative Orders and Administrative Consent Orders

Three DLAs reported that users had 17 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. In 2005, three DLAs reported that users had 8 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. No permittee is at least six months behind in the construction phase of a compliance schedule.

Section Five - Affirmative Defenses:

Eight DLAs granted 34 affirmative defenses for upsets, bypasses, testing or laboratory errors for serious violations. Twenty-six (or 76.5 percent) of the 34 affirmative defenses were given due to laboratory error, 6 (or 17.6 percent) for upset or bypass, and 2 (or 5.9 percent) for matrix interference problems or violations involving net-gross calculations where violations were due to excessive amounts of pollutants in the industries' incoming water supply. In calendar year 2005, 15

affirmative defenses were granted by six DLAs: 8 (53.3%) for laboratory error; 6 (40%) for upset or bypass; and 1 (6.7%) for matrix interference or net-gross calculation violations.

E. ENFORCEMENT ACTIONS AND PENALTIES

Section One - Enforcement Actions:

During 2006, the DLAs issued 263 enforcement actions as a result of inspections and/or sampling activities. CSM permittees were the subject of 60 percent (158) of these actions, and OR permittees were the subject of the remaining 40 percent (105). One DLA, PVSC, is responsible for a large percentage (114, or 43.3 percent) of these actions and most of these enforcement actions initiated by PVSC were due to pH violations. In 2005, the DLAs issued 263 enforcement actions. CSM permittees were the subject of 182 (65.2 percent) of these actions and OR permittees were subject to 97 (34.8 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 263 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 2006, 18 of the DLAs assessed a total of \$1,268,475 in penalties for 565 violations while collecting \$1,352,650. In 2005, 16 DLAs assessed \$1,186,913 in penalties for 603 violations while collecting \$924,051.

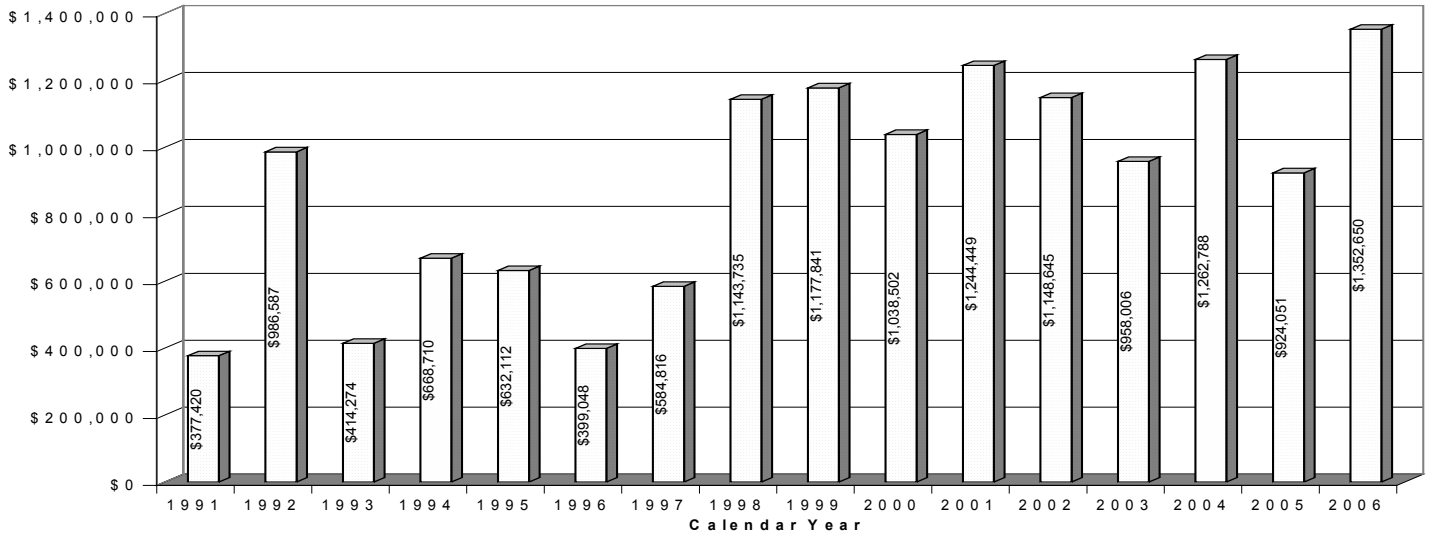
Two DLAs reported that they recovered enforcement costs in civil and/or civil administrative actions. Hanover Sewerage Authority reported that they recovered \$7,462 and the Joint Meeting of Essex and Union County reported that they recovered \$5,000 in enforcement costs in a civil action and/or civil administrative action.

DLAs may refer cases to the Attorney General's office or to the County Prosecutor for further enforcement action. In calendar year 2006, no cases were referred to either office. In 2005, two facilities were reported to the Attorney General's office 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. Appendix IV-C lists the specific purposes for which penalty monies were expended.

Chart IV-4 shows the penalty money collected by the DLAs since the implementation of the CWEA in 1991. The Chart shows that since 1998, when DLAs began assessing mandatory minimum penalties, penalties collected have remained relatively constant.

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



F. LIST OF DLAs

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

<u>Delegated Local Agency</u>	<u>Facility Mailing Address</u>
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
Ewing-Lawrence S.A.	600 Whitehead Road Lawrenceville, NJ 08648
Gloucester County U.A.	2 Paradise Road West Deptford, NJ 08066
Hamilton Township Dept. of Pollution Control	300 Hobson Ave. Hamilton, NJ 08610
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 Ave. PO Box 7603 Convent Station, NJ 07961
Mount Holly M.U.A.	37 Washington St. PO Box 486 Mount Holly, NJ 08060
North Bergen M.U.A.	6200 Tonnelle Ave. 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
Pequannock, Lincoln Park and Fairfield S.A.	PO Box 188 Lincoln Park, NJ 07035
Rahway Valley S.A.	1050 E. Hazelwood Ave. 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
Stony Brook Regional S.A.	290 River Road Princeton, NJ 08540
Trenton, City of	1502 Lambertson Road Trenton, NJ 08611
Wayne Township	475 Valley Road Municipal Bldg. Wayne, NJ 07470

V. CRIMINAL ACTIONS

CLEAN WATER ENFORCEMENT REPORT - 2006

In 2006, 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 (20) 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 2006, the Division of Criminal Justice conducted a total of twenty-five (25) WPCA investigations. The Division also reviewed over 386 Department actions (NOVs, Orders, Penalty Assessments, etc.) for potential criminality. Division State Investigators responded to twenty-three (23) water pollution emergency response incidents, out of a total of 66 emergency response incidents. The Division filed three (3) criminal actions (indictments or accusations) for violations of the requirements of the WPCA. (The Division filed a total of sixteen (16) actions in environmental cases.) Two (2) of the criminal actions constituted fourth degree charges involving a negligent violation of the WPCA. One involved third and fourth degree charges for false submissions to the Department under the Safe Drinking Water Act. Two of the three actions have been resolved through guilty pleas. (One defendant who was convicted at trial in 2005 was sentenced in 2006.) In 2006, through the successful prosecution of cases involving water pollution, the Division obtained \$175,750 in fines and restitution.

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 2006, the Morris County Prosecutor's Office filed a complaint against a corporation for a violation of the WPCA. Discussed below are the WPCA criminal actions and dispositions secured by the Division and the Morris County Prosecutor.

In summary, the Attorney General, through the Division of Criminal Justice and county prosecutors, filed three (3) WPCA criminal actions in 2006, involving one (1) third degree charge and two (2) fourth degree charges, filed one (1) criminal action under the Criminal Code for false submissions to the DEP under the Safe Drinking Water Act, and secured two (2) final dispositions for criminal violations of the WPCA. Two of these actions were not resolved in 2006.

1. In State v. George Flegal and Richard Ottens, Jr. (Indictment No. 06-06-00070-S), the State Grand Jury charged defendants with two counts of third degree tampering with public records, contrary to N.J.S.A. 2C:28-7a(3) and two counts of fourth degree falsifying records, contrary to N.J.S.A. 2C:21-4a for causing United Water Toms River to submit to NJDEP sample analysis of drinking water samples that did not accurately reflect the sources of water tested.

2. In State v. Portee (Indictment No. 05-02-0006-S), the Court sentenced defendant, the

former director of the UMDNJ-Newark physical plant, to a one year probationary term, fined him \$750 and permanently disqualified him from public office for third degree witness tampering contrary to N.J.S.A. 2C:28-5 relating to the ECB's investigation into the unlawful discharge of acidic wastewater from the UMDNJ physical plant into the sewer system.

3. In State v. Kumar Ogale (Accusation No. 06-07-00692I), the State filed an Accusation against defendant charging him with a fourth degree violation of the Water Pollution Control Act, N.J.S.A. 58:10A-10f(3) for allowing subordinates over a period of several months in the first portion of 2006 to discharge wastewater contaminated with Isopropyl Alcohol into the storm drain system. Defendant pled guilty and was sentenced to a probationary term. The company, TransWeb entered into an agreement with the State to pay a \$20,000 fine and \$5,000 to a Delaware River environmental group.

4. In State v. Charles Evans (Accusation No. B06-12-0099A), the ECB filed an accusation against Evans, a former health and environment supervisor for Ferro Corp. in Logan Township charging him with a fourth degree violation of the Water Pollution Control Act (N.J.S.A. 58:10A-10f(3)) for causing Ferro to submit false information to the DEP in monthly discharge monitoring reports. Defendant pled guilty and was sentenced in 2007 to probation and a \$15,000 fine.

5. In the Matter of EELC LLC, the ECB obtained a \$150,000 settlement from the company relating to the ECB's investigation into freshwater wetland violations at Linden Landfill. The \$150,000 has been paid to New Jersey Natural Lands Trust for wetlands projects.

6. In State v. Seabreeze Inc. 06-08-0975A, Seabreeze Inc. was charged with the release of a pollutant into a waterway without a valid New Jersey Pollution Discharge Elimination System Permit (NJPDES Permit) N.J.S.A. 58:10a-10f(2). This action brought by the Morris County Prosecutor's Office involved the discharge of a pollutant from a commercial soda making processing into the storm drain system. The investigation revealed that the discharge was caused by employees of Sea breeze Inc. who utilized a sump pump to pump Corn syrup, Strawberry Flavor, Red Coloring #40, Xanthan Gum and Citric Acid into a storm drain located on the property of Sea breeze Inc., 441 Route 202, Montville, N.J. The discharge then flowed into a retention pond on the Seabreeze Inc. property and subsequently into an unnamed stream which is a tributary of the Pompton River. The discharge was discovered by nearby residents who reported that the stream water had turned red. Seabreeze Inc. was charged with discharging a pollutant into the waters of the State of New Jersey without a valid NJPDES Permit, N.J.S.A. 58:10a-6a and 58:10a-10f(2). Seabreeze Inc. pled guilty to the above charges on August 8, 2006. The Honorable N. Peter Conforti J.S.C. admitted Seabreeze Inc. into the PTI program, conditioned upon 12 months supervision and restitution to Clean Water Enforcement Fund of \$5,000.00.

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 2006, based upon cost accounting data.

The CWEF Schedule

A total of \$1,043,587.14 in penalty receipts was deposited in the second half of FY2006 and \$2,284,684.97 in penalty receipts was deposited during the first half of fiscal year 2007.

TABLE VI – 1
CLEAN WATER ENFORCEMENT FUND SCHEDULE
For the period from January 1, 2006 through December 31, 2006

	January – June 2006	July – December 2006
Total Penalties Recorded	\$1,043,587.14	\$2,284,684.97

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. In calendar year 2006, the Fund disbursed \$252,000.00 to the Division of Law for the costs of litigating civil and administrative enforcement cases and other legal services; and \$91,557.38 to the Office of Administrative Law for costs associated with adjudicating WPCA enforcement cases. The CWEF disbursed \$737,057.35 for expenses incurred by the Department (see Table VI-2 for additional details).

TABLE VI-2
CLEAN WATER ENFORCEMENT COST STATEMENT

For the period from January 1, 2006 through December 31, 2006

	FY2006 January - June	FY2007 July – December
Division of Law (Dept. of Law & Public Safety)	\$210,745.00	\$41,255.00
Office of Administrative Law	\$91,557.38	-0-
Office of Information Technology	\$105.00	-0-
Department of Environmental Protection		
- Salaries	\$330,182.44	\$344,762.86
- Materials and Supplies	\$8,576.68	\$3,498.20
- Services Other than Personal	\$34,258.85	\$14,142.03
- Maintenance and Fixed Charges	\$1,322.75	-0-
- Equipment	\$313.54	-0-
DEP Subtotal	\$374,654.26	\$362,403.09
Total Disbursements	\$677,061.64	\$403,658.09

VII. WATER QUALITY ASSESSMENT

A. Introduction

This Water Quality Assessment section of the CWEA Report provides an overview of the quality of New Jersey's surface waters. Direct evaluation of the effects of point source compliance on water quality is challenging because of the difficulty in measuring the direct effects of permit violations on ambient water quality. Because permit compliance rates remain high and permit violations are often of very short duration, instream monitoring that corresponds spatially and temporally to permit violations is not feasible. Water quality, as reflected in ambient monitoring and summarized here, largely reflects loadings resulting from point sources discharging at or below permitted levels combined with nonpoint sources and groundwater inputs.

B. 2006 Integrated Report

The Department assesses the status of rivers, streams, lakes, and coastal waters through extensive water quality monitoring networks. These results are then compiled and assessed biennially into a formal *Integrated Report* (combined 305(b) report and 303(d) List), which is submitted to USEPA. The most recent Integrated Report is the [2006 Integrated Report](#), which forms the basis for the water quality information presented here. Assessments in the 2006 Report are based upon a wide range of high quality data generated by this Department as well as outside groups such as the New Jersey Pinelands Commission, USGS, Delaware River Basin Commission, Monmouth County Health Department and others. Assessment methods are explained in the Department's [Methods Document](#). The surface water quality data assessed for the 2006 Integrated Report was collected between 1999 and 2004.

The 2006 Integrated Report contains an [Integrated List](#) consisting of five sublists. All assessed waterbodies are placed on one of these sublists based upon the degree of support of designated uses, how much is known about the waterway's water quality status, and the type of impairment preventing use support. Sublist 1 identifies waterbodies where the designated use is assessed and attained and all other designated uses in the assessment unit are assessed and attained (except for fish consumption). Sublist 2 identifies waterbodies where the designated use is assessed and attained but one or more other designated uses are not attained and/or there is insufficient information to make a determination. Sublist 3 identifies waterbodies for which there is insufficient data available to determine if the designated use is attained. Sublist 4 identifies waterbodies where the designated use is not attained but a TMDL has been completed or other enforceable pollution control requirements are reasonably expected to achieve use attainment. Sublist 5 identifies waterbodies where the designated use is not attained or is threatened by a pollutant(s) and a TMDL is required. Sublist 5 is used to develop the List of Water Quality Impaired Waters ([303\(d\) List](#)).

For the 2006 Integrated Report, the Department changed the assessment unit delineation and the sublist categories on the Integrated List. For the 2004 Integrated Report, the Integrated List was based on waterbody/pollutant combinations. For the 2006 Integrated Report, the Integrated List was based on HUC-14 subwatersheds and lakes. The total number of assessment units identified statewide in the 2006 Integrated Report is 970 (see Table 1, below).

Table 1: Assessment Units Per Designated Use

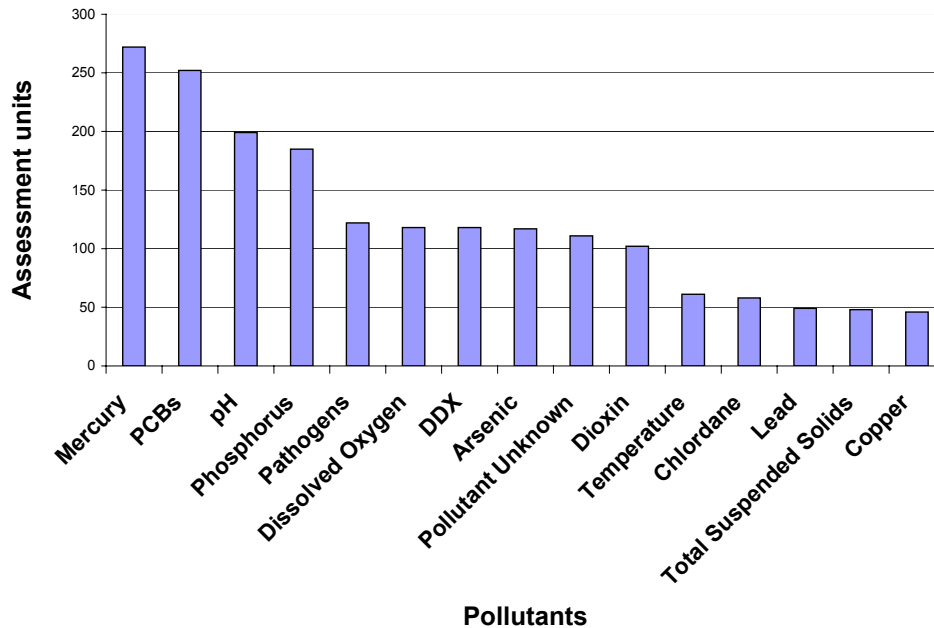
Designated Use	Total Number of Assessment Units, Excluding Lakes (2006 Integrated Report)
Aquatic Life	970
Recreation	970 (940 for primary recreation)
Drinking Water Supply	733
Industrial Water Supply	733
Agricultural Water Supply	567
Fish Consumption	970
Shellfish Harvest	170

Key Findings

- In approximately 25% of the State’s HUC-14 subwatersheds, the Department had sufficient data to fully assess all applicable designated uses, except fish consumption. Nine percent (9%) were fully assessed including fish consumption.
- Ninety percent (90%) of the State’s stream miles (16,410 of 18,126 stream miles) were assessed for at least one designated use; 99.8% of the total acres of estuaries, bays, and ocean waters (166,384 of 166,133 acres) were assessed for at least one designated use.
- Ten percent (10%) of the State’s assessed subwatersheds attained all applicable designated uses (i.e., full attainment).
- Almost 100% of ocean beaches are fully swimmable.
- All freshwaters of the State are designated for drinking water supply use. Over 70% of assessed subwatersheds attained the drinking water supply use.
- Less than 20% of the State’s waters attain the general aquatic life use; less than 20% of rivers and streams classified for trout production/trout maintenance attain this aquatic life use.

The Department identified 688 (71%) HUC-14 subwatersheds and 161 (34%) lakes as impaired for one or more designated uses. These waterbodies appear on Sublist 5 for one or more pollutants. The Department identified the pollutants causing the impairment for each assessment unit/designated use combination identified on Sublist 5 and developed the 2006 303(d) List of Impaired Waters. There are a total of 33 pollutants identified on the 2006 303(d) List in one or more assessment units, resulting in 2012 pollutant/waterbody combinations. The top five pollutants (**mercury, PCBs, pH, phosphorus, and pathogens**) are responsible for over 50% of the listings. The top 16 pollutants are responsible for over 90% of the listings, as shown in Figure 1 below.

Figure 1: Pollutants Responsible For Over 90% of Impairments



Mercury and PCBs (polychlorinated biphenols) caused the highest number of impairments in New Jersey’s waters, with 272 and 252 impaired assessment units, respectively. These impairments were generally associated with fish consumption advisories and fish tissue analysis, but some were associated with water column data. All locations sampled to date for fish tissue have resulted in the issuance of fish consumption advisories due to excessive levels of one of these persistent, ubiquitous contaminants. Sources of these pollutants include air deposition, sediments, municipal and industrial point source discharges, and contaminated sites.

Concentrations of PCBs have decreased markedly compared to evaluations made a decade ago. The observed decreases could be due to environmental cleanups, pollution prevention programs, or changes in the bioavailability of contaminants. PCBs are very stable in the environment; hence, reductions are largely due to input reductions and the gradual outflow of sediments to estuaries and ocean and/or burial by successive generations of non-contaminated sediment. Although environmental levels of some contaminants, such as PCBs, are dropping, increased listings are expected in the future due to two converging factors. The first is New Jersey’s adoption of more protective, more restrictive fish advisory triggers. The second factor is the planned assessment of new and as yet un-monitored waters for fish tissue contaminants. The Department has proposed amendments to the NJPDES rules at N.J.A.C. 7:14A to address point source discharges of PCBs and mercury. The Department has also made considerable progress implementing a broad effort to reduce environmental mercury, particularly from air deposition, based upon recommendations from New Jersey’s Mercury Task Force.

pH caused the second highest number of impairments, affecting 199 assessment units. Many of the streams listed as impaired for pH flow into and out of the Pinelands but are classified as FW2 waters; only streams within the geographic boundary of the Pinelands region are classified as Pinelands (PL) waters, with a lower surface water quality criterion for pH. As a result, many streams are listed as impaired due to naturally acidic conditions. While a majority of the impairments may be resolved by refinements to the Surface Water Quality Standards, other impairments may be due

to excessive algal productivity The Department will need to determine the natural boundary for low pH waters and revise the stream classification or establish site-specific criteria, as appropriate.

Phosphorus caused the third most frequent number of impairments, affecting 185 assessment units. Municipal point sources affected only 76 of these subwatersheds. For the 2006 Integrated Report, waters were considered impaired for phosphorus if ambient concentrations exceeded the numerical criterion of 0.1 mg/L. The Surface Water Quality Standards also include narrative criteria stating that the numeric criteria apply unless phosphorus is not limiting and does not render the waters unsuitable for the designated uses. The Department has not assessed whether the levels of phosphorus render the waters unsuitable for their respective uses. The NJPDES program provides permitted discharge facilities an opportunity to determine whether or not the phosphorus levels present in their receiving waters render the waters unsuitable. A waterbody may be delisted for phosphorus if it can be demonstrated that phosphorus levels above the numeric criterion do not render the waters unsuitable (see Section C for more details).

The Department completed phosphorus TMDLs for 16 subwatersheds listed as impaired on the 2004 Integrated List. The Department plans to develop 92 TMDLs to address the impairments due to phosphorus in the next two years. TMDLs are underway to address impairments in the Passaic River Watershed and the Raritan-Millstone River Watershed. These two TMDL initiatives alone are expected to address 63 subwatersheds.

Pathogens caused the impairment of 122 assessment units. The presence of bacteria associated with human waste (i.e., fecal matter) that may contain pathogens is generally used to determine if waters are unsafe to swim. Thus, attainment of the recreational use was assessed using a suite of bacterial indicators. Pathogens are generally associated with Combined Sewer Overflows, failing septic systems, and illicit discharges, but may also be contributed by nonpoint sources of pollution, e.g., stormwater runoff containing fecal matter deposited by pets, wildlife, and waterfowl. The Department has prioritized TMDL development for fecal coliform impairments identified on the 1998 303(d) List and has adopted 360 pathogen TMDLs to date.

Dissolved oxygen (DO) caused the impairment of 118 assessment units, including 38 in ocean waters; however only 7% (34 of 465) of assessed freshwater waterbodies exceeded aquatic life criteria for DO. DO is necessary for almost all aquatic life; consequently the concentration of DO in the water column provides a good indicator of the health of an aquatic ecosystem. Under low DO conditions, fish are more susceptible to the effects of other pollutants, such as metals and toxics, and at very low DO levels, trace metals from sediments are released into the water column.

As stated above, DO impairments were observed in 38 ocean assessment units. Low DO in the ocean is due to an extensive anoxic cell that forms off the coast during the summer months and breaks up in the fall. The biological impacts of this low DO cell are currently unknown, but are of increasing concern regarding potential impacts to marine biology. The reason for this benthic low DO cell is not known, although summer algal bloom die-off has been implicated. The impacts on benthic marine biota are unclear as well. It is important to note that surface DO levels have historically been acceptable.

Heavy Metals: Due to the high cost of metals analysis, the percentage of waters assessed for metals is currently low; however, the number of waterbodies sampled grows with time. Exceedances of the surface water quality criteria for chromium, nickel, and zinc were relatively low. A greater number of exceedances were identified for **arsenic**, mercury, cadmium, copper, and lead. One hundred seventeen (117) subwatersheds were listed as not attaining the drinking water use due to exceedances of the human health-based criterion of 0.017 µg/L arsenic in the New Jersey Surface

Water Quality Standards. However, exceedance of this criterion is not directly related to the safety of finished water supplies since the New Jersey Drinking Water Maximum Contaminant Level (NJMCL) for arsenic is 5.0 µg/L. Only two out of 606 community water systems in New Jersey have incurred violations of the NJMCL for arsenic. The Department will be evaluating natural and background concentrations of arsenic in New Jersey's waters and will revise the Surface Water Quality Standards as appropriate.

The 1998 303(d) List identified impairments from metals based on a review of effluent data since ambient water quality data for metals was unavailable or unreliable. Since then, more sophisticated monitoring and analytical methods (i.e. Clean Methods) have been developed specifically for heavy metals and the Department has employed a Metals Monitoring program targeted at verifying the metals impairments identified on the 1998 List. This has resulted in delisting many waterbodies previously thought to be impaired for heavy metals.

Total Dissolved Solids (TDS): Over 95% of assessed freshwater assessment units achieved the Surface Water Quality Standards for TDS. Unlike DO and Phosphorus conditions, which have improved statewide, TDS showed declining conditions in over 60% of the stations. TDS is comprised of minerals and other substances dissolved in water. Changes in TDS can affect organisms by altering the flow of water through cell membranes, which can retard growth or even cause death. These changes can make water unfit for many uses. TDS exceedances have been associated with runoff from urban and agricultural areas, especially runoff containing salt used to control ice on roadways. Wastewater treatment discharges and discharges associated with septic systems can also contribute to increased TDS loads.

Ammonia: Prior to upgrades and regionalization of sewage treatment plants, ammonia exceedances were common in streams receiving effluent. Since then, the improvement of un-ionized ammonia concentrations in waters statewide has been dramatic.

C. Evaluation of Point Source Contribution to Water Quality

As stated earlier, it is difficult to correlate ambient water quality data to the impact of point source discharges on surface water quality. However, to the extent that a particular pollutant is believed to cause impairment of a particular waterbody, the establishment of a Total Maximum Daily Load (TMDL) should provide a process whereby all sources of the pollutant in question are evaluated along with their relative contribution to the impairment. The TMDL will include load and wasteload allocations for those sources, based on their relative contribution, which will result in a reduction in the amount of pollutant discharged into the receiving waterbody so that Surface Water Quality Standards will be achieved and the designated uses attained over time. Implementation of the TMDL and continued water quality monitoring and assessment to track progress in attaining the designated uses should confirm the relationship between specific point source discharges of the pollutants believed to cause impairment and the actual impairment itself.

While DO and phosphorus are identified as the pollutants causing non-attainment for a significant number of impairments using 2004 data, a trend analysis of water quality from 1985 to 2004 indicates that nutrient concentrations, including DO, are improving or remaining stable throughout the State. These results are consistent with the improvements to water quality expected from upgrades to wastewater treatment plants occurring since the 1980's. Nutrient loads, especially ammonia, have been reduced significantly through more extensive wastewater treatment.

As indicated in Section B. above, Total Phosphorus is a pollutant of concern in many of the state's waters. While the average phosphorus concentration has declined or remained stable, 35% of

assessed streams show levels above the numeric surface water quality criterion of 0.1 mg/L. Total Phosphorus is often contributed by both point and nonpoint sources. The amount of Total Phosphorus contributed by point source discharges remains a concern. For example, a preliminary TMDL report for the Passaic River shows the river's flow to be dominated by 24 municipal treatment plants. Under summer low flow conditions, treated wastewater comprises over 50% of the overall stream flow.

Phosphorus is a required nutrient for plants and algae but is considered a pollutant when it stimulates excessive primary production. The symptoms of excessive primary productivity include oxygen supersaturation during the day, oxygen depletion during the night, and a high sedimentation rate. Algae are the catalysts for these processes. Excessive oxygen depletion can result in fish kills. Secondary biological impacts can include loss of biodiversity and structural changes to communities. Excessive primary production may occur in depositional areas such as impoundments and under summer low flow conditions. Excessive primary production may be manifested as blooms of floating algae (seston), attached algae (periphyton), or dense aquatic vegetation, which in turn affects diurnal oxygen dynamics.

The Surface Water Quality Standards include both numeric and narrative water quality criteria for TP in FW2 lakes and streams, as follows:

- a) Lakes: Phosphorus as total P shall not exceed 0.05 (mg/L) in any lake, pond, or reservoir, or in a tributary at the point where it enters such bodies of water, except where watershed or site-specific criteria are developed pursuant to N.J.A.C. 7:9B-1.5(g)3.
- b) Streams: Except as necessary to satisfy the more stringent criteria in the paragraph above or where watershed or site-specific criteria are developed pursuant to N.J.A.C. 7:9B-1.5(g)3, phosphorus as total P shall not exceed 0.1 (mg/L) in any stream, unless it can be demonstrated that total P is not a limiting nutrient and will not otherwise render the waters unsuitable for the designated uses.

The Department's numerical criteria are based on a "causative" indicator, namely total phosphorus. The narrative criteria for streams allows for an evaluation based upon "response" indicators to determine whether uses are being rendered unsuitable because of the concentration of phosphorus in the specific stream resulting in excessive algae caused by nutrients. In 2002, the Department began to fully implement the numeric water quality criteria for total phosphorus in NJPDES permits to ensure that the surface water quality standards would be achieved. A water quality based effluent limit (WQBEL) of 0.1 mg/L was imposed in the NJPDES permits of facilities discharging to waterbodies listed as impaired for total phosphorus on the State's 2002 List of Impaired Waterbodies. In March 2003, the Department published the *Technical Manual for Phosphorus Evaluation for NJPDES DSW Permits* to assist facilities in determining whether total phosphorus levels observed in-stream rendered the waters unsuitable for the designated uses. NJPDES permitted facilities were provided the opportunity to obtain diurnal dissolved oxygen measurements as well as chlorophyll α levels in phytoplankton and periphyton that the Department could use to evaluate whether the phosphorus levels did not render the waters unsuitable.

If the permittee successfully demonstrated that the levels of phosphorus did not render the waters unsuitable, the permittee could request a modification of the NJPDES permit to remove the current phosphorus limit. Otherwise, as required by the NJPDES permit, actions must be initiated to achieve compliance with the WQBEL.

The demonstration allowed under the NJPDES permit program was designed to evaluate near-field impacts. The Department recognized that it was possible that a NJPDES permittee could demonstrate that the phosphorus levels present near the discharge did not render the waters unsuitable. However, that level of total phosphorus could still cause problems at a downstream lake or impoundment, which was outside the area studied by the permittee. To address these concerns, permits must include a reopener clause that would allow a new or modified WQBEL based on a waste load allocation established through a TMDL or reflective of any new rule or regulation.

D. Surface Water Quality Monitoring

Monitoring data are used to establish baseline conditions, determine water quality trends, identify water pollution solutions, or further clarify water quality problems. The Department's Water Monitoring and Standards Program is responsible for conducting ambient water quality monitoring in New Jersey. The current chemical stream monitoring network, the Ambient Stream Monitoring Network (ASMN), has been operating since the autumn of 1997. The ASMN consists of 800 potential locations, from which 115 samples are taken annually, including both fixed and randomly selected sites. This network is supplemented by additional monitoring at 100 sites (The Supplemental Monitoring Network) designed to assess specific issues such as heavy metals, baseline water quality, etc. In addition, the Water Monitoring and Standards Program monitors the State's coastal waters for sanitary and chemical quality in support of shellfish harvesting and assesses the biological status of fin-fish and benthic macroinvertebrate communities in fresh nontidal waters.

These monitoring efforts do not specify, target, or identify impacts from regulated NJPDES facilities. As mentioned earlier, the Department has reassessed most of the waterbodies listed as impaired for metals on the 1998 303(d) List. The new data has been used to "delist" a number of pollutant/waterbody combinations that were listed as impaired in previous 303(d) Lists. All delisted waters are identified in [Appendix C](#) of the 2006 Integrated Report.

E. References and Sources of Additional Information

Additional information regarding water quality in New Jersey may be obtained by visiting the Water Monitoring and Standards Program Web site at: <http://www.state.nj.us/dep/wms>

APPENDIX III- A

**NJ DEPARTMENT OF ENVIRONMENTAL PROTECTION
SIGNIFICANT NONCOMPLIERS**

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

1. Ferro Corporation

NJPDES No. NJ0005045

Block 1, Lots 3 and 3.01, Block 6, Lots 1, 2, 3 and 4.02

Logan Township, Gloucester County

Description and date of violations:

The Department issued a NJPDES permit to discharge to the Delaware River to Solutia, Inc., the facility's previous owner, on April 22, 1999 and transferred the permit to Ferro Corporation on April 22, 1999. Ferro conducted a self-audit on laboratory data used to generate Discharge Monitoring Reports (DMRs) for the monitoring periods of November 2000 through May 2005 and discovered that on numerous occasions, data had not been accurately reported on those DMRs. Ferro subsequently submitted corrected DMRs to the Department and a review of those DMRs indicated violations for Acute Bioassay, Biochemical Oxygen Demand, Fecal Coliform, pH, Phenol, and Total Suspended Solids.

Follow-up and action:

Ferro Corporation instituted improved data handling procedures in order to prevent a recurrence of such data errors. Therefore, on August 16, 2006, the Department and Ferro Corporation executed a SA/P in the amount of \$201,500.

Total Number of Violations: 111

2. LaBrea Bakery, Inc.

NJPDES No. NJ0139700

Block 2803 , Lot 30

Logan Township, Gloucester County

Description and date of violations:

The Department issued a NJPDES Significant Indirect User permit to discharge to the Logan Township Municipal Utilities Authority on January 31, 2002. On April 30, 2004, the Department and LaBrea Bakery, Inc. executed an Administrative Consent Order (ACO) that established interim effluent limitations for Biochemical Oxygen Demand (BOD), Total Suspended Solids (TSS) and Oil & Grease. DMRs for the monitoring periods of December 2004, November 2005 and December 2005 indicated violations of the ACO interim limitations for BOD and TSS.

Follow-up and action:

On June 2, 2006, the Department issued a Stipulated Penalty Demand Letter to LaBrea Bakery, Inc. in the amount of \$27,000.

Total Number of Violations: 6

3. Morris Lake WTP
NJPDES No. NJ0136603
Sparta Township, Morris County

Description and date of violations:

The Department issued a NJPDES Permit to discharge to Morris Lake on January 1, 2002. DMRs for the monitoring periods of May, July and August 2005 indicated violations for Total Suspended Solids.

Follow-up and action:

On May 3, 2006, the Department and the Town of Newton executed a SA/P in the amount of \$11,000.

Total Number of Violations: 3

4. Warren County Landfill
NJPDES No. NJ0102598
Block 32, Lot 12, 13, 14, 15, 22, 34, Lot 17, 18, 18.01, 18.02
White Township, Warren County

Description and date of violations:

The Department issued a Significant Indirect User NJPDES Permit to Warren County Landfill on June 10, 2000. The effective date of the Permit was July 1, 2000. DMRs for the monitoring periods of July 2004 through January 2006 indicated violations for Chemical Oxygen Demand and Ammonia.

Follow-up and action:

On July 26, 2006, the Department and Warren County Landfill executed a SA/P in the amount of \$68,000.

Total Number of Violations: 16

5. PLIVA, Inc.
NJPDES No. NJ0108430
17, 19 & 32 West Street
East Hanover Township, Morris County

Description and date of violations:

The Department issued a NJPDES Significant Industrial User Permit to PLIVA on January 23, 2001. Discharge Monitoring Reports (DMRs) for the monitoring periods of November 2003, May 2005 and July 2005 indicated serious violations for Acetone at outfall 001L.

Follow-up action:

On April 10, 2006, the Department and PLIVA executed a SA/P in the amount of \$7,000.

Total Number of Violations: 3

6. Frutarom USA, Inc.

NJD PES No. NJ0061468

Block 467-2b, Lot 3A, 9500 Railroad Avenue
North Bergen Township, Hudson County

Description and date of violations:

The Department issued a NJPDES Discharge to Surface Water Permit on August 1, 1999 to Frutarom USA, Incorporated (“Frutarom”) to discharge into Bellmans Creek. The permit was subsequently renewed August 1, 2004. Discharge Monitoring Reports (DMRs) from April 2001 through October 2006 indicated permit limit violations for Petroleum Hydrocarbons, Chemical Oxygen Demand, Oil and Grease, and Total Suspended Solids.

Follow-up and action:

On November 13, 2006, the Department and Frutarom executed an Administrative Consent Order in the amount of \$448,500.

Total Number of violations: 58

7. U.S Foodservice, Inc.

NJD PES No. NJ0061450

Block 2516, Lots 1.1 & 1.2, 360 S. Van Brunt Street
Englewood City, Bergen County

Description and date of violations:

The Department issued a NJPDES Discharge to Surface Water Permit on November 4, 1986 to U.S. Foodservice, Incorporated (“U.S. Foodservice”) to discharge into Overpeck Creek. The permit was subsequently renewed on August 1, 1998 and again on May 1, 2004. Discharge Monitoring Reports (DMRs) from April 1996 through February 2006 indicated permit limit violations for Biochemical Oxygen Demand, Petroleum Hydrocarbons, Chemical Oxygen Demand, Oil and Grease, and Total Suspended Solids. DMRs for October 1998 and August 2000 indicated that U.S. Foodservice failed to monitor and report as required by the permit for Petroleum Hydrocarbons.

Follow-up and action:

On June 27, 2006, the Department and U.S. Foodservice executed an Administrative Consent Order in the amount of \$304,000.

Total Number of violations: 75

**8. Bergen County Utilities Authority
Wastewater Treatment Facility**

NJPDES Permit No.: NJ0020028

Block 106, Lots 1 through 11, 13, 13A, 13C, & 13G
Little Ferry Borough, Bergen County

Description and date of violations:

The Department issued a NJPDES Discharge to Surface Water Permit on August 1, 1996 to the Bergen County Utilities Authority – Wastewater Treatment Facility (“BCUA”) to discharge into the Hackensack River. Discharge Monitoring Reports (DMRs) from June 2000 through August 2001 indicated permit limit violations for Chlorine Produced Oxidants.

Follow-up and action:

On August 4, 2006, the Department and BCUA executed a Settlement Agreement in the amount of \$142,000.

Total Number of violations: 30

9. Port Authority of New York & New Jersey

Lincoln Tunnel

NJPDES Permit No.: NJ0103314

Weehawken Township, Hudson County

Description and date of violations:

The Department issued a NJPDES Discharge to Surface Water Permit on January 1, 2000 to the Port Authority of New York & New Jersey - Lincoln Tunnel (“Port Authority”) to discharge into the Hudson River. Discharge Monitoring Reports (DMRs) from July 2000 through February 2005 indicated that the Port Authority – Lincoln Tunnel failed to monitor and report as required by the permit for Petroleum Hydrocarbons, pH, Chemical Oxygen Demand, and Total Suspended Solids.

Follow-up and action:

On October 16, 2006, the Department and the Port Authority executed a Settlement Agreement in the amount of \$335,440.

Total Number of violations: 96

10. Carter Road CE, LLC – Hopewell Business Campus
NJPDES No. NJ0000809

Block 37, Lot 17.01, 330 Carter Road
Hopewell Township, Mercer County

Description and date of violations:

The Department issued a NJPDES Permit to discharge to the Cleveland Brook to Carter Road CE, LLC – Hopewell Business Campus on November 1, 2002. DMRs for the monitoring periods of November 2005 through January 2006 indicated violations for Total Recoverable Copper at outfall number 003A.

Follow-up and action:

On April 7, 2006, the Department and Carter Road CE, LLC – Hopewell Business Campus executed a SA/P in the amount of \$30,000.

Total Number of Violations: 3

APPENDIX IV-A

DLA – SUMMARY OF RESPONSES

This appendix contains a copy of the CWEA Annual Report required to be completed and Submitted by the twenty-four delegated local agencies as well as a summary of their Responses to each of the questions within the report.

Authority Name	CSM	Other Reg.	Item Total
BAYSHORE REGIONAL SEWERAGE AUTHORITY	2	1	3
BERGEN COUNTY UTILITIES AUTHORITY	52	60	112
CAMDEN COUNTY MUNICIPAL UTILITIES AUTHORITY	44	33	77
CUMBERLAND COUNTY UTILITIES AUTHORITY	6	0	6
EWING-LAWRENCE SEWERAGE AUTHORITY	3	0	3
GLOUCESTER COUNTY UTILITIES AUTHORITY	14	4	18
HAMILTON TOWNSHIP DEPARTMENT OF WATER POLLUTION CONTROL	3	7	10
HANOVER SEWERAGE AUTHORITY	3	6	9
JOINT MEETING OF ESSEX AND UNION COUNTIES	41	16	57
MIDDLESEX COUNTY UTILITIES AUTHORITY	99	0	99
MOUNT HOLLY MUNICIPAL UTILITIES AUTHORITY	6	3	9
NORTH BERGEN MUNICIPAL UTILITIES AUTHORITY	3	0	3
NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY	10	37	47
PASSAIC VALLEY SEWERAGE COMMISSIONERS	128	103	231
PEQUANNOCK, LINCOLN PARK, & FAIRFIELD SEWERAGE AUTHORITY	4	13	17
RAHWAY VALLEY SEWERAGE AUTHORITY	16	15	31
ROCKAWAY VALLEY REGIONAL SEWERAGE AUTHORITY	8	12	20
STONY BROOK REGIONAL SEWERAGE AUTHORITY	2	0	2
THE LINDEN ROSELLE SEWERAGE AUTHORITY	18	0	18
THE OCEAN COUNTY UTILITIES AUTHORITY	37	15	52
THE SOMERSET RARITAN VALLEY SEWERAGE AUTHORITY	20	10	30
TOWNSHIP OF MORRIS	2	1	3
TRENTON SEWER UTILITY	3	1	4
WAYNE TOWNSHIP	7	0	7
Total:	531	337	868
Count	24		

Authority Name	CSM	Other Reg.	Item Total
BAYSHORE REGIONAL SEWERAGE AUTHORITY	0	1	1
BERGEN COUNTY UTILITIES AUTHORITY	0	0	0
CAMDEN COUNTY MUNICIPAL UTILITIES AUTHORITY	0	0	0
CUMBERLAND COUNTY UTILITIES AUTHORITY	0	0	0
EWING-LAWRENCE SEWERAGE AUTHORITY	0	0	0
GLOUCESTER COUNTY UTILITIES AUTHORITY	0	0	0
HAMILTON TOWNSHIP DEPARTMENT OF WATER POLLUTION CONTROL	0	0	0
HANOVER SEWERAGE AUTHORITY	0	0	0
JOINT MEETING OF ESSEX AND UNION COUNTIES	0	0	0
MIDDLESEX COUNTY UTILITIES AUTHORITY	0	0	0
MOUNT HOLLY MUNICIPAL UTILITIES AUTHORITY	0	0	0
NORTH BERGEN MUNICIPAL UTILITIES AUTHORITY	0	0	0
NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY	0	0	0
PASSAIC VALLEY SEWERAGE COMMISSIONERS	0	0	0
PEQUANNOCK, LINCOLN PARK, & FAIRFIELD SEWERAGE AUTHORITY	0	0	0
RAHWAY VALLEY SEWERAGE AUTHORITY	0	0	0
ROCKAWAY VALLEY REGIONAL SEWERAGE AUTHORITY	0	0	0
STONY BROOK REGIONAL SEWERAGE AUTHORITY	0	0	0
THE LINDEN ROSELLE SEWERAGE AUTHORITY	0	0	0
THE OCEAN COUNTY UTILITIES AUTHORITY	0	0	0
THE SOMERSET RARITAN VALLEY SEWERAGE AUTHORITY	0	0	0
TOWNSHIP OF MORRIS	0	0	0
TRENTON SEWER UTILITY	0	0	0
WAYNE TOWNSHIP	0	0	0
Total:	0	1	1
Count			

APPENDIX IV-A Question 3
 TOTAL NUMBER OF NEW INDIRECT USER PERMITS ISSUED
 CWEA Annual Report Summary - 2006

Authority Name	CSM	Other Reg.	Item Total
BAYSHORE REGIONAL SEWERAGE AUTHORITY	0	0	0
BERGEN COUNTY UTILITIES AUTHORITY	4	0	4
CAMDEN COUNTY MUNICIPAL UTILITIES AUTHORITY	0	1	1
CUMBERLAND COUNTY UTILITIES AUTHORITY	0	0	0
EWING-LAWRENCE SEWERAGE AUTHORITY	0	0	0
GLOUCESTER COUNTY UTILITIES AUTHORITY	0	0	0
HAMILTON TOWNSHIP DEPARTMENT OF WATER POLLUTION CONTROL	0	0	0
HANOVER SEWERAGE AUTHORITY	0	0	0
JOINT MEETING OF ESSEX AND UNION COUNTIES	0	0	0
MIDDLESEX COUNTY UTILITIES AUTHORITY	4	0	4
MOUNT HOLLY MUNICIPAL UTILITIES AUTHORITY	0	0	0
NORTH BERGEN MUNICIPAL UTILITIES AUTHORITY	0	0	0
NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY	0	2	2
PASSAIC VALLEY SEWERAGE COMMISSIONERS	10	12	22
PEQUANNOCK, LINCOLN PARK, & FAIRFIELD SEWERAGE AUTHORITY	0	2	2
RAHWAY VALLEY SEWERAGE AUTHORITY	0	0	0
ROCKAWAY VALLEY REGIONAL SEWERAGE AUTHORITY	0	0	0
STONY BROOK REGIONAL SEWERAGE AUTHORITY	0	0	0
THE LINDEN ROSELLE SEWERAGE AUTHORITY	1	0	1
THE OCEAN COUNTY UTILITIES AUTHORITY	1	0	1
THE SOMERSET RARITAN VALLEY SEWERAGE AUTHORITY	2	1	3
TOWNSHIP OF MORRIS	0	0	0
TRENTON SEWER UTILITY	0	0	0
WAYNE TOWNSHIP	0	0	0
Total:	22	18	40
Count	24		

Authority Name	CSM	Other Reg.	Item Total
BAYSHORE REGIONAL SEWERAGE AUTHORITY	0	0	0
BERGEN COUNTY UTILITIES AUTHORITY	0	0	0
CAMDEN COUNTY MUNICIPAL UTILITIES AUTHORITY	4	1	5
CUMBERLAND COUNTY UTILITIES AUTHORITY	6	0	6
EWING-LAWRENCE SEWERAGE AUTHORITY	0	0	0
GLOUCESTER COUNTY UTILITIES AUTHORITY	0	0	0
HAMILTON TOWNSHIP DEPARTMENT OF WATER POLLUTION CONTROL	0	0	0
HANOVER SEWERAGE AUTHORITY	1	0	1
JOINT MEETING OF ESSEX AND UNION COUNTIES	5	1	6
MIDDLESEX COUNTY UTILITIES AUTHORITY	16	0	16
MOUNT HOLLY MUNICIPAL UTILITIES AUTHORITY	0	0	0
NORTH BERGEN MUNICIPAL UTILITIES AUTHORITY	3	0	3
NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY	10	35	45
PASSAIC VALLEY SEWERAGE COMMISSIONERS	37	35	72
PEQUANNOCK, LINCOLN PARK, & FAIRFIELD SEWERAGE AUTHORITY	0	1	1
RAHWAY VALLEY SEWERAGE AUTHORITY	8	4	12
ROCKAWAY VALLEY REGIONAL SEWERAGE AUTHORITY	3	5	8
STONY BROOK REGIONAL SEWERAGE AUTHORITY	0	0	0
THE LINDEN ROSELLE SEWERAGE AUTHORITY	1	0	1
THE OCEAN COUNTY UTILITIES AUTHORITY	10	8	18
THE SOMERSET RARITAN VALLEY SEWERAGE AUTHORITY	9	1	10
TOWNSHIP OF MORRIS	0	0	0
TRENTON SEWER UTILITY	0	0	0
WAYNE TOWNSHIP	1	0	1
Total:	114	91	205
Count	24		

APPENDIX IV-A Question 5
 TOTAL NUMBER OF INDIRECT USER PERMIT MODIFICATIONS
 CWEA Annual Report Summary - 2006

Authority Name	CSM	Other Reg.	Item Total
BAYSHORE REGIONAL SEWERAGE AUTHORITY	0	1	1
BERGEN COUNTY UTILITIES AUTHORITY	6	3	9
CAMDEN COUNTY MUNICIPAL UTILITIES AUTHORITY	9	2	11
CUMBERLAND COUNTY UTILITIES AUTHORITY	0	0	0
EWING-LAWRENCE SEWERAGE AUTHORITY	1	0	1
GLOUCESTER COUNTY UTILITIES AUTHORITY	1	0	1
HAMILTON TOWNSHIP DEPARTMENT OF WATER POLLUTION CONTROL	0	0	0
HANOVER SEWERAGE AUTHORITY	0	2	2
JOINT MEETING OF ESSEX AND UNION COUNTIES	7	2	9
MIDDLESEX COUNTY UTILITIES AUTHORITY	18	0	18
MOUNT HOLLY MUNICIPAL UTILITIES AUTHORITY	6	3	9
NORTH BERGEN MUNICIPAL UTILITIES AUTHORITY	0	0	0
NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY	0	3	3
PASSAIC VALLEY SEWERAGE COMMISSIONERS	8	1	9
PEQUANNOCK, LINCOLN PARK, & FAIRFIELD SEWERAGE AUTHORITY	0	0	0
RAHWAY VALLEY SEWERAGE AUTHORITY	0	1	1
ROCKAWAY VALLEY REGIONAL SEWERAGE AUTHORITY	0	0	0
STONY BROOK REGIONAL SEWERAGE AUTHORITY	0	0	0
THE LINDEN ROSELLE SEWERAGE AUTHORITY	3	0	3
THE OCEAN COUNTY UTILITIES AUTHORITY	1	0	1
THE SOMERSET RARITAN VALLEY SEWERAGE AUTHORITY	2	0	2
TOWNSHIP OF MORRIS	0	0	0
TRENTON SEWER UTILITY	0	0	0
WAYNE TOWNSHIP	2	0	2

Total:
 Count

24

64 18 82

Authority Name	CSM	Other Reg.	Item Total	
BAYSHORE REGIONAL SEWERAGE AUTHORITY	0	0	0	
BERGEN COUNTY UTILITIES AUTHORITY	0	0	0	
CAMDEN COUNTY MUNICIPAL UTILITIES AUTHORITY	0	0	0	
CUMBERLAND COUNTY UTILITIES AUTHORITY	0	0	0	
EWING-LAWRENCE SEWERAGE AUTHORITY	0	0	0	
GLOUCESTER COUNTY UTILITIES AUTHORITY	0	0	0	
HAMILTON TOWNSHIP DEPARTMENT OF WATER POLLUTION CONTROL	0	0	0	
HANOVER SEWERAGE AUTHORITY	0	0	0	
JOINT MEETING OF ESSEX AND UNION COUNTIES	0	0	0	
MIDDLESEX COUNTY UTILITIES AUTHORITY	1	0	1	
MOUNT HOLLY MUNICIPAL UTILITIES AUTHORITY	0	0	0	
NORTH BERGEN MUNICIPAL UTILITIES AUTHORITY	0	0	0	
NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY	0	0	0	
PASSAIC VALLEY SEWERAGE COMMISSIONERS	0	0	0	
PEQUANNOCK, LINCOLN PARK, & FAIRFIELD SEWERAGE AUTHORITY	0	0	0	
RAHWAY VALLEY SEWERAGE AUTHORITY	0	0	0	
ROCKAWAY VALLEY REGIONAL SEWERAGE AUTHORITY	0	0	0	
STONY BROOK REGIONAL SEWERAGE AUTHORITY	0	0	0	
THE LINDEN ROSELLE SEWERAGE AUTHORITY	0	0	0	
THE OCEAN COUNTY UTILITIES AUTHORITY	0	0	0	
THE SOMERSET RARITAN VALLEY SEWERAGE AUTHORITY	0	0	0	
TOWNSHIP OF MORRIS	0	0	0	
TRENTON SEWER UTILITY	0	0	0	
WAYNE TOWNSHIP	0	0	0	
Total: Count	24	1	0	1

Authority Name	CSM	Other Reg.	Item Total
BAYSHORE REGIONAL SEWERAGE AUTHORITY	0	0	0
BERGEN COUNTY UTILITIES AUTHORITY	0	0	0
CAMDEN COUNTY MUNICIPAL UTILITIES AUTHORITY	0	2	2
CUMBERLAND COUNTY UTILITIES AUTHORITY	1	0	1
EWING-LAWRENCE SEWERAGE AUTHORITY	0	0	0
GLOUCESTER COUNTY UTILITIES AUTHORITY	0	0	0
HAMILTON TOWNSHIP DEPARTMENT OF WATER POLLUTION CONTROL	0	0	0
HANOVER SEWERAGE AUTHORITY	0	0	0
JOINT MEETING OF ESSEX AND UNION COUNTIES	3	0	3
MIDDLESEX COUNTY UTILITIES AUTHORITY	0	0	0
MOUNT HOLLY MUNICIPAL UTILITIES AUTHORITY	0	0	0
NORTH BERGEN MUNICIPAL UTILITIES AUTHORITY	0	0	0
NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY	0	0	0
PASSAIC VALLEY SEWERAGE COMMISSIONERS	0	0	0
PEQUANNOCK, LINCOLN PARK, & FAIRFIELD SEWERAGE AUTHORITY	0	0	0
RAHWAY VALLEY SEWERAGE AUTHORITY	0	0	0
ROCKAWAY VALLEY REGIONAL SEWERAGE AUTHORITY	0	0	0
STONY BROOK REGIONAL SEWERAGE AUTHORITY	0	0	0
THE LINDEN ROSELLE SEWERAGE AUTHORITY	0	0	0
THE OCEAN COUNTY UTILITIES AUTHORITY	1	0	1
THE SOMERSET RARITAN VALLEY SEWERAGE AUTHORITY	0	0	0
TOWNSHIP OF MORRIS	0	0	0
TRENTON SEWER UTILITY	0	0	0
WAYNE TOWNSHIP	0	0	0
Total:	5	2	7
Count	24		

APPENDIX IV-A Question 8
 TOTAL NUMBER OF FACILITIES INSPECTED AND SAMPLED AT LEAST ONCE
 CWEA Annual Report Summary - 2006

Authority Name	CSM	Other Reg.	Item Total
BAYSHORE REGIONAL SEWERAGE AUTHORITY	2	1	3
BERGEN COUNTY UTILITIES AUTHORITY	49	60	109
CAMDEN COUNTY MUNICIPAL UTILITIES AUTHORITY	43	33	76
CUMBERLAND COUNTY UTILITIES AUTHORITY	6	0	6
EWING-LAWRENCE SEWERAGE AUTHORITY	4	0	4
GLOUCESTER COUNTY UTILITIES AUTHORITY	14	4	18
HAMILTON TOWNSHIP DEPARTMENT OF WATER POLLUTION CONTROL	2	6	8
HANOVER SEWERAGE AUTHORITY	3	6	9
JOINT MEETING OF ESSEX AND UNION COUNTIES	41	25	66
MIDDLESEX COUNTY UTILITIES AUTHORITY	83	0	83
MOUNT HOLLY MUNICIPAL UTILITIES AUTHORITY	6	3	9
NORTH BERGEN MUNICIPAL UTILITIES AUTHORITY	3	3	6
NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY	9	35	44
PASSAIC VALLEY SEWERAGE COMMISSIONERS	128	103	231
PEQUANNOCK, LINCOLN PARK, & FAIRFIELD SEWERAGE AUTHORITY	4	5	9
RAHWAY VALLEY SEWERAGE AUTHORITY	16	15	31
ROCKAWAY VALLEY REGIONAL SEWERAGE AUTHORITY	8	12	20
STONY BROOK REGIONAL SEWERAGE AUTHORITY	2	0	2
THE LINDEN ROSELLE SEWERAGE AUTHORITY	17	0	17
THE OCEAN COUNTY UTILITIES AUTHORITY	34	14	48
THE SOMERSET RARITAN VALLEY SEWERAGE AUTHORITY	18	7	25
TOWNSHIP OF MORRIS	2	1	3
TRENTON SEWER UTILITY	3	1	4
WAYNE TOWNSHIP	7	0	7
Total:	504	334	838
Count	24		

APPENDIX IV-A Question 9
 TOTAL NUMBER OF PASS THROUGH POLLUTANTS
 CWEA Annual Report Summary - 2006

Authority Name	CSM	Other Reg.	Item Total
BAYSHORE REGIONAL SEWERAGE AUTHORITY	0	0	0
BERGEN COUNTY UTILITIES AUTHORITY	0	0	0
CAMDEN COUNTY MUNICIPAL UTILITIES AUTHORITY	0	0	0
CUMBERLAND COUNTY UTILITIES AUTHORITY	0	0	0
EWING-LAWRENCE SEWERAGE AUTHORITY	0	0	0
GLOUCESTER COUNTY UTILITIES AUTHORITY	0	0	0
HAMILTON TOWNSHIP DEPARTMENT OF WATER POLLUTION CONTROL	0	0	0
HANOVER SEWERAGE AUTHORITY	0	0	0
JOINT MEETING OF ESSEX AND UNION COUNTIES	0	0	0
MIDDLESEX COUNTY UTILITIES AUTHORITY	0	0	0
MOUNT HOLLY MUNICIPAL UTILITIES AUTHORITY	0	0	0
NORTH BERGEN MUNICIPAL UTILITIES AUTHORITY	0	0	0
NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY	0	0	0
PASSAIC VALLEY SEWERAGE COMMISSIONERS	0	0	0
PEQUANNOCK, LINCOLN PARK, & FAIRFIELD SEWERAGE AUTHORITY	0	0	0
RAHWAY VALLEY SEWERAGE AUTHORITY	0	0	0
ROCKAWAY VALLEY REGIONAL SEWERAGE AUTHORITY	0	0	0
STONY BROOK REGIONAL SEWERAGE AUTHORITY	0	0	0
THE LINDEN ROSELLE SEWERAGE AUTHORITY	0	0	0
THE OCEAN COUNTY UTILITIES AUTHORITY	0	0	0
THE SOMERSET RARITAN VALLEY SEWERAGE AUTHORITY	0	0	0
TOWNSHIP OF MORRIS	0	0	0
TRENTON SEWER UTILITY	0	0	0
WAYNE TOWNSHIP	0	0	0
Total: Count	24	0	0

TOTAL NUMBER OF INDIRECT USER PERMIT VIOLATIONS
 CWEA Annual Report Summary - 2006

Authority Name	a			b			c			TOTAL VIOLS 10a+b+c
	CSM	OR	Item Total	CSM	OR	Item Total	CSM	OR	Item Total	
BAYSHORE REGIONAL SEWERAGE AUTH	0	0	0	0	0	0	0	0	0	0
BERGEN COUNTY UTILITIES AUTHORITY	2	3	5	8	3	11	14	8	22	38
CAMDEN COUNTY MUNICIPAL UTILITIES AUTHORITY	1	4	5	34	26	60	78	42	120	185
CUMBERLAND COUNTY UTILITIES AUTHORITY	3	0	3	0	0	0	3	0	3	6
EWING-LAWRENCE SEWERAGE AUTHORITY	0	0	0	0	0	0	2	0	2	2
GLOUCESTER COUNTY UTILITIES AUTHORITY	6	0	6	0	0	0	3	1	4	10
HAMILTON TOWNSHIP DEPARTMENT OF WATER POLLUTION CONTROL	2	1	3	0	0	0	0	2	2	5
HANOVER SEWERAGE AUTHORITY	3	9	12	3	3	6	6	12	18	36
JOINT MEETING OF ESSEX AND UNION COUNTIES	10	6	16	39	6	45	32	37	69	130
MIDDLESEX COUNTY UTILITIES AUTHORITY	16	0	16	46	0	46	18	0	18	80
MOUNT HOLLY MUNICIPAL UTILITIES AUTHORITY	4	0	4	2	0	2	1	0	1	7
NORTH BERGEN MUNICIPAL UTILITIES AUTHORITY	0	0	0	0	0	0	4	0	4	4
NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY	4	9	13	0	0	0	4	1	5	18
PASSAIC VALLEY SEWERAGE COMMISSION	79	86	165	100	40	140	0	0	0	305
PEQUANNOCK, LINCOLN PARK & FAIRFIELD SEWERAGE AUTHORITY	0	0	0	0	1	1	0	1	1	2
RAHWAY VALLEY SEWERAGE AUTHORITY	4	6	10	0	2	2	10	2	12	24
ROCKAWAY VALLEY REGIONAL SEWERAGE AUTHORITY	1	10	11	1	0	1	8	5	13	25
STONY BROOK REGIONAL SEWERAGE AUTHORITY	0	0	0	0	0	0	1	0	1	1
THE LINDEN ROSELLE SEWERAGE AUTHORITY	2	0	2	2	0	2	2	0	2	6
THE OCEAN COUNTY UTILITIES AUTHORITY	13	2	15	2	0	2	42	1	43	60
THE SOMERSET RARITAN VALLEY SEWERAGE AUTHORITY	2	1	3	1	0	1	8	0	8	12
TOWNSHIP OF MORRIS	3	0	3	0	0	0	0	0	0	3
TRENTON SEWER UTILITY	0	0	0	0	0	0	0	0	0	0
WAYNE TOWNSHIP	0	0	0	1	0	1	7	0	7	8
Total:	155	137	292	239	81	320	243	112	355	967
Count	24									

a = Reporting Violations
 b = Effluent Violations for Hazardous Pollutants
 c = Effluent Violations for Non-Hazardous Pollutants

EFFLUENT VIOLATIONS CONSTITUTING SERIOUS VIOLATIONS (incl. those contested)
 CWEA Annual Report Summary - 2006

Authority Name	CSM	Other Reg.	Item Total
BAYSHORE REGIONAL SEWERAGE AUTHORITY	0	0	0
BERGEN COUNTY UTILITIES AUTHORITY	11	5	16
CAMDEN COUNTY MUNICIPAL UTILITIES AUTHORITY	38	16	54
CUMBERLAND COUNTY UTILITIES AUTHORITY	0	0	0
EWING-LAWRENCE SEWERAGE AUTHORITY	0	0	0
GLOUCESTER COUNTY UTILITIES AUTHORITY	1	1	2
HAMILTON TOWNSHIP DEPARTMENT OF WATER POLLUTION CONTROL	0	1	1
HANOVER SEWERAGE AUTHORITY	1	4	5
JOINT MEETING OF ESSEX AND UNION COUNTIES	21	8	29
MIDDLESEX COUNTY UTILITIES AUTHORITY	42	0	42
MOUNT HOLLY MUNICIPAL UTILITIES AUTHORITY	1	0	1
NORTH BERGEN MUNICIPAL UTILITIES AUTHORITY	0	0	0
NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY	2	0	2
PASSAIC VALLEY SEWERAGE COMMISSIONERS	28	26	54
PEQUANNOCK, LINCOLN PARK, & FAIRFIELD SEWERAGE AUTHORITY	0	2	2
RAHWAY VALLEY SEWERAGE AUTHORITY	2	2	4
ROCKAWAY VALLEY REGIONAL SEWERAGE AUTHORITY	0	6	6
STONY BROOK REGIONAL SEWERAGE AUTHORITY	0	0	0
THE LINDEN ROSELLE SEWERAGE AUTHORITY	2	0	2
THE OCEAN COUNTY UTILITIES AUTHORITY	5	0	5
THE SOMERSET RARITAN VALLEY SEWERAGE AUTHORITY	4	0	4
TOWNSHIP OF MORRIS	0	0	0
TRENTON SEWER UTILITY	0	0	0
WAYNE TOWNSHIP	5	0	5
Total:	163	71	234
Count	24		

APPENDIX IV-A Question 12
 AFFIRMATIVE DEFENSES GRANTED (FOR UPSETS, BYPASSES, ETC.) INVOLVING SERIOUS VIOLATIONS
 CWEA Annual Report Summary - 2006

Authority Name	CSM	Other Reg.	Item Total
BAYSHORE REGIONAL SEWERAGE AUTHORITY	0	0	0
BERGEN COUNTY UTILITIES AUTHORITY	1	4	5
CAMDEN COUNTY MUNICIPAL UTILITIES AUTHORITY	6	2	8
CUMBERLAND COUNTY UTILITIES AUTHORITY	0	0	0
EWING-LAWRENCE SEWERAGE AUTHORITY	0	0	0
GLOUCESTER COUNTY UTILITIES AUTHORITY	2	0	2
HAMILTON TOWNSHIP DEPARTMENT OF WATER POLLUTION CONTROL	0	1	1
HANOVER SEWERAGE AUTHORITY	0	0	0
JOINT MEETING OF ESSEX AND UNION COUNTIES	0	0	0
MIDDLESEX COUNTY UTILITIES AUTHORITY	15	0	15
MOUNT HOLLY MUNICIPAL UTILITIES AUTHORITY	0	0	0
NORTH BERGEN MUNICIPAL UTILITIES AUTHORITY	0	0	0
NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY	0	0	0
PASSAIC VALLEY SEWERAGE COMMISSIONERS	0	0	0
PEQUANNOCK, LINCOLN PARK, & FAIRFIELD SEWERAGE AUTHORITY	0	0	0
RAHWAY VALLEY SEWERAGE AUTHORITY	0	1	1
ROCKAWAY VALLEY REGIONAL SEWERAGE AUTHORITY	0	0	0
STONY BROOK REGIONAL SEWERAGE AUTHORITY	0	0	0
THE LINDEN ROSELLE SEWERAGE AUTHORITY	1	0	1
THE OCEAN COUNTY UTILITIES AUTHORITY	1	0	1
THE SOMERSET RARITAN VALLEY SEWERAGE AUTHORITY	0	0	0
TOWNSHIP OF MORRIS	0	0	0
TRENTON SEWER UTILITY	0	0	0
WAYNE TOWNSHIP	0	0	0
Total: Count	24	8	34

APPENDIX IV-A Question 13
 TOTAL NUMBER OF INDIRECT USERS QUALIFYING AS SIGNIFICANT NONCOMPLIERS
 CWEA Annual Report Summary - 2006

Authority Name	CSM	Other Reg.	Item Total
BAYSHORE REGIONAL SEWERAGE AUTHORITY	0	0	0
BERGEN COUNTY UTILITIES AUTHORITY	0	0	0
CAMDEN COUNTY MUNICIPAL UTILITIES AUTHORITY	4	3	7
CUMBERLAND COUNTY UTILITIES AUTHORITY	1	0	1
EWING-LAWRENCE SEWERAGE AUTHORITY	0	0	0
GLOUCESTER COUNTY UTILITIES AUTHORITY	1	0	1
HAMILTON TOWNSHIP DEPARTMENT OF WATER POLLUTION CONTROL	0	0	0
HANOVER SEWERAGE AUTHORITY	0	1	1
JOINT MEETING OF ESSEX AND UNION COUNTIES	12	4	16
MIDDLESEX COUNTY UTILITIES AUTHORITY	6	0	6
MOUNT HOLLY MUNICIPAL UTILITIES AUTHORITY	0	0	0
NORTH BERGEN MUNICIPAL UTILITIES AUTHORITY	0	0	0
NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY	1	0	1
PASSAIC VALLEY SEWERAGE COMMISSIONERS	8	3	11
PEQUANNOCK, LINCOLN PARK, & FAIRFIELD SEWERAGE AUTHORITY	0	0	0
RAHWAY VALLEY SEWERAGE AUTHORITY	1	0	1
ROCKAWAY VALLEY REGIONAL SEWERAGE AUTHORITY	0	0	0
STONY BROOK REGIONAL SEWERAGE AUTHORITY	0	0	0
THE LINDEN ROSELLE SEWERAGE AUTHORITY	0	0	0
THE OCEAN COUNTY UTILITIES AUTHORITY	2	0	2
THE SOMERSET RARITAN VALLEY SEWERAGE AUTHORITY	2	0	2
TOWNSHIP OF MORRIS	0	0	0
TRENTON SEWER UTILITY	0	0	0
WAYNE TOWNSHIP	0	0	0
Total: Count	24	38	11 49

APPENDIX IV-A Question 14
 TOTAL NUMBER OF VIOLATIONS OF AO/ACOs
 CWEA Annual Report Summary - 2006

Authority Name	CSM	Other Reg.	Item Total
BAYSHORE REGIONAL SEWERAGE AUTHORITY	0	0	0
BERGEN COUNTY UTILITIES AUTHORITY	0	0	0
CAMDEN COUNTY MUNICIPAL UTILITIES AUTHORITY	1	2	3
CUMBERLAND COUNTY UTILITIES AUTHORITY	0	0	0
EWING-LAWRENCE SEWERAGE AUTHORITY	0	0	0
GLOUCESTER COUNTY UTILITIES AUTHORITY	0	0	0
HAMILTON TOWNSHIP DEPARTMENT OF WATER POLLUTION CONTROL	0	0	0
HANOVER SEWERAGE AUTHORITY	0	0	0
JOINT MEETING OF ESSEX AND UNION COUNTIES	13	0	13
MIDDLESEX COUNTY UTILITIES AUTHORITY	0	0	0
MOUNT HOLLY MUNICIPAL UTILITIES AUTHORITY	0	0	0
NORTH BERGEN MUNICIPAL UTILITIES AUTHORITY	0	0	0
NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY	0	0	0
PASSAIC VALLEY SEWERAGE COMMISSIONERS	0	1	1
PEQUANNOCK, LINCOLN PARK, & FAIRFIELD SEWERAGE AUTHORITY	0	0	0
RAHWAY VALLEY SEWERAGE AUTHORITY	0	0	0
ROCKAWAY VALLEY REGIONAL SEWERAGE AUTHORITY	0	0	0
STONY BROOK REGIONAL SEWERAGE AUTHORITY	0	0	0
THE LINDEN ROSELLE SEWERAGE AUTHORITY	0	0	0
THE OCEAN COUNTY UTILITIES AUTHORITY	0	0	0
THE SOMERSET RARITAN VALLEY SEWERAGE AUTHORITY	0	0	0
TOWNSHIP OF MORRIS	0	0	0
TRENTON SEWER UTILITY	0	0	0
WAYNE TOWNSHIP	0	0	0
Total:	14	3	17
Count	24		

Authority Name	CSM	Other Reg.	Item Total
BAYSHORE REGIONAL SEWERAGE AUTHORITY	0	0	0
BERGEN COUNTY UTILITIES AUTHORITY	0	0	0
CAMDEN COUNTY MUNICIPAL UTILITIES AUTHORITY	0	0	0
CUMBERLAND COUNTY UTILITIES AUTHORITY	0	0	0
EWING-LAWRENCE SEWERAGE AUTHORITY	0	0	0
GLOUCESTER COUNTY UTILITIES AUTHORITY	0	0	0
HAMILTON TOWNSHIP DEPARTMENT OF WATER POLLUTION CONTROL	0	0	0
HANOVER SEWERAGE AUTHORITY	0	0	0
JOINT MEETING OF ESSEX AND UNION COUNTIES	0	0	0
MIDDLESEX COUNTY UTILITIES AUTHORITY	0	0	0
MOUNT HOLLY MUNICIPAL UTILITIES AUTHORITY	0	0	0
NORTH BERGEN MUNICIPAL UTILITIES AUTHORITY	0	0	0
NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY	0	0	0
PASSAIC VALLEY SEWERAGE COMMISSIONERS	0	0	0
PEQUANNOCK, LINCOLN PARK, & FAIRFIELD SEWERAGE AUTHORITY	0	0	0
RAHWAY VALLEY SEWERAGE AUTHORITY	0	0	0
ROCKAWAY VALLEY REGIONAL SEWERAGE AUTHORITY	0	0	0
STONY BROOK REGIONAL SEWERAGE AUTHORITY	0	0	0
THE LINDEN ROSELLE SEWERAGE AUTHORITY	0	0	0
THE OCEAN COUNTY UTILITIES AUTHORITY	0	0	0
THE SOMERSET RARITAN VALLEY SEWERAGE AUTHORITY	0	0	0
TOWNSHIP OF MORRIS	0	0	0
TRENTON SEWER UTILITY	0	0	0
WAYNE TOWNSHIP	0	0	0

Total:
 Count

24

0 0 0

Authority Name	CSM	Other Reg.	Item Total
BAYSHORE REGIONAL SEWERAGE AUTHORITY	0	0	0
BERGEN COUNTY UTILITIES AUTHORITY	0	0	0
CAMDEN COUNTY MUNICIPAL UTILITIES AUTHORITY	1	1	2
CUMBERLAND COUNTY UTILITIES AUTHORITY	1	0	1
EWING-LAWRENCE SEWERAGE AUTHORITY	0	0	0
GLOUCESTER COUNTY UTILITIES AUTHORITY	1	0	1
HAMILTON TOWNSHIP DEPARTMENT OF WATER POLLUTION CONTROL	0	0	0
HANOVER SEWERAGE AUTHORITY	0	0	0
JOINT MEETING OF ESSEX AND UNION COUNTIES	8	2	10
MIDDLESEX COUNTY UTILITIES AUTHORITY	1	0	1
MOUNT HOLLY MUNICIPAL UTILITIES AUTHORITY	0	0	0
NORTH BERGEN MUNICIPAL UTILITIES AUTHORITY	0	0	0
NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY	0	0	0
PASSAIC VALLEY SEWERAGE COMMISSIONERS	5	2	7
PEQUANNOCK, LINCOLN PARK, & FAIRFIELD SEWERAGE AUTHORITY	0	0	0
RAHWAY VALLEY SEWERAGE AUTHORITY	1	0	1
ROCKAWAY VALLEY REGIONAL SEWERAGE AUTHORITY	0	0	0
STONY BROOK REGIONAL SEWERAGE AUTHORITY	0	0	0
THE LINDEN ROSELLE SEWERAGE AUTHORITY	0	0	0
THE OCEAN COUNTY UTILITIES AUTHORITY	2	0	2
THE SOMERSET RARITAN VALLEY SEWERAGE AUTHORITY	1	0	1
TOWNSHIP OF MORRIS	0	0	0
TRENTON SEWER UTILITY	0	0	0
WAYNE TOWNSHIP	0	0	0
Total:	21	5	26
Count	24		

Authority Name	CSM	Other Reg.	Item Total
BAYSHORE REGIONAL SEWERAGE AUTHORITY	0	0	0
BERGEN COUNTY UTILITIES AUTHORITY	1	1	2
CAMDEN COUNTY MUNICIPAL UTILITIES AUTHORITY	2	1	3
CUMBERLAND COUNTY UTILITIES AUTHORITY	1	0	1
EWING-LAWRENCE SEWERAGE AUTHORITY	0	0	0
GLOUCESTER COUNTY UTILITIES AUTHORITY	1	0	1
HAMILTON TOWNSHIP DEPARTMENT OF WATER POLLUTION CONTROL	0	0	0
HANOVER SEWERAGE AUTHORITY	0	0	0
JOINT MEETING OF ESSEX AND UNION COUNTIES	12	4	16
MIDDLESEX COUNTY UTILITIES AUTHORITY	2	0	2
MOUNT HOLLY MUNICIPAL UTILITIES AUTHORITY	0	0	0
NORTH BERGEN MUNICIPAL UTILITIES AUTHORITY	0	0	0
NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY	0	0	0
PASSAIC VALLEY SEWERAGE COMMISSIONERS	5	2	7
PEQUANNOCK, LINCOLN PARK, & FAIRFIELD SEWERAGE AUTHORITY	0	0	0
RAHWAY VALLEY SEWERAGE AUTHORITY	2	1	3
ROCKAWAY VALLEY REGIONAL SEWERAGE AUTHORITY	0	0	0
STONY BROOK REGIONAL SEWERAGE AUTHORITY	0	0	0
THE LINDEN ROSELLE SEWERAGE AUTHORITY	0	0	0
THE OCEAN COUNTY UTILITIES AUTHORITY	2	0	2
THE SOMERSET RARITAN VALLEY SEWERAGE AUTHORITY	0	0	0
TOWNSHIP OF MORRIS	0	0	0
TRENTON SEWER UTILITY	0	0	0
WAYNE TOWNSHIP	0	0	0
Total:	28	9	37
Count	24		

APPENDIX IV-A Question 17
 TOTAL NUMBER OF ENFORCEMENT ACTIONS RESULTING FROM DLA INSPECTIONS/SAMPLING
 CWEA Annual Report Summary - 2006

Authority Name	CSM	Other Reg.	Item Total
BAYSHORE REGIONAL SEWERAGE AUTHORITY	0	0	0
BERGEN COUNTY UTILITIES AUTHORITY	5	5	10
CAMDEN COUNTY MUNICIPAL UTILITIES AUTHORITY	5	3	8
CUMBERLAND COUNTY UTILITIES AUTHORITY	2	0	2
EWING-LAWRENCE SEWERAGE AUTHORITY	0	0	0
GLOUCESTER COUNTY UTILITIES AUTHORITY	0	0	0
HAMILTON TOWNSHIP DEPARTMENT OF WATER POLLUTION CONTROL	0	2	2
HANOVER SEWERAGE AUTHORITY	5	8	13
JOINT MEETING OF ESSEX AND UNION COUNTIES	38	21	59
MIDDLESEX COUNTY UTILITIES AUTHORITY	3	0	3
MOUNT HOLLY MUNICIPAL UTILITIES AUTHORITY	2	0	2
NORTH BERGEN MUNICIPAL UTILITIES AUTHORITY	0	0	0
NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY	0	1	1
PASSAIC VALLEY SEWERAGE COMMISSIONERS	59	55	114
PEQUANNOCK, LINCOLN PARK, & FAIRFIELD SEWERAGE AUTHORITY	0	1	1
RAHWAY VALLEY SEWERAGE AUTHORITY	7	6	13
ROCKAWAY VALLEY REGIONAL SEWERAGE AUTHORITY	0	3	3
STONY BROOK REGIONAL SEWERAGE AUTHORITY	0	0	0
THE LINDEN ROSELLE SEWERAGE AUTHORITY	4	0	4
THE OCEAN COUNTY UTILITIES AUTHORITY	18	0	18
THE SOMERSET RARITAN VALLEY SEWERAGE AUTHORITY	5	0	5
TOWNSHIP OF MORRIS	0	0	0
TRENTON SEWER UTILITY	0	0	0
WAYNE TOWNSHIP	5	0	5
Total:	158	105	263
Count	24		

APPENDIX IV-A Question 18
 TOTAL NUMBER OF VIOLATIONS FOR WHICH PENALTIES HAVE BEEN ASSESSED
 CWEA Annual Report Summary - 2006

Authority Name	CSM	Reg.	Total
BAYSHORE REGIONAL SEWERAGE AUTHORITY	0	0	0
BERGEN COUNTY UTILITIES AUTHORITY	7	2	9
CAMDEN COUNTY MUNICIPAL UTILITIES AUTHORITY	47	74	121
CUMBERLAND COUNTY UTILITIES AUTHORITY	3	0	3
EWING-LAWRENCE SEWERAGE AUTHORITY	0	0	0
GLOUCESTER COUNTY UTILITIES AUTHORITY	7	1	8
HAMILTON TOWNSHIP DEPARTMENT OF WATER POLLUTION CONTROL	0	0	0
HANOVER SEWERAGE AUTHORITY	21	10	31
JOINT MEETING OF ESSEX AND UNION COUNTIES	37	26	63
MIDDLESEX COUNTY UTILITIES AUTHORITY	22	0	22
MOUNT HOLLY MUNICIPAL UTILITIES AUTHORITY	3	0	3
NORTH BERGEN MUNICIPAL UTILITIES AUTHORITY	0	0	0
NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY	7	1	8
PASSAIC VALLEY SEWERAGE COMMISSIONERS	172	86	258
PEQUANNOCK, LINCOLN PARK, & FAIRFIELD SEWERAGE AUTHORITY	0	2	2
RAHWAY VALLEY SEWERAGE AUTHORITY	2	2	4
ROCKAWAY VALLEY REGIONAL SEWERAGE AUTHORITY	0	4	4
STONY BROOK REGIONAL SEWERAGE AUTHORITY	0	0	0
THE LINDEN ROSELLE SEWERAGE AUTHORITY	4	0	4
THE OCEAN COUNTY UTILITIES AUTHORITY	13	1	14
THE SOMERSET RARITAN VALLEY SEWERAGE AUTHORITY	5	0	5
TOWNSHIP OF MORRIS	1	0	1
TRENTON SEWER UTILITY	0	0	0
WAYNE TOWNSHIP	5	0	5
Total: Count	356	209	565

TOTAL AMOUNT OF ALL ASSESSED PENALTIES
 CWEA Annual Report Summary - 2006

Authority Name	CSM	Other Reg.	Item Total
BAYSHORE REGIONAL SEWERAGE AUTHORITY	\$0	\$0	\$0
BERGEN COUNTY UTILITIES AUTHORITY	\$43,000	\$6,000	\$49,000
CAMDEN COUNTY MUNICIPAL UTILITIES AUTHORITY	\$161,000	\$246,825	\$407,825
CUMBERLAND COUNTY UTILITIES AUTHORITY	\$18,250	\$0	\$18,250
EWING-LAWRENCE SEWERAGE AUTHORITY	\$0	\$0	\$0
GLOUCESTER COUNTY UTILITIES AUTHORITY	\$16,000	\$1,000	\$17,000
HAMILTON TOWNSHIP DEPARTMENT OF WATER POLLUTION CONTROL	\$0	\$0	\$0
HANOVER SEWERAGE AUTHORITY	\$14,000	\$5,000	\$19,000
JOINT MEETING OF ESSEX AND UNION COUNTIES	\$103,000	\$48,000	\$151,000
MIDDLESEX COUNTY UTILITIES AUTHORITY	\$43,300	\$0	\$43,300
MOUNT HOLLY MUNICIPAL UTILITIES AUTHORITY	\$5,663	\$0	\$5,663
NORTH BERGEN MUNICIPAL UTILITIES AUTHORITY	\$0	\$0	\$0
NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY	\$17,225	\$375	\$17,600
PASSAIC VALLEY SEWERAGE COMMISSIONERS	\$330,750	\$117,300	\$448,050
PEQUANNOCK, LINCOLN PARK, & FAIRFIELD SEWERAGE AUTHORITY	\$0	\$2,000	\$2,000
RAHWAY VALLEY SEWERAGE AUTHORITY	\$6,000	\$2,000	\$8,000
ROCKAWAY VALLEY REGIONAL SEWERAGE AUTHORITY	\$1,000	\$12,000	\$13,000
STONY BROOK REGIONAL SEWERAGE AUTHORITY	\$0	\$0	\$0
THE LINDEN ROSELLE SEWERAGE AUTHORITY	\$11,462	\$0	\$11,462
THE OCEAN COUNTY UTILITIES AUTHORITY	\$33,325	\$1,000	\$34,325
THE SOMERSET RARITAN VALLEY SEWERAGE AUTHORITY	\$8,000	\$0	\$8,000
TOWNSHIP OF MORRIS	\$6,000	\$0	\$6,000
TRENTON SEWER UTILITY	\$0	\$0	\$0
WAYNE TOWNSHIP	\$9,000	\$0	\$9,000
Total:	\$826,975	\$441,500	\$1,268,475
Count	24		

APPENDIX IV-A Question 20
 TOTAL AMOUNT OF PENALTIES COLLECTED
 CWEA Annual Report Summary - 2006

Authority Name	CSM	Other Reg.	Item Total
BAYSHORE REGIONAL SEWERAGE AUTHORITY	\$0	\$0	\$0
BERGEN COUNTY UTILITIES AUTHORITY	\$12,000	\$2,000	\$14,000
CAMDEN COUNTY MUNICIPAL UTILITIES AUTHORITY	\$147,300	\$78,625	\$225,925
CUMBERLAND COUNTY UTILITIES AUTHORITY	\$18,250	\$0	\$18,250
EWING-LAWRENCE SEWERAGE AUTHORITY	\$0	\$0	\$0
GLOUCESTER COUNTY UTILITIES AUTHORITY	\$9,000	\$1,000	\$10,000
HAMILTON TOWNSHIP DEPARTMENT OF WATER POLLUTION CONTROL	\$7,950	\$0	\$7,950
HANOVER SEWERAGE AUTHORITY	\$14,000	\$5,000	\$19,000
JOINT MEETING OF ESSEX AND UNION COUNTIES	\$648,000	\$53,000	\$701,000
MIDDLESEX COUNTY UTILITIES AUTHORITY	\$38,300	\$0	\$38,300
MOUNT HOLLY MUNICIPAL UTILITIES AUTHORITY	\$5,913	\$0	\$5,913
NORTH BERGEN MUNICIPAL UTILITIES AUTHORITY	\$0	\$0	\$0
NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY	\$13,225	\$375	\$13,600
PASSAIC VALLEY SEWERAGE COMMISSIONERS	\$142,390	\$64,135	\$206,525
PEQUANNOCK, LINCOLN PARK, & FAIRFIELD SEWERAGE AUTHORITY	\$0	\$2,000	\$2,000
RAHWAY VALLEY SEWERAGE AUTHORITY	\$6,000	\$2,000	\$8,000
ROCKAWAY VALLEY REGIONAL SEWERAGE AUTHORITY	\$0	\$0	\$0
STONY BROOK REGIONAL SEWERAGE AUTHORITY	\$0	\$0	\$0
THE LINDEN ROSELLE SEWERAGE AUTHORITY	\$11,462	\$0	\$11,462
THE OCEAN COUNTY UTILITIES AUTHORITY	\$43,475	\$1,000	\$44,475
THE SOMERSET RARITAN VALLEY SEWERAGE AUTHORITY	\$8,000	\$16,250	\$24,250
TOWNSHIP OF MORRIS	\$0	\$0	\$0
TRENTON SEWER UTILITY	\$0	\$0	\$0
WAYNE TOWNSHIP	\$2,000	\$0	\$2,000
Total:	\$1,127,265	\$225,385	\$1,352,650
Count			

APPENDIX IV-A Question 21
 ENFORCEMENT COSTS RECOVERED, FROM VIOLATORS, IN AN ENFORCEMENT ACTION
 CWEA Annual Report Summary - 2006

Authority Name	CSM	Other Reg.	Item Total
BAYSHORE REGIONAL SEWERAGE AUTHORITY	\$0	\$0	\$0
BERGEN COUNTY UTILITIES AUTHORITY	\$0	\$0	\$0
CAMDEN COUNTY MUNICIPAL UTILITIES AUTHORITY	\$0	\$0	\$0
CUMBERLAND COUNTY UTILITIES AUTHORITY	\$0	\$0	\$0
EWING-LAWRENCE SEWERAGE AUTHORITY	\$0	\$0	\$0
GLOUCESTER COUNTY UTILITIES AUTHORITY	\$0	\$0	\$0
HAMILTON TOWNSHIP DEPARTMENT OF WATER POLLUTION CONTROL	\$0	\$0	\$0
HANOVER SEWERAGE AUTHORITY	\$7,462	\$0	\$7,462
JOINT MEETING OF ESSEX AND UNION COUNTIES	\$5,000	\$0	\$5,000
MIDDLESEX COUNTY UTILITIES AUTHORITY	\$0	\$0	\$0
MOUNT HOLLY MUNICIPAL UTILITIES AUTHORITY	\$0	\$0	\$0
NORTH BERGEN MUNICIPAL UTILITIES AUTHORITY	\$0	\$0	\$0
NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY	\$0	\$0	\$0
PASSAIC VALLEY SEWERAGE COMMISSIONERS	\$0	\$0	\$0
PEQUANNOCK, LINCOLN PARK, & FAIRFIELD SEWERAGE AUTHORITY	\$0	\$0	\$0
RAHWAY VALLEY SEWERAGE AUTHORITY	\$0	\$0	\$0
ROCKAWAY VALLEY REGIONAL SEWERAGE AUTHORITY	\$0	\$0	\$0
STONY BROOK REGIONAL SEWERAGE AUTHORITY	\$0	\$0	\$0
THE LINDEN ROSELLE SEWERAGE AUTHORITY	\$0	\$0	\$0
THE OCEAN COUNTY UTILITIES AUTHORITY	\$0	\$0	\$0
THE SOMERSET RARITAN VALLEY SEWERAGE AUTHORITY	\$0	\$0	\$0
TOWNSHIP OF MORRIS	\$0	\$0	\$0
TRENTON SEWER UTILITY	\$0	\$0	\$0
WAYNE TOWNSHIP	\$0	\$0	\$0
Total:	\$12,462	\$0	\$12,462
Count	24		

Authority Name	CSM	Other Reg.	Item Total
BAYSHORE REGIONAL SEWERAGE AUTHORITY	0	0	0
BERGEN COUNTY UTILITIES AUTHORITY	0	0	0
CAMDEN COUNTY MUNICIPAL UTILITIES AUTHORITY	0	0	0
CUMBERLAND COUNTY UTILITIES AUTHORITY	0	0	0
EWING-LAWRENCE SEWERAGE AUTHORITY	0	0	0
GLOUCESTER COUNTY UTILITIES AUTHORITY	0	0	0
HAMILTON TOWNSHIP DEPARTMENT OF WATER POLLUTION CONTROL	0	0	0
HANOVER SEWERAGE AUTHORITY	0	0	0
JOINT MEETING OF ESSEX AND UNION COUNTIES	0	0	0
MIDDLESEX COUNTY UTILITIES AUTHORITY	0	0	0
MOUNT HOLLY MUNICIPAL UTILITIES AUTHORITY	0	0	0
NORTH BERGEN MUNICIPAL UTILITIES AUTHORITY	0	0	0
NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY	0	0	0
PASSAIC VALLEY SEWERAGE COMMISSIONERS	0	0	0
PEQUANNOCK, LINCOLN PARK, & FAIRFIELD SEWERAGE AUTHORITY	0	0	0
RAHWAY VALLEY SEWERAGE AUTHORITY	0	0	0
ROCKAWAY VALLEY REGIONAL SEWERAGE AUTHORITY	0	0	0
STONY BROOK REGIONAL SEWERAGE AUTHORITY	0	0	0
THE LINDEN ROSELLE SEWERAGE AUTHORITY	0	0	0
THE OCEAN COUNTY UTILITIES AUTHORITY	0	0	0
THE SOMERSET RARITAN VALLEY SEWERAGE AUTHORITY	0	0	0
TOWNSHIP OF MORRIS	0	0	0
TRENTON SEWER UTILITY	0	0	0
WAYNE TOWNSHIP	0	0	0
Total:	0	0	0
Count	24		

YES/NO SUMMARY OF EXISTING SUPPLEMENTAL LISTS
 CWEA Annual Report Summary - 2006

Authority Name	#23 Y/N	#23 Count	#24 Y/N	#24 Count	#25 Y/N	#25 Count	#26 Y/N	#26 Count
BAYSHORE REGIONAL SEWERAGE AUTHORITY	N	0	N	0	N	0	N	\$0
BERGEN COUNTY UTILITIES AUTHORITY	N	0	N	0	N	0	Y	\$0
CAMDEN COUNTY MUNICIPAL UTILITIES AUTHORITY	Y	7	N	0	N	0	Y	\$0
CUMBERLAND COUNTY UTILITIES AUTHORITY	Y	1	N	0	N	0	Y	\$0
EWING-LAWRENCE SEWERAGE AUTHORITY	N	0	N	0	N	0	N	\$0
GLOUCESTER COUNTY UTILITIES AUTHORITY	Y	1	N	0	N	0	Y	\$0
HAMILTON TOWNSHIP DEPARTMENT OF WATER POLLUTION CONTROL	N	0	N	0	N	0	Y	\$0
HANOVER SEWERAGE AUTHORITY	Y	1	N	0	N	0	Y	\$0
JOINT MEETING OF ESSEX AND UNION COUNTIES	Y	16	N	0	N	0	Y	\$0
MIDDLESEX COUNTY UTILITIES AUTHORITY	Y	5	N	0	N	0	Y	\$0
MOUNT HOLLY MUNICIPAL UTILITIES AUTHORITY	N	0	N	0	N	0	N	\$0
NORTH BERGEN MUNICIPAL UTILITIES AUTHORITY	N	0	N	0	N	0	N	\$0
NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY	Y	1	N	0	N	0	Y	\$0
PASSAIC VALLEY SEWERAGE COMMISSIONERS	Y	11	N	0	N	0	Y	\$0
PEQUANNOCK, LINCOLN PARK & FAIRFIELD SEWERAGE AUTHORITY	N	0	N	0	N	0	N	\$0
RAHWAY VALLEY SEWERAGE AUTHORITY	Y	1	N	0	N	0	Y	\$0
ROCKAWAY VALLEY REGIONAL SEWERAGE AUTHORITY	N	0	N	0	N	0	Y	\$0
STONY BROOK REGIONAL SEWERAGE AUTHORITY	N	0	N	0	N	0	N	\$0
THE LINDEN ROSELLE SEWERAGE AUTHORITY	N	0	N	0	N	0	N	\$0
THE OCEAN COUNTY UTILITIES AUTHORITY	Y	2	N	0	N	0	Y	\$0
THE SOMERSET RARITAN VALLEY SEWERAGE AUTHORITY	Y	2	N	0	N	0	Y	\$0
TOWNSHIP OF MORRIS	N	0	N	0	N	0	N	\$0
TRENTON SEWER UTILITY	N	0	N	0	N	0	N	\$0
WAYNE TOWNSHIP	N	0	N	0	N	0	Y	\$0
Total:								
Count		24		0		0		\$0

APPENDIX IV-B

DLA-SIGNIFICANT NONCOMPLIERS

Delegated local agencies provided the following information as part of the 2006 Clean Water Enforcement Act Annual Report. Section 1 lists the permittees which were determined to be significant noncompliers and their corresponding control agencies. Sections 3-14 contain specific information regarding each of the significant noncompliers. These sections are presented in alphabetical order by DLA name.

Section 1 – *Alphabetical Listing of Permitted Identified by DLAs as Significant Noncompliers*

Section 2 – *DLA's Reporting Zero Facilities Meeting the SNC Criteria*

Section 3 – *Camden County Municipal Utilities Authority*

Section 4 – *Cumberland County Utilities Authority*

Section 5 – *Gloucester County Utilities Authority*

Section 6 – *Hanover Sewerage Authority*

Section 7 – *Joint Meeting of Essex and Union Counties*

Section 8 – *Middlesex County Utilities Authority*

Section 9 – *Northwest Bergen County Utilities Authority*

Section 10 – *Ocean County Utilities Authority*

Section 11 – *Passaic Valley Sewerage Commissioners*

Section 12 – *Rahway Valley Sewerage Authority*

Section 13- *Somerset Raritan Valley Regional Sewerage Authority*

APPENDIX IV-B

DLAs – SNCs

Section 1

Alphabetical Listing of Permittees Identified by DLAs as Significant Noncompliers

APPENDIX IV-B

Section 1 – Alphabetical List of DLA SNCs

Page 1

FACILITY NAME

814 Americas
Acme Engraving Co. Inc.
Actavis (formerly Purepac)
Aeroflex/KDI, Inc.
AGC Chemicals Americas, Inc.
Ahlstrom Windsor Locks
B Line Trucking, Inc.
Barry Callebaut USA Inc
Bentley Laboratories (Middlesex)
Bentley Laboratories (Mahwah)
Comarco Products
Cooper Hospital/University Medical Center
Deb El Food Products, LLC
Deb-El Foods
DuPont Parlin Works
ECD, Inc.
Foodarama Supermarkets Inc.
Foremost Manufacturing
Hatco Corporation
Hexacon Electric Company
Hi-Speed Plating
Imagine Screen Printing & Production
ImClone Systems, Inc.
Johnson Matthey, Inc.
Kinder Morgan Liquids Terminals, LLC
Langer Transport Corporation
Langer Transport Corporation
Lioni Latticini
Martin Corp.
Menu Foods
Metal Parts Processing Company, Inc.
NJ Turnpike Authority
PATCO (Lindenwold)
Pepsi Cola and National Brand Beverages, Ltd.
Phelps Dodge Specialty Copper
Prince Donut
Quala Systems
Quest Industries

AUTHORITY NAME

Joint Meeting of Essex & Union Counties
Passaic Valley Sewerage Commissioners
Joint Meeting of Essex & Union Counties
Hanover Sewerage Authority
Passaic Valley Sewerage Commissioners
Passaic Valley Sewerage Commissioners
Passaic Valley Sewerage Commissioners
Camden County Municipal Utilities Authority
Middlesex County Utilities Authority
Northwest Bergen County Utilities Authority
Camden County Municipal Utilities Authority
Camden County Municipal Utilities Authority
Passaic Valley Sewerage Commissioners
Joint Meeting of Essex & Union Counties
Middlesex County Utilities Authority
Joint Meeting of Essex & Union Counties
Ocean County Utilities Authority
Joint Meeting of Essex & Union Counties
Middlesex County Utilities Authority
Joint Meeting of Essex & Union Counties
Joint Meeting of Essex & Union Counties
Passaic Valley Sewerage Commissioners
The Somerset Raritan Valley Sewerage Authority
Gloucester County Utilities Authority
Middlesex County Utilities Authority
Passaic Valley Sewerage Commissioners
Passaic Valley Sewerage Commissioners
Joint Meeting of Essex & Union Counties
Cumberland County Utilities Authority
Camden County Municipal Utilities Authority
Passaic Valley Sewerage Commissioners
Camden County Municipal Utilities Authority
Camden County Municipal Utilities Authority
Camden County Municipal Utilities Authority
Joint Meeting of Essex & Union Counties
Joint Meeting of Essex & Union Counties
Rahway Valley Sewerage Authority
Joint Meeting of Essex & Union Counties

R.J.B. Metal Finishing, Inc
Revlon
Silgan Containers Corporation
Spray-Tek, Incorporated
SS Studios
Summit Labs
Symrise, Inc.
TRUARC
Unilever Home & Personal Care USA
Union Beverage Packers
USA Detergents
VIVUS Inc., New Jersey

Passaic Valley Sewerage Commissioners
Joint Meeting of Essex & Union Counties
Middlesex County Utilities Authority
Middlesex County Utilities Authority
Joint Meeting of Essex & Union Counties
Passaic Valley Sewerage Commissioners
The Somerset Raritan Valley Sewerage Authority
Joint Meeting of Essex & Union Counties
Passaic Valley Sewerage Commissioners
Joint Meeting of Essex & Union Counties
Joint Meeting of Essex & Union Counties
Ocean County Utilities Authority

APPENDIX IV-B

DLAs – SNCs

Section 2

DLA's Reporting Zero Facilities Meeting the SNC Criteria

APPENDIX IV-B

Section 2

DLA's Reporting Zero Facilities Meeting the SNC Criteria

(Response to Question #13)

Bayshore Regional Sewerage Authority

Bergen County Utilities Authority

Ewing-Lawrence Sewerage Authority

Hamilton Township Department of Water Pollution Control

Morris Township

Mount Holly Municipal Utilities Authority

North Bergen Municipal Utilities Authority

Rockaway Valley Regional Sewerage Authority

Stony Brook Regional Sewerage Authority

City of Trenton

The Linden Roselle Sewerage Authority

The Pequannock, Lincoln Park and Fairfield Sewerage Authority

Wayne Township

APPENDIX IV-B

DLAs – SNCs

Section 3

Camden County Municipal Utilities Authority

Industry Name	Classification	Permit No.	Sample Date	Parameter	Sample Result	Enforcement Issued
Barry Callebaut U.S.A. Inc. 1500 Suckle Highway Pennsauken, NJ 08110	Cat/Sig/Maj	2066-DII-1	1/26/2006	COD	1950 mg/L	CAPA/SETTLEMENT
			1/26/2006	O&G	206 mg/L	CAPA/SETTLEMENT
			1/26/2006	pH	Not Reported	CAPA/SETTLEMENT
			2/2/2006	COD	1440 mg/L	CAPA/SETTLEMENT
			2/2/2006	O&G	157 mg/L	CAPA/SETTLEMENT
			3/8/2006	COD	1840 mg/L	CAPA/SETTLEMENT
			4/2006 Average	BOD	1241 mg/L	CAPA/SETTLEMENT
			4/2006 Average	COD	1882 mg/L	CAPA/SETTLEMENT
			4/19/2006	O&G	120 mg/L	CAPA/SETTLEMENT
			4/19/2006	pH	4.9 mg/L	CAPA/SETTLEMENT
			5/4/2006	BOD	1120 mg/L	CAPA/SETTLEMENT
			5/4/2006	COD	2370 mg/L	CAPA/SETTLEMENT
			6/19/2006	BOD	1060 mg/L	CAPA/SETTLEMENT
			6/19/2006	COD	2000 mg/L	CAPA/SETTLEMENT
			6/2006 Average	O&G	142 mg/L	CAPA/SETTLEMENT
			6/2006 Average	sulfide	1.3 mg/L	CAPA/SETTLEMENT
			3/23/2006 Unannounced	pH	5.67	CAPA/SETTLEMENT
6/19/2006	pH	5.11	CAPA/SETTLEMENT			
11/2/2006	BOD	1080 mg/L	SETTLEMENT			
11/2/2006	COD	1910 mg/L	SETTLEMENT			
Comarco Products Broadway and Jackson Street, Camden, NJ 08104	OTHER	2013-CA-2	12/1/2005	Oil & Grease	310 mg/L	SETTLEMENT
			March 2006 Average	Oil & Grease	719 mg/L	DEMAND
Cooper Hospital/University Medical Center One Cooper Plaza, Camden, NJ 08103	Cat/Sig/Maj	8062-CA-1	04/2006 Average	SULFIDE	2.9 mg/L	SETTLEMENT
			6/9/2006	SULFIDE	11.7 mg/L	SETTLEMENT
Menu Foods 9130 Griffith Morgan Lane Pennsauken, NJ 08110	Cat/Sig/Maj	2047-DII-1	1/13/2006	O&G	111 mg/L	SETTLEMENT
			2/9/2006	sulfide	1.19 mg/L	SETTLEMENT
			4/26/2006	sulfide	1.07 mg/L	SETTLEMENT
			5/17/2006	sulfide	1.1 mg/L	SETTLEMENT
			9/22/2006	BOD	1240 mg/L	Notice of Violation
			9/22/2006	COD	1660 mg/L	Notice of Violation
NJ Turnpike Authority Kresson and Howard Johnson Road, Cherry Hill, NJ 08034	Other	4789-CRI-1	5/1/06	Entire Report	Not Reported	SETTLEMENT
			6/15/2006	TSS	1050 mg/L	SETTLEMENT/POSS AFFIRM DEFENSE
			6/15/2006	SULFIDE	4.8 mg/L	SETTLEMENT/POSS AFFIRM DEFENSE
			07/19/2006	SULFIDE	5.12 mg/L	SETTLEMENT/POSS AFFIRM DEFENSE
			8/9/2006	SULFIDE	Not Reported	SETTLEMENT
			8/9/2006	COD	1970 mg/L	SETTLEMENT/POSS AFFIRM DEFENSE
			9/14/2006	COD	2780 mg/L	SETTLEMENT/POSS AFFIRM DEFENSE
				Sulfide	1.44 mg/L	SETTLEMENT/POSS AFFIRM DEFENSE
PATCO (Lindenwold) Meeting House Lane Lindenwold, N.J. 08021	Other	3743-CRI-1	6/2006 Average	Sulfide	3.45 mg/l	SETTLEMENT
			7/2006 Average	Sulfide	6.29 mg/l	SETTLEMENT
			8/2006 Average	Sulfide	3.59 mg/l	SETTLEMENT
			9/2006 Average	Sulfide	4.98 mg/l	SETTLEMENT
			10/2006 Average	Cd	0.083 mg/l	SETTLEMENT
Pepsi Cola and National Brand Beverages, Ltd. 8191 Route 130 Pennsauken, NJ 08110	Cat/Sig/Maj	2086-DII-1	1/31/2006	BOD	2500 mg/L	SETTLEMENT
			1/31/2006	COD	4300 mg/L	SETTLEMENT
			1/31/2006	pH	4.7	SETTLEMENT
			2/28/2006	COD	1600 mg/L	SETTLEMENT
			2/28/2006	sulfide	1.2 mg/L	SETTLEMENT
			3/14/2006	BOD	1600 mg/L	SETTLEMENT
			3/14/2006	COD	3000 mg/L	SETTLEMENT
			4/2006 Average	BOD	1584 mg/L	SETTLEMENT
			4/2006 Average	COD	4250 mg/L	SETTLEMENT
			5/2006 Average	COD	1385 mg/L	SETTLEMENT
			6/20/2006	BOD	1570 mg/L	SETTLEMENT
			6/20/2006	COD	3020 mg/L	SETTLEMENT
			6/20/2006	pH	5.1	SETTLEMENT
			8/8/2006	BOD	2169 mg/L	SETTLEMENT
			8/8/2006	COD	3570 mg/L	SETTLEMENT
			10/24/2006	COD	1740 mg/L	SETTLEMENT
11/6/2006	COD	1130 mg/L	SETTLEMENT			

APPENDIX IV-B

DLAs – SNCs

Section 4

Cumberland County Utilities Authority

CCUA CLEAN WATER ENFORCEMENT ACT ANNUAL REPORT
CALENDAR YEAR 2006

Attachment B Supplemental Report – Significant Non-compliers

This addendum to the calendar year 2006 report is submitted in order to provide further detail concerning SNC status for Martin Corporation.

IU: Martin Corporation

171 North Pearl Street
Bridgeton, NJ 08302
Permit #A-003

Nature of Violation:

Late submittal of monitoring reports:

January 2006	60 days late
February 2006	1 week late

Local industrial discharge permits require permitted users to conduct self-monitoring on a monthly basis, and submit reports of analysis by the end of the following month.

At the end of March 2006, it was noted that neither the February or January reports had been received, and a NOV was issued in this matter. Subsequently, both reports were received within 1 week of notice. A representative of Martin Corp. indicated that the reports had been completed but overlooked for mailing.

A file review during the annual inspection confirmed that monitoring had been conducted as required, and that the facility was in compliance with all permit parameters during the period in question.

APPENDIX IV-B

DLAs – SNCs

Section 5

Gloucester County Utilities Authority

**INDUSTRIAL PRETREATMENT PROGRAM
NEW JERSEY CLEAN WATER ENFORCEMENT ACT ANNUAL REPORT (UPDATED 02/05/2007)
GLOUCESTER COUNTY UTILITIES AUTHORITY
FOR THE PERIOD OF JANUARY 1, 2006 THROUGH DECEMBER 31, 2006**

23. Attach a list of permittees qualifying as significant noncompliers including address, permit number, brief description and date of each violation, date the violation was resolved, and total number of violations. Mark as "Attachment B."

Permittee:	Johnson Matthey, Inc. - West Deptford II Facility
Permittee Mailing Address:	1991 Nolte Drive West Deptford, NJ 08066
Permittee Location Address:	1991 Nolte Drive West Deptford, NJ 08066
GCUA Permit Number:	033
Description of Violation:	Monitoring and Reporting Violations
Date(s) of Violation(s):	2005 Failure to Monitor all Permit Limitations discovered in 2006.
Violation Resolution Date:	Permittee has changed personnel and oversight of permit requirements. Currently sampling properly.
Total Number of Violations:	06 (2005 discovered in 2006)

APPENDIX IV-B

DLAs – SNCs

Section 6

Hanover Sewerage Authority

2006 CWEA ANNUAL REPORT
HANOVER SEWERAGE AUTHORITY
NJPDES # NJ0024902

ATTACHMENT B

IU IN SNC

Aeroflex/KDI, Inc. Permit Number -Z-26
60 South Jefferson Road
Whippany, NJ 07981

The facility was notified that the Authority required a parameter to be re-sampled and reported within 30 days. The report was received more than 30 days late.

The facility was notified in early October that sampling performed by the Authority in September identified an effluent violation and was required to re-sampled and report the result within 30 days. The report was received more than 30 days late.

APPENDIX IV-B

DLAs – SNCs

Section 7

Joint Meeting of Essex and Union Counties

**ATTACHMENT B
SIGNIFICANT NONCOMPLIERS**

INDUSTRY	IU #	PARAMETER	DATE	RESOLVED
814 Americas 812-814 Second Avenue Elizabeth, NJ	0178 (O)	pH	1/06	Yes
Actavis (formerly Purepac) 200 Elmora Avenue Elizabeth, NJ	0067 (C)	pH	2/06, 3/06	Yes
		Acetone	1/06	Yes
Deb-El Foods 2 Papetti Plaza Elizabeth, NJ	0037 (M)	pH	1/06 – 7/06	No
ECD, Inc. 171 Central Avenue Hillside, NJ	1035 (C)	Zinc	8/06	Yes
Foremost Manufacturing 941 Ball Avenue Union, NJ	7080 (C)	pH	9/06	Yes
Hexacon Electric Company 161 West Clay Avenue Roselle Park, NJ	6005 (C)	pH	5/06 – 10/06	No
Hi-Speed Plating 460 Coit Street Irvington, NJ	2030 (C)	Nickel	1/06, 3/06, 7/06 – 9/06	No
		Reporting	1/06	Yes
Lioni Latticini 555 Lehigh Avenue Union, NJ	7193 (O)	Oil/Grease	11/05	No
Phelps Dodge Specialty Copper 720 South Front Street Elizabeth, NJ	0120 (C)	Copper	3/06 – 5/06, 7/06 – 8/06	Yes
Prince Donut 2345 E. Linden Avenue Linden, NJ 07036	0175 (M)	pH	8/06 – 11/06	No
Quest Industries 480 Mundet Place Hillside, NJ	1058 (O)	Zinc	6/06	Yes
Revlon 196 Coit Street Irvington, NJ	2055 (C)	pH	3/06	Yes
SS Studios 1023 Commerce Avenue Union, NJ	7150 (O)	Reporting	8/06 – 10/06	No
TRUARC 57 Cordier Street Irvington, NJ	2035 (C)	Reporting	2/05	Yes
Union Beverage Packers 600 North Union Avenue Hillside, NJ	1090 (M)	pH	1/06 – 2/06	Yes
USA Detergents 1319 North Broad Street Hillside, NJ	1088 (C)	pH	1/06: 6/06	Yes

APPENDIX IV-B

DLAs – SNCs

Section 8

Middlesex County Utilities Authority

ADDRESS: Cheesequake Road
Parlin, NJ 08859

MCUA Permit No.: 20050

VIOLATIONS:

Brief Description	Date Sampled	Date Resolved
Bis(2-ethylhexyl)phthalate, Serious Violation	04/06	
Bis(2-ethylhexyl)phthalate, Serious Violation	07/06	
Bis(2-ethylhexyl)phthalate, Serious Violation	10/06	

Comments: The facility is requesting an affirmative defense and is fighting its designation as a Significant Non-Complier. Specific details on file.

TOTAL NUMBER OF VIOLATIONS: 3

COMPANY: Hatco Corporation

ADDRESS: 1020 King George Post Road
Fords, NJ 08863

MCUA Permit No.: 28074

VIOLATIONS:

Brief Description	Date Sampled	Date Resolved
PCBs, Serious Violation	07/06	
PCBs, Serious Violation	09/06	
PCBs, Daily Maximum Violation	11/06	

Comments: The facility has just received written approval from NJDEP for the Remedial Action Work Plan. Specific details on file.

TOTAL NUMBER OF VIOLATIONS: 3

COMPANY: Kinder Morgan Liquids Terminals, LLC

ADDRESS: 78 Lafayette St.
Carteret, NJ 07008

MCUA Permit No.: 29096

VIOLATIONS:

Brief Description	Date Sampled	Date Resolved
Total Toxic Organics, Daily Maximum Violation	04/06	
Total Toxic Organics, Serious Violation	06/06	
Total Toxic Organics, Daily Maximum Violation	08/06	
Total Toxic Organics, Serious Violation	09/06	
Total Toxic Organics, Serious Violation	10/06	

Comments: The facility has completed most of its planned upgrades to its existing pretreatment facility. Specific details on file.

TOTAL NUMBER OF VIOLATIONS: 5

COMPANY: Silgan Containers Corporation

ADDRESS: 135 National Road

Edison, NJ 08817

MCUA Permit No.: 05056

VIOLATIONS:

Brief	Date	Date
Description	Sampled	Resolved
Oil & Grease, Serious Violation	08/06	
Copper, Monthly Average Violation	10/06	
Oil & Grease, Serious Violation	10/06	
Zinc, Serious Violation	10/06	

Comments: The facility is investigating process changes. Specific details on file.

TOTAL NUMBER OF VIOLATIONS: 4

COMPANY: Spray-Tek, Incorporated

ADDRESS: 344 Cedar Avenue

Middlesex, NJ 08846

MCUA Permit No.: 11097

VIOLATIONS:

Brief	Date	Date
Description	Sampled	Resolved
2 Incomplete Self-Monitoring Reports		

Comments: The facility is requesting an affirmative defense. Specific details on file.

TOTAL NUMBER OF VIOLATIONS: 2

APPENDIX IV-B

DLAs – SNCs

Section 9

Northwest Bergen County Utilities Authority

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY
INDUSTRIAL PRETREATMENT PROGRAM

CLEAN WATER ENFORCEMENT ACT ANNUAL REPORT 2006

ATTACHMENT B

Item No. 23
Attachment B.

List of Industrial Users which have been classified in
Significant Non-Compliance during the 2006 report period.

1)

Bentley Laboratories
200 Corporate Drive
Mahwah, New Jersey 07430
Permit # 02-002

1st Violation:

*January 17, 2006 ~ Failure to Monitor -Oil & Grease Non Petroleum
Based
And Total Petroleum Hydrocarbons
Permit required 2x per month – only performed 1x per month
Serious Violation*

APPENDIX IV-B

DLAs – SNCs

Section 10

Ocean County Utilities Authority

Attachment B
List of Permittees qualifying as SNC

Foodarama Supermarkets Inc.
922 Hwy 33
Building 6, Suite 1
Freehold, NJ 07728

Facility Address
201 Commerce Drive
Freehold, NJ 07728

OCUA Permit #: NM-35-2002-063

Reasons for Significant Non-Complier Status:

- Serious violation for the same pollutant, at the same discharge point source, in any two months of any consecutive six month period.
- Failure to submit a completed discharge monitoring report in any two months of any consecutive six month period.

Since start up in June 2003, this facility had numerous monthly Oil & Grease violations, thus exceeding two (2) serious violations within a six (6) month period. NOV's and penalties have been issued and the facility was notified of their SNC status. Effective February 5, 2004 the company entered into an Administrative Consent Order (ACO) with the Authority. Under the terms of the ACO they were given a period of one year to install additional pretreatment for removal of oil & grease and pH adjustment. While they adhered to the conditions of the ACO and were removed from SNC status, they failed to meet the final compliance deadline and continued to exceed their oil & grease limitation. After several months of non-compliance in 2005 and re-entry into SNC status, the facility entered into a second ACO with the Authority.

April 2005	Serious Oil & Grease violation
May 2005	Serious Oil & Grease violation
June 2005	Serious Oil & Grease violation
July 2005	Serious Oil & Grease violation
August 2005	Serious Oil & Grease violation

This facility continues to operate under an ACO and has complied with all deadlines. After six (6) consecutive months of compliance, this facility is no longer in SNC status.

Attachment B (continued)
List of Permittees qualifying as SNC

VIVUS Inc., New Jersey
735 Airport Road
Lakewood, NJ 08701

Facility Address
745 Airport Road
Lakewood, NJ 07728

OCUA Permit #: N-15-2001-058

Reason for Significant Non-Complier Status:

- Serious violation for the same pollutant, at the same discharge point source, in any two months of any consecutive six month period.

This facility is a pharmaceutical manufacturer covered by 40 CFR 439.46. They entered SNC with two (2) serious acetone violations in August and September 2005. Fines and penalties have been issued. The facility feels that these are isolated violations that can be kept in check with acetone and isopropyl alcohol minimization.

After six (6) continued months of compliance, this facility is no longer in SNC status.

APPENDIX IV-B

DLAs – SNCs

Section 11

Passaic Valley Sewerage Commissioners

PASSAIC VALLEY SEWERAGE COMMISSIONERS

Attachment B – Permittees Qualifying as Significant Non-Compliers (SNC) – Calendar Year 2006

The SNC's appearing on this list are those referred to in Question #13

Effluent (Discharge) Violations

- 1. Acme Engraving Co. Inc. – # 2620000519 37 Delaware Avenue, Passaic, NJ 07055**
The company was not in compliance with the respective local monthly average limit for copper and zinc. A Complaint was filed on 6/23/06. They entered into a Settlement Agreement on 8/21/06, and were fined. They are now in compliance.
- 2. AGC Chemicals Americas, Inc. - #36200008 229 East 22nd Street, Bayonne, NJ 07002**
The company was not in compliance with the 40 CFR 414 monthly average limit for zinc. A Complaint was filed on 8/17/06 and amended on 9/20/06. They entered into a Settlement Agreement on 10/26/06, and were fined. They are now in compliance.
- 3. Ahlstrom Windsor Locks – #51200007 Two Elm Street, Windsor Locks, CT 06069 (Hauled Waste Customer)**
The company was not in compliance with the respective local monthly average limit for copper and zinc. A Complaint was filed on 8/11/06 and amended on 8/29/06. The matter is in the process of being settled, and the company will be fined.
- 4. B Line Trucking, Inc. - #20200047 67 Esther Street, Newark, NJ 07105**
The company was not in compliance with the 40 CFR 442 daily maximum limit for Non-Polar Material (SGT-HEM). A Complaint was filed on 5/19/06. The matter is in the process of being settled, and the company will be fined.
- 5. Deb El Food Products, LLC – #36220023 67 North Hook Road, Bayonne, NJ 07002**
The company was not in compliance with the local monthly average limit for zinc. A Complaint was filed on 6/9/06 and amended on 8/18/06. They entered into a Settlement Agreement on 9/21/06, and were fined. They are now in compliance.
- 6. Imagine Screen Printing & Production– # 26220008 90 Dayton Ave Bldg 7D 4th Fl, Passaic, NJ 07055**
The company was not in compliance with the respective local monthly average limit for zinc. A Complaint was filed on 1/4/06 and amended on 3/13/06. They entered into a Settlement Agreement on 4/3/06, and were fined. They are back in non-compliance. A new Complaint is in the process of being filed.

7. Langer Transport Corporation - #31200013 Rt. 440 Foot of Danforth Avenue, Jersey City, NJ 07303

The company was not in compliance with the 40 CFR 442 daily maximum limit for Non-Polar Material (SGT-HEM). A Complaint was filed on 08/11/05, and an Amended Complaint was filed on 12/8/05. The matter is in the process of being settled, and the company will be fined.

8. Langer Transport Corporation - #31200013 Rt. 440 Foot of Danforth Avenue, Jersey City, NJ 07303

The company was not in compliance with the daily maximum limit for Total Petroleum Hydrocarbons. A Complaint will be filed, and the company will be fined.

9. Metal Parts Processing Company, Inc. - #20220011 165 Delancy Street, NJ 07105

The company was not in compliance with the local monthly average limit for zinc. A Complaint will be filed, and the company will be fined.

10. R.J.B. Metal Finishing, Inc. - #21200254 175 Christie Street, Newark, NJ 07105

The company was not in compliance with 40 CFR 433 monthly average limit for zinc. A Complaint was filed on 5/12/06. The matter is in the process of being settled, and the company will be fined.

11. Summit Labs - #51270001 15 Big Pond Rd., Huguenot, NY 12746 (Hauled Waste Customer)

The company was not in compliance with the local monthly average limit for zinc. A Complaint was filed on 6/21/06. They entered into a Settlement Agreement on 9/11/06, and were fined. They have since ceased hauling wastewater to PVSC.

12. Unilever Home & Personal Care USA - #51200004 1 John Street, Clinton, CT 06413 (Hauled Waste Customer)

The company was not in compliance with the local daily maximum limit for Total Petroleum Hydrocarbons. A Complaint was filed on 8/18/06. They entered into a Settlement Agreement on 11/29/06, and were fined. They have since ceased hauling wastewater to PVSC.

APPENDIX IV-B

DLAs – SNCs

Section 12

Rahway Valley Sewerage Authority

Rahway Valley Sewerage Authority
 1050 East Hazelwood Avenue
 Rahway, NJ 07065

Attachment B: Significant Non-compliers

Permit Number	Industry	Date of Violation	Parameter	Results	# of Violations	Comments
014	Quala Systems 1045 East Hazelwood Avenue Rahway, NJ 07065	February 2006 March 2006	HEM Oil & Grease HEM Oil & Grease	109 418	2 (Monthly avg. violations)	Hired a full-time operator for treatment system. Currently in compliance.

APPENDIX IV-B

DLAs – SNCs

Section 13

Somerset Raritan Valley Regional Sewerage Authority

- 1) Symrise, Inc. manufactures food flavors and fragrances. They are located at 170/180 Industrial Parkway in Branchburg. They are regulated via the Non-Domestic Wastewater Discharge Permit No. 23D. This permit includes a pH limit of 5.0 su to 9.0 su. The Sewerage Authority monitored Symrise on April 18, 2006 and April 19, 2006 and detected pH values of 10.81 su and 9.12 su respectively. Symrise was issued a Notice of Violation (NOV) which required six consecutive months of pH self-monitoring without committing an exceedance. They were assessed a \$1,000 penalty for the pH exceedance of 10.81 su. On June 21, 2006 the Sewerage Authority monitored Symrise for pH and detected a value of 10.50 su. Symrise was issued a NOV that required a continuation of the monthly pH monitoring and were assessed a \$5,000 penalty and designated as SNC.

Symrise has continued monitoring their wastewater discharge for pH and have not committed any discharge exceedances (including pH) since the June exceedance. They have paid the \$6,000 in penalties.

- 2) ImClone Systems, Inc. manufactures protein based biopharmaceuticals (most notably Erbitux an anti-cancer agent). They are located at 36 ImClone Drive in Branchburg. A requirement of their Non-Domestic Wastewater Discharge Permit No. 31A is quarterly self-monitoring.

During the reporting period of June 2006 through August 2006 ImClone failed to monitor for Ammonia. Consequently, the September 2006 Quarterly Self-Monitoring Report was considered incomplete. ImClone was issued a Notice of Violation (NOV) and required to complete six consecutive months of monitoring for the missed parameter. (The permit requires monitoring only - there is no discharge limit for Ammonia.) In addition, since ImClone failed to complete and submit an Ammonia monitoring event analysis within ten (10) days of receipt of the NOV a penalty must be assessed.

During the reporting period of September 2006 through November 2006 ImClone failed to perform quarterly monitoring for BOD, Total Dissolved Solids (TDS), Total Suspended Solids (TSS), Oil & Grease, pH, Mercury and Total Toxic Organics. Consequently, the December 2006 Quarterly Self-Monitoring Report was considered incomplete. ImClone was issued a NOV that requires six consecutive months of self-monitoring for all the missed parameters without committing a violation. However, ImClone did complete and submit the required monitoring results within ten (10) days of receipt of the NOV and it appears that no penalty need be assessed for the second incomplete report.

As a result of ImClone Systems, Inc. failing to submit two complete Self-Monitoring Reports during two months of a six consecutive month period, they are designated as SNC.

APPENDIX IV-C

SPECIFIC PURPOSES FOR WHICH PENALTY MONIES COLLECTED BY THE DLAs HAVE BEEN SPENT

As Per N.J.S.A. 58:10A-14.2a(21)

**SPECIFIC PURPOSES FOR WHICH PENALTY MONIES
COLLECTED BY THE DLAs HAVE BEEN SPENT**

The following are the answers from the delegated local agencies in response to Question #26 which reads:

Note the specific purposes for which penalty monies collected have been expended, displayed in line-item format by type of expenditure and including, but not limited to, Position numbers and titles funded in whole or in part from these penalty monies.

(2) Bayshore Regional Sewerage Authority

None Spent

(3) Bergen County Utilities Authority

LIST OF PENALTY MONIES EXPENDED DURING 2006

AMOUNT

USE

\$ 1,400.00

NJDEP Operator Training Fund

\$ 1,045.66

Educational Material

\$ 45.00

Watershed Conference, Rutgers University

(4) Camden County Municipal Utilities Authority

Penalty monies are deposited directly into General Revenue. Ten percent is directed to State of New Jersey for deposit into the State of New Jersey's Operator's Training Fund.

<u>PRETREATMENT STAFF NAME</u>	<u>TITLE</u>
Gayle E. Pagano	Chief Division of Regulatory Compliance
Barclay Conrad	Sr. Environmental Health Specialist Industrial Pretreatment
Trudy N. Okonkwo	Environmental Health Specialist Industrial Pretreatment
Robert S. Downes	Environmental Health Specialist Industrial Pretreatment
Coleen Noble	Assistant Regulatory Compliance Coordinator
Edward Wharton	Environmental Health Aide Industrial Pretreatment

<u>LEGAL DEPARTMENT STAFF NAME</u>	<u>TITLE</u>
Larry Rosoff	Esquire
Katherine Wade-Battle	Esquire

(5) Cumberland County Utilities Authority

Penalty monies collected (\$ 18,250 less 10% to the state) have been used in Support of the following line items:

1. Lab analysis, IPP testing \$ 3,000
2. Computer software & support \$ 4,000
3. Supplies & equipment, IPP \$ 16,000
(includes new IPP van purchase)

- | | |
|---|----------|
| 4. Vehicle operation & maintenance | \$ 2,000 |
| (proportionate amount for 1 vehicle out of a fleet of 20) | |
| 5. Personnel – IPP technician | \$45,000 |

These expenses are directly related to activities necessary for program enforcement.

(6) **Ewing-Lawrence Sewerage Authority**

None Spent

(7) **Gloucester County Utilities Authority**

None Spent

(8) **Hamilton Township**

All payments are transferred to the Hamilton Township Department of Finance, and in turn, transferred to the Hamilton Township Department of Water Pollution Control General Operating Account. The basic intent of penalty money collection is to offset the expense that accumulates when enforcing permit discharge limitations. In addition, this amount is used to supplement costs needed to operate the Industrial Pretreatment Program.

(9) **Hanover Sewerage Authority**

Estimated enforcement costs incurred reviewing, issuing and collecting mandatory penalties.	\$ 6,500
Transferred to capital fund for upgrading and treatment works	\$ 10,600
Sent to the Wastewater Operator's Trust Fund:	\$ 1,900

(10) **Joint Meeting of Essex and Union Counties**

Expenditure of monies from the industrial pretreatment account:

\$ 29,976.09 Legal Expenses
\$ 25,372.50 State of NJ – Operator’s Training Fund
\$ 11,722.76 Sampling Equipment
\$ 81.50 Miscellaneous

\$67,152.85 **Total**

(11) **Linden Roselle Sewerage Authority**

Law prohibits fines being identified as a line item in budget. Penalty revenue is deposited in the Operating Account to be used as needed. Of the penalties collected, 10% is paid to the Operator Training Program as required by the Act.

(12) **Middlesex County Utilities Authority**

In 2006, the Middlesex County Utilities Authority collected \$ 38,300.00 in penalties which includes assessments for calendar year 2006 and prior years. The MCUA has forwarded 10% of these monies to the NJDEP for deposit into the Wastewater Treatment Operator Training Account. The balance of these monies will be used by the MCUA for Pretreatment Program enforcement monitoring and treatment plant upgrades, pursuant to N.J.S.A. 58:11-55(b).

(13) **Morris Township**

During 2006, \$6,000 penalty was assessed from Honeywell for the Non-sampling (incomplete) report for the September 2006 reporting period. The penalty was assessed on 12/07/06. However, the payment for the penalty was received/collected on 1/07/2007.

(14) **Mount Holly Municipal Utilities Authority**

All penalties collected are deposited in Authority operating fund as miscellaneous revenues to offset entire Industrial Pretreatment Program costs and/or Authority capital expenditures.

(15) **North Bergen Municipal Utilities Authority**

None Spent

(16) **Northwest Bergen County Utilities Authority**

Penalty Monies collected during the calendar year of 2006 have been utilized in the following manner:

1. Offset costs of laboratory analysis by QC Laboratories, Inc. for samples collected as part of the NBCUA Industrial Pretreatment Program.
2. Offset legal and administrative costs associated with the implementation of the Industrial Pretreatment Program.

(17) **Ocean County Utilities Authority**

Eleven penalties were assessed during the year 2006 totaling \$34,325.00

Penalties from 2005 totaling \$34,000 were collected in 2006. An additional \$3,000 penalty from 2005 is under a payment schedule, to be paid in 2007.

\$34,000.00 collected

\$ 3,000.00 under payment schedule

Seven penalties from the year 2006 were collected or a payment schedule was set up for a total of \$16,475.00. Two penalties have been contested and two payments have not yet been received

\$10,475.00 collected

\$ 6,000.00 under payment schedule

\$15,500.00 contested
\$ 2,350.00 not yet received

All monies collected are deposited in the Authority's General Fund. Ten percent of the collected penalties have been forwarded to the State of New Jersey as required.

(18) **Passaic Valley Sewerage Commissioners**

All penalty monies collected go into Passaic Valley Sewerage Commissioners General Operating Fund

INDUSTRIAL AND POLLUTION CONTROL DEPARTMENT

MANAGER

COST CENTER 81050

Salaries- Wages	5010
Salaries-Emergency	5030
FICA	5110
Health Plan	5210
Dental/Optical Plan	5220
Postage-Shipping	5410
Office Supplies	5420
Maintenance Supplies	5440
Janitorial Supplies	5450
Other Supplies	5470
Computer Supplies	5480
Computer Software	5490
Electrical Parts	5610
Plumbing Parts	5620
Paint Parts & Supplies	5640
Iron-Steel Parts & Supplies	5660
Other Replacement Parts	5690
Gas/Diesel-Vehicles & Vessels	5820
Telephone	6010
Electricity	6020
Water	6030

Gas	6040
Rent-Office Equipment	6110
Automobile Exp	6420
Travel Outside Area	6430
Office Furniture Equipment	6520
Out. Serv.-Rep. & Maint.	6940
Out. Serv.-Misc	6980
Tuition	7310
Training Programs	7320
Dues-Subscriptions	7400
Miscellaneous Expenses	7810

INDUSTRIAL OPERATIONS

COST CENTER 81100

Salaries-Wages	5010
Salaries-Emergency	5030
FICA	5110
Health Plan	5210
Dental/Optical Plan	5220
Postage-Shipping	5410
Office Supplies	5420
Other Supplies	5470
Computer Software	5490
Telephone	6010
Travel Outside Service Area	6430
Tuition	7310
Miscellaneous	7810

INDUSTRIAL MONITORING AND
SURVEILLANCE

COST CENTER 81150

Salaries-Wages	5010
Salaries-Emergency	5030
FICA	5110
Health Plan	5210
Dental/Optical Plan	5220
Office Supplies	5420
Lab Supplies	5430
Maintenance Supplies	5440
Janitorial Supplies	5450
Printing Supplies	5460
Other Supplies	5470
Electrical Parts	5610
Plumbing Parts	5620
Lumber Parts & Supplies	5630
Paint Parts & Supplies	5640
Meter Instruments Parts	5650
Iron-Steel Parts & Supplies	5660
Treatment Equipment Parts	5670
Other Replacement Parts	5690
Small Tools & Equipment	5700
Gas/Diesel-Vehicles & Vessels	5820
Lubricants	5840
Other Materials	5870
Telephone	6010
Auto Expense	6420
Travel Outside Service Area	6430
Transportation Equipment	6530
Testing Equipment	6580
Miscellaneous Equipment	6590
Computer Equipment	6600
Outside Services, Repair and Maintenance	6940
Outside Services-Lab Test	6950
Tuition	7310
Training Program	7320
Dues-Subscriptions	7400
Miscellaneous Expense	7810

POLLUTION PREVENTION

COST CENTER 81200

Salaries-Wages	5010
Salareies-Emergency	5030
FICA	5110
Health Plan	5210
Dental/Optical Plan	5220
Office Supplies	5420
Lab Supplies	5430
Maintenance Supplies	5440
Janitorial Supplies	5450
Other Supplies	5470
Electrical Parts	5610
Gas/Diesel-Vehicles & Vessels	5820
Telephone	6010
Rent-Office Equipment	6110
Auto Expense	6420
Travel Outside Area	6430
Office Furniture Equipment	6520
Miscellaneous Equipment	6590
Advertising	7110
Tuition	7310
Dues-Subscription	7400
Miscellaneous Expenses	7810

CONNECTION PROGRAM,
SATELLITE MONITORING,
COMMUNITY FLOW

COST CENTER 81250

Salaries- Wages	5010
Salaries-Emergency	5030
FICA	5110
Health Plan	5210
Dental/Optical Plan	5220
Postage-Shipping	5410
Office Supplies	5420
Maintenance Supplies	5440
Printing Supplies	5460

Other Supplies	5470
Electrical Parts	5610
Plumbing Parts	5620
Lumber Parts & Supplies	5630
Paint Parts & Supplies	5640
Meters-Insts Parts	5650
Small Tools & Equipment	5700
Gas/Diesel-Vehicles & Vessels	5820
Other Chemicals	5860
Telephone	6010
Travel Outside Area	6430
Office Furniture Equipment	6520
Tools, Shop-Garage Equipment	6540
Testing Equipment	6580
Advertising	7110
Tuition	7310
Training Programs	7320
Dues-Subscriptions	7400
Miscellaneous Expenses	7810

LABORATORY

COST CENTER 82050

Salaries- Wages	5010
Salaries-Emergency	5030
Salaries-Holiday	5040
FICA	5110
Health Plan	5210
Dental/Optical Plan	5220
Office Supplies	5420
Laboratory Supplies	5430
Maintenance Supplies	5440
Janitorial Supplies	5450
Printing Supplies	5460
Other Supplies	5470
Computer Supplies	5480
Computer Software	5490
Electrical Parts	5610

Plumbing Parts	5620
Paint Parts & Supplies	5640
Meters – Insts Parts	5650
Iron-Steel Parts & Supplies	5660
Other Replacement Parts	5690
Small Tools & Equipment	5700
Computer Parts	5710
Gas/Diesel-Vehicles & Vessels	5820
Lubricants	5840
Other Chemicals	5860
Telephone	6010
Automobile Exp	6420
Travel Outside Area	6430
Struct.-Improv. Equipment	6510
Office Furniture Equipment	6520
Laboratory Equipment	6550
Testing Equipment	6580
Miscellaneous Equipment	6590
Computer Equipment	6600
Out. Serv.-Rep. & Maint.	6940
Out. Serv-Lab Test	6950
Out. Serv.-Misc.	6980
Governmental Assessments	7070
Advertising	7110
Tuition	7310
Training Programs	7320
Dues-Subscriptions	7400
Miscellaneous Expenses	7810

LIQUID WASTE ACCEPTANCE

COST CENTER 82100

Salaries- Wages	5010
FICA	5110
Health Plan	5210
Dental/Optical Plan	5220
Office Supplies	5420
Laboratory Supplies	5430
Maintenance Supplies	5440
Janitorial Supplies	5450

Printing Supplies	5460
Other Supplies	5470
Electrical Parts	5610
Plumbing Parts	5620
Paint Parts & Supplies	5640
Gas/Diesel-Vehicles & Vessels	5820
Other Materials	5870
Telephone	6010
Rent-Office Equipment	6110
Automobile Exp	6420
Travel Outside Area	6430
Office Furniture Equipment	6520
Out. Serv-Lab Test	6950
Advertising	7110
Training Programs	7320
Dues-Subscriptions	7400
Miscellaneous Expenses	7810

(19) Rahway Valley Sewerage Authority

During the 2006 reporting year, Rahway Valley Sewerage Authority collected \$8,000.00 in penalties, and in January 2007 ten percent (10%) of \$8,000.00 (\$800.00) was submitted to the New Jersey Department of environmental Protection for deposit into the Wastewater Treatment Operator Training Program account. The funds collected by RVSA were put into the RVSA General Operating Account.

(20) Rockaway Valley Regional Sewerage Authority

The penalty monies collected from various violations as listed under this report were transferred to Rockaway Valley Regional Sewerage Authority (Authority's) revenue account with exception of 10% of the various amounts which has been disbursed to the NJDEP, Bureau of Revenue as per regulations.

(21) **Somerset Raritan Valley Sewerage Authority**

The penalty monies collected in 2006 have been expended in this way:

The SRVSA has submitted 10% of the \$24,250.00 to the NJDEP.

The rest of the penalty monies will be appropriated to the IPP Budget-line item 01-700-6738-7 (Professional Services).

(22) **Stony Brook Regional Sewerage Authority**

None Spent

(23) **City of Trenton**

None Spent

(24) **The Pequannock, Lincoln Park and Fairfield Sewerage Authority**

\$2,000 collected via enforcement actions was used for costs associated with the implementation and administration of the Industrial Pretreatment Program.

\$1,800.00 Offset IPP operation costs.

\$ 200.00 Payment to the NJDEP Wastewater Operators Training Fund

(25) **Wayne Township**

All monies collected are deposited in a pretreatment revenue account. Portions of each staff member's salary listed below are derived from this account:

- Division Superintendent
- Deputy Program Coordinator
- Senior Laboratory Technician
- Senior Field Inspector (2)

Equipment Funding:

- Portable Samplers
- Stationary Refrigerated Samplers
- Micro-tox Supplies and Materials
- Field Monitoring Equipment
- Laboratory Supplies and Equipment
- Computer Equipment and Software

Contracted Services:

- Laboratory Services
- Data Management Consultant
- Enforcement Response Plan Consultant/Legal
- Sewer Use Code Consultant/Legal
- Postal Services

**POTW PRETREATMENT PROGRAM
CLEAN WATER ENFORCEMENT ACT
ANNUAL REPORT
GUIDELINES**

This report must be submitted to the
NJDEP no later than
February 1st

PREPARED FOR THE CALENDAR YEAR 2006 ANNUAL REPORT

POTW PRETREATMENT PROGRAM

CLEAN WATER ENFORCEMENT ACT

ANNUAL REPORT

GUIDELINES

This report must be submitted to the
NJDEP no later than
February 1st

PREPARED FOR THE CALENDAR YEAR 2006 ANNUAL REPORT



INTRODUCTION

The New Jersey Department of Environmental Protection (Department) is responsible for overseeing the development, implementation, and continued effectiveness of local delegated pretreatment programs. One of the requirements of a local agency with a State-approved industrial pretreatment program (i.e., a delegated local agency, DLA), pursuant to the New Jersey Water Pollution Control Act under N.J.S.A. 58:10A-14.3, is that the DLA submit a Clean Water Enforcement Act (CWEA) Annual Report for the period of January to December. This report is required for preparation of the Department's Annual Report to the Governor.

These guidelines are provided for use in preparation of the required Clean Water Enforcement Act Annual Report. **Two Copies** of the CWEA Annual Report must be submitted on standard-size 8½ x 11 inch paper. Use of legal size paper or large-size computer printouts is discouraged. Submission of computer printouts reduced to standard size is satisfactory. Forms may be altered or adapted to fit any word processing capabilities of the DLA, as long as the same information is included.

The CWEA Annual Report must be submitted to the Department no later than **February 1** of each year. Failure to comply with this submission requirement is a violation of the New Jersey Water Pollution Control Act and subjects the permittee to civil administrative penalties.

Should you have any questions regarding the content of the CWEA Annual Report Guidelines, you may contact Mr. Jim Keil, Bureau of Pretreatment and Residuals, at (609) 633-3823.

When completed, please submit the report to:

State of New Jersey
Department of Environmental Protection
Division of Water Quality
Bureau of Pretreatment and Residuals
P.O. Box 029
Trenton, New Jersey 08625-0029

CLEAN WATER ENFORCEMENT ACT ANNUAL REPORT GUIDELINES

- I. **General Information Page:** This standard page provides basic information on the delegated local agency (DLA) submitting the Clean Water Enforcement Act (CWEA) Annual Report, including the person to contact regarding information contained in the report. The official signing the certification on this page must be the Executive Director or General Manager of the DLA, or a person of equivalent or higher position.
- II. **Report Contents:** The CWEA Report is a short report. This Report, in tabulated form, is a concise summary highlighting the main points (i.e., industrial user permit actions, industrial user violations, and enforcement actions initiated by the DLA) covered by the CWEA Annual Report.

For clarification, the following terms are defined:

- *Cat/Sig/Maj* - means categorical/significant/major indirect user as defined by the DLA
- *Enforcement Actions* - means administrative actions (i.e., notices of violations, issuance of compliance schedule, IU control mechanism modification, IU control mechanism revocation, or other), and legal/ judicial actions (i.e., show cause hearing, orders, injunction, civil actions, penalty including summons, criminal prosecution, or other).
- *Enforcement Costs* - means reasonable costs of any investigation, inspection, or monitoring survey which led to the establishment of the violation, reasonable costs of preparing and litigating the case, compensatory damages for any loss or destruction of wildlife, fish or aquatic life, or other natural resources, and for any other actual damages caused by an authorized discharge, and total amount of any economic benefits accruing to the violator from a violation. Please note economic benefits may include the amount of any savings realized from avoided capital or noncapital costs resulting from the violation; the return earned or that may be earned on the amount of avoided costs; any benefits accruing to the violator as a result of a competitive market advantage enjoyed by reason of the violation; or any other benefits resulting from the violation.
- *Hazardous Pollutant* means:
 1. Any toxic pollutant;
 2. Any hazardous substance as defined by the New Jersey Spill Compensation and Control Act, N.J.S.A. 58:10-23.11; or
 3. Any substance regulated as a pesticide under the Federal Insecticide, Fungicide and Rodenticide Act, 7 U.S.C. 136 et seq.; or

4. Any substance the use or manufacture of which is prohibited under the Federal Toxic Substances Control Act, 15 U.S.C. 2601 et seq.; or
 5. Any substance identified as a known carcinogen by the International Agency for Research on Cancer; or
 6. Any hazardous waste designated pursuant to the New Jersey Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq. or the Federal Resource Conservation and Recovery Act, 42 U.S.C. 6901 et seq.
- *Other Reg.* - means other regulated indirect user as defined by the DLA. Such a user is not a categorical, significant, or major indirect user but is nonetheless regulated by the DLA through a control mechanism.
 - *Pass Through* - means a discharge which exits the POTW into waters of the United States 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 POTW's NJPDES permit (including an increase in the magnitude or duration of a violation).
 - *Serious Violation* - means an exceedance, as set forth in a permit, administrative order, or administrative consent agreement, including interim enforcement limits, as follows:
 1. For effluent limitations for pollutants that are measured by concentration or mass, except for whole effluent toxicity;
 - i. Violations of an effluent limitation that is expressed as a monthly average;
 - (1) By 20 percent or more for a hazardous pollutant; and
 - (2) By 40 percent or more for a nonhazardous pollutant;
 - ii. Violations of an effluent limitation that is expressed as a daily maximum or daily minimum without a monthly average;
 - (1) By 20 percent or more of the average of all of the daily maximum or minimum values for hazardous pollutant; and
 - (2) By 40 percent or more of the average of all of the daily maximum or minimum values for a nonhazardous pollutant;
 2. The greatest violation of pH effluent range in any one calendar day which violation deviates from the midpoint of the range by at least 40 percent of the midpoint of the range excluding the excursions specifically excepted by a NJPDES permit with continuous pH monitoring. For example:

Assuming that a permittee's effluent limitation range for pH is 6.0 to 9.0, the midpoint would be 7.5.

If the five separate readings of pH during a given day were 4.3, 5.8, 6.5, 6.0, and 6.5, the reading of 4.3 would be a serious violation as follows:

$$\frac{7.5 \text{ (midpoint)} - 4.3 \text{ (greatest exceedance)} \times 100}{7.5 \text{ (midpoint)}} = 42.6\%$$

For example: Using the same information as above. Forty percent of 7.5 is 3; therefore, if the greatest violation of a pH effluent range for any calendar day has a pH of 4.5 or less or a pH of 10.5 or greater, the violation would be a "serious violation."

• *Significant Noncomplier* or "SNC" - means any person, except a local agency for an exceedance of an effluent limitation for flow, who commits any of the violations described below, unless the Department uses, on a case-by-case basis, a more stringent frequency or factor of exceedance to determine a significant noncomplier and the Department states the specific reasons therefor, which may include the potential for harm to human health or the environment. Violations which cause a person to become or remain an SNC include:

1. A serious violation for the same pollutant, at the same discharge point source, in any two months of any consecutive six month period;
2. Exceedance of an effluent limitation expressed as a monthly average, for the same pollutant, at the same discharge point source, by any amount in any four months of any consecutive six month period;
3. If there is not an effluent limitation for a particular pollutant expressed as a monthly average, exceedance of the monthly average of the daily maximums for the effluent limitation, for the same pollutant, at the same discharge point source, by any amount in any four months of any consecutive six month period; or
4. Any exceedance of an effluent limitation for pH by any amount, excluding the excursions specifically excepted by a NJPDES permit with continuous pH monitoring, at the same discharge point source in any four months of any consecutive six month period; or
5. Failure to submit a completed discharge monitoring report in any two months of any consecutive six month period.

Additional instructions and information for completing the CWEA Annual Report tables:

<u>Question #</u>	<u>Comment</u>
1.	The total number of permitted industries currently discharging to the DLA's treatment works.
2.	This number represents the total number of industrial users which are currently discharging into the DLA's system and <i>should</i> have a permit from the DLA but have not yet been issued a permit or control mechanism. Please provide additional details on any unpermitted discharges in Attachment A, Item 1.
3.	Total number of new discharge permits issued by the DLA during calendar year 2006.
4.	Total number of permits which were renewed by the DLA during calendar year 2006.
5.	Total number of permit modification <i>completed</i> by the DLA during calendar year 2006.
6.	Total number of permits contested by interested parties during calendar year 2006.
7.	Total number of compliance schedules that <i>relax</i> local limits specified in the permit. This number should represent the number of schedules issued as <i>final</i> , and <u>should not</u> include any draft compliance schedules that may have been issued. Please provide additional details (facility, classification, and parameters relaxed) in Attachment A, Item 2.
8.	This number must represent the total number of facilities which were both sampled AND inspected during calendar year 2006. Do not include in this number those facilities which were subject to only one of the required actions (e.g., only inspected and not sampled, or vice-versa). Please provide additional details to explain any shortfalls in Attachment A, Item 3.
9.	This number represents the number of pass throughs of pollutants which occurred at the DLA's treatment facility (or facilities) <i>which can be attributed to an industrial user discharge</i> . The definition of "pass through" is noted on Page iii. Please provide additional details (parameters violated and cause) in Attachment A, Item 4.
10.	This is the total number of industrial user permit violations broken down by reporting violations, and effluent violations for hazardous and non-hazardous pollutants. <i>Reporting violations</i> include, but are not limited to, late, incomplete, or non-submission of self-monitoring reports (SMRs), progress reports, spill reports, etc. <i>Hazardous pollutants</i> are those pollutants which meet the definition under N.J.S.A. 59:10A-3.u, which is noted on Page ii. <i>Non-Hazardous pollutants</i> are those pollutants which are not defined as hazardous pollutants.

Additional instructions and information, continued.

- | <u>Question #</u> | <u>Comment</u> |
|-------------------|---|
| 11. | This number represents the total number of discharge violations which meet the <i>serious violation</i> definition, as indicated on Page iii. |
| 12. | This number must represent the total number of defenses <i>granted</i> . An affirmative defense is a claim by a permittee that a violation of an effluent discharge limitation was caused by a treatment bypass, a treatment upset, or a testing or laboratory error. Where affirmative defenses have been granted, please categorize each granted defense based on the criteria noted. Please provide additional details in Attachment A, Item 5. |
| 13. | This is the total number of industrial users which have met or meet the <u>State</u> definition of SNC, as indicated on Page iv. This number should include only those facilities which met or meet the State definition, and <u>not</u> those facilities which met or meet the federal SNC definition. <i>The number of facilities listed here must match the number of facilities listed in Attachment B.</i> |
| 14. | No explanation needed. |
| 15. | This is the total number of violations of compliance schedule milestones that are out of compliance by <i>90 days or more</i> . |
| 16a. | This is the number of industrial users, a subset of those listed in question 13 above, which had met the State SNC criteria during 2006, but have achieved compliance prior to the end of calendar year 2006. |
| 16b. | This is the number of industrial users which had met the State SNC criteria during calendar year 2005, but have achieved consistent compliance during calendar year 2006. |
| 17. | This number represents enforcement actions which resulted from inspection and/or sampling events conducted by the DLA. "Enforcement actions" are defined on Page ii. |
| 18. | This is the total number of violations for which civil or civil administrative penalties have been assessed. Since one civil penalty or civil administrative penalty may address several violations, the number noted under this question may be much greater than the total number of penalties issued. |
| 19. | This is the <i>dollar amount</i> of all civil and civil administrative penalties <i>assessed</i> during calendar year 2006. |
| 20. | This is the <i>dollar amount</i> of all civil and civil administrative penalties <i>collected</i> during calendar year 2006. This amount includes partial payments which the DLA has received pursuant to a payment schedule and collection from previous years' assessments of penalties. |

Additional instructions and information, continued.

<u>Question #</u>	<u>Comment</u>
21.	This dollar amount represents the enforcement costs <i>recovered</i> in a civil action or civil administrative action. This money must have been paid to and received by DLA during the calendar year. "Enforcement costs" are defined on Page ii.
22.	This is the total number of criminal actions filed by the Attorney General or county prosecutor during calendar year 2006. This number may correlate with the response to question number 25.
23.	Permittees which have met or currently meet the State SNC criteria must be listed in Attachment B. This list must also include information relative to the IU (address and permit number), as well as information relative to the IU's noncompliance status, such as a description and date of each violation, date the violation was resolved, and the total number of violations. The number of industries listed in this Attachment must be the same as the response to question number 13. If no permittees met the State SNC criteria, indicate "None" as a response.
24.	Permittees which are six months behind in the construction phase of a compliance schedule must be listed in Attachment C. If no permittees meet this criteria, indicate "None" as a response. Please be sure that this question is answered.
25.	Permittees convicted of criminal conduct must be listed in Attachment D. If no permittees meet this criteria, indicate "None" as a response. This response may coorelate with the response to question 22. Please be sure that this question is answered.
26.	If no money had been collected during the year, indicate "Not Applicable" as a response. Please be sure that this question is answered.

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Examples for Attachment A, Items 1, 2, 3, 4 and 5:

Attachment A, Item 1

Unpermitted Discharges (Question # 2)

Facility	Classification	Reason Not Permitted
Chief's Meats	SIU	Reclassified as SIU 10/06
JoPa's Tubing	CIU	New discharger beginning 9/06

Attachment A, Item 2

Compliance Schedules that Relax Local Limits (Question # 7)

Facility	Classification	Parameters with Relaxed Limits
ABC Pharm.	CIU	Interim limit for Zinc.
Paterno's Garage	OR	Interim limit for oil and grease and lead

Attachment A, Item 3

Facilities Not Inspected and Sampled (Question # 8)

Facility	Classification	Comments
Clock Works Inc.	SIU	New permittee, inspected but not sampled
Vinnie's Anodizing	CIU	Zero discharge, inspected

Attachment A, Item 4

Pass Through (Question # 9)

Facility	Classification	Parameter violated and cause
King Imports	SIU	TSS in 5/06, sludge discharge from noted SIU
unknown	N/A	BOD violations in 11/06, possible cause being investigated

Attachment A, Item 5

Affirmative Defenses Granted (Question # 12)

Facility	Classification	Reason for Affirmative Defense
XYZ Boxboard	OR	Lab error
Pablo's Electroplating	CIU	Upset