

Compliance & Enforcement



Fiscal Year 2010 Highlights





Welcome to our 6th edition of the New Jersey Department of Environmental protection's Fiscal year 2010 Compliance & Enforcement Highlights Report. The report continues to highlight a sampling of the major enforcement actions and settlements we have taken over the year. Also highlighted is a sampling of the many initiatives the various programs have undertaken over the past year to provide compliance assistance. We continue to seek opportunities to provide effective education and assistance to our regulated community in maintaining compliance with State and Federal regulations.

This year also marks the beginning of major transformations within the Department. The Compliance & Enforcement programs are no exception to these transformations and will shortly begin to schedule stakeholder meetings. We anticipate rolling out a new model for compliance and enforcement that de-emphasizes routine compliance monitoring work in favor of identifying environmental problems that impact public safety, health and the environment and focuses our limited resources on addressing those problems. This should not be interpreted as a lessening of enforcement but instead a focusing of our attention (and enforcement resources) where they make the most sense.

~Assistant Commissioner Wolfgang Skacel

Fiscal Year 2010 Compliance & Enforcement Highlights

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Within the New Jersey Department of Environmental Protection (Department) Compliance & Enforcement (C&E) is comprised primarily of media specific program areas each headed by managers who report to the Assistant Commissioner. The following programs are managed directly within C&E:

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C&E also has a role in ensuring consistency in all departmental compliance monitoring activities (inspections, compliance evaluations, etc.) as the Department is committed to handling all C&E related issues in a manner that maximizes predictability and standardization of actions and policies. Programs outside C&E that conduct compliance monitoring include:

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Compliance Assistance

Compliance assistance attempts to ensure the regulated community understands its obligations by providing clear and consistent descriptions of regulatory requirements. Compliance assistance can also help the regulated community find cost-effective ways to comply and to go “beyond compliance” in improving their environmental performance through the use of pollution prevention and other innovative technologies.

Compliance assistance by the Department is offered:

1. When a new permit is issued so that the permittee understands all of the permit requirements.
2. When a new business starts and requests help “to get started off on the right foot”.
3. When a facility becomes regulated due to a rule change or change in business operations.
4. When a pattern of non-compliance shows a common misunderstanding in the regulated community.

Throughout this document activities highlighted by the programs that are considered to be compliance assistance are depicted by this symbol:



Presentation of Data

Our goal is to communicate outputs from all programs in three very general but standardized categories that are easily understood and have common sense definitions.

Data Definitions:

Investigations are compliance evaluations or applicability determinations at known or unknown sites that are characterized by their unplanned nature. The most common example is a response to a citizen complaint. These activities may result from calls to the Department’s hotline, field observations, executive referrals or special projects. Most often investigations are conducted as single-day, single-inspector and single-program site visits but may be conducted entirely through telephone interviews. Investigations do not always consider the entire site, especially for known regulated sites.

Site Inspections are compliance evaluations conducted through site visits. The most common example is the physical inspection of a facility ensuring compliance with rules, permits or approvals from the department. Most often these planned inspections are single-day, single-inspector efforts, but may involve more than one inspector and may take more than one day. Each inspection typically evaluates the entire site for a single program's regulations, but may include multiple programs or only focus on part of the site or specific regulations.

Enforcement Actions are the documents issued to violators that spell out the details of one or more alleged violations, any steps needed to correct them, any penalties, and the schedules for compliance and/or penalty payment. Enforcement Actions may be informal notices (such as Notices of Violation) or formal documents recognized by the courts (such as Administrative Orders). This category also counts negotiated agreements (such as Settlement Agreements or Administrative Consent Orders) that resolve non-compliance and penalty concerns while avoiding the cost of litigation. Enforcement actions may address multiple violations of varied regulations over time but are typically limited to a single program's concerns from a single compliance evaluation at a single site.

Getting More Data

The following data report categories are available using the Department's Data Miner tools at <http://www.state.nj.us/dep/opra/online.html>:

| | | |
|--------------------------------------|-------------------------------|-----------------------------------|
| 2008 Permit Extension Act | Compliance & Enforcement* | Mandatory Diesel Retrofit Program |
| Air Quality Permitting and Reporting | Exams & Licensing | NJPDES Permitting Program |
| Ambient Water Quality | General Environmental Reports | Pending Permit Progress Reports |
| Certified Laboratories | Hazardous Waste Manifest | Permitting Dashboard |
| Community Access | Incidents/Complaints* | Pesticide Control Program |

Radiological Health
 Site Remediation
 Stewardship

Vehicle Registration Search (2009 Forward)
 Volunteer & Watershed Ambassador Ambient Water Quality
 Water Supply
 What's New

*These two report categories, which provide access to the details of the data summarized in this report, contain information for the following programs:

| | | |
|-------------------------|---------------------|------------------|
| Air | Land Use | Solid Waste |
| Community Right to Know | Pesticides | TCPA |
| DPCC | Radiation** | Water Supply |
| Hazardous Waste | Site Remediation*** | Water Quality*** |

**Limited Site Inspection data is available for the Radiation programs

***Site Inspections for Underground Storage Tank (UST) facilities are reported under the Water Quality program. Investigations (Incidents/Complaints) and Enforcement Actions for UST facilities may be reported under either Water Quality or Site Remediation programs.

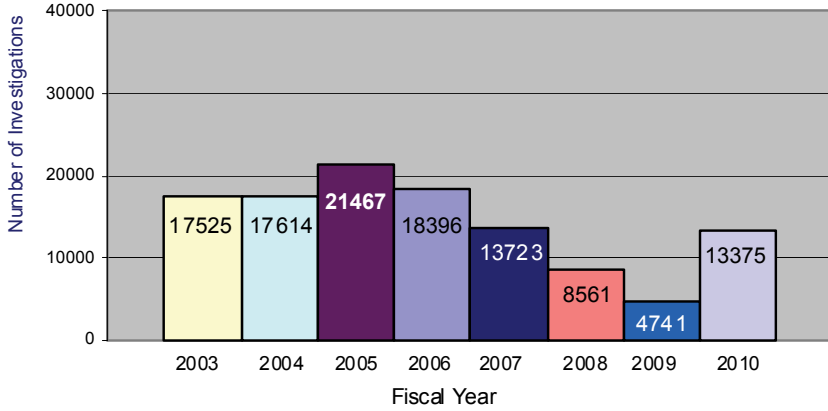
Acronyms used in this report:

| | | | |
|----------|--|---------|---|
| AARCS | Administrative Requirements for the Remediation of Contaminated Sites | NEW MOA | Northeast Waste Management Officials Association |
| ACO | Administrative Consent Order | NJDCJ | NJ Division of Criminal Justice |
| AFSP | Administrative and Fiscal Support Program | NJEMS | New Jersey Environmental Management System |
| AO | Administrative Order | NJGARP | NJ Green Automotive Repair Program |
| AONOCAPA | Administrative Order and Notice of Civil Administrative Penalty Assessment | NJME | NJ Center for Manufacturing Excellence |
| BECS | Bureau of Enforcement and Compliance Services | NJPDES | New Jersey Pollutant Discharge Elimination System |
| BER | Bureau of Environmental Radiation | NOP | Notice of Penalty |
| CAFRA | Coastal Area Facility Review Act | NOV | Notice of Violation |
| CBRNE | Chemical, Biological, Radiological, Nuclear and Explosive | OLEM | Office of Local Environmental Management |
| CEHA | County Environmental Health Act | OPRA | Open Public Records Act |
| CFD | Clifton Fire Department | OQA | Office of Quality Assurance |
| CLUE | Coastal & Land Use Enforcement | P2RTK | Pollution Prevention & Right To Know |
| CO | Conservation Officer | pCi/L | picocuries per liter |
| DCR | Discharge Cleanup and Removal | PT | Performance Test |
| DFW | Division of Fish & Wildlife | RD | Release Detection |
| DPCC | Discharge Prevention Containment and Countermeasures | RN TAC | Rutgers Noise Technical Assistance Center |
| DSW | Definition of Solid Waste | RMP | Radioactive Material Program |
| EPA | Environmental Protection Agency | RP | Release prevention |
| FDA | Food & Drug Administration | RPPR | Release & Pollution Prevention Report |
| GIS | Geographic Information System | TCPA | Toxic Catastrophe Prevention Act |
| HHT | Heller Heat Treating | SA | Settlement Agreement |
| LSRP | Licensed Site Remediation Professional | SBAP | Small Business Assistance Program |
| MPP | Menlo Park Plaza | SRR A | Site Remediation Reform Act |
| MQSA | Mammography Quality Standards Act | SWUCA | Soilis Waste Utility Control Act |
| NCC | New Jersey Noise Council | USFWS | U.S. Fish & Wildlife Service |
| NELAC | National Environmental Laboratory Accreditation Conference | UST | Underground Storage Tank |
| NELAP | National Environmental Laboratory Accreditation Program | | |

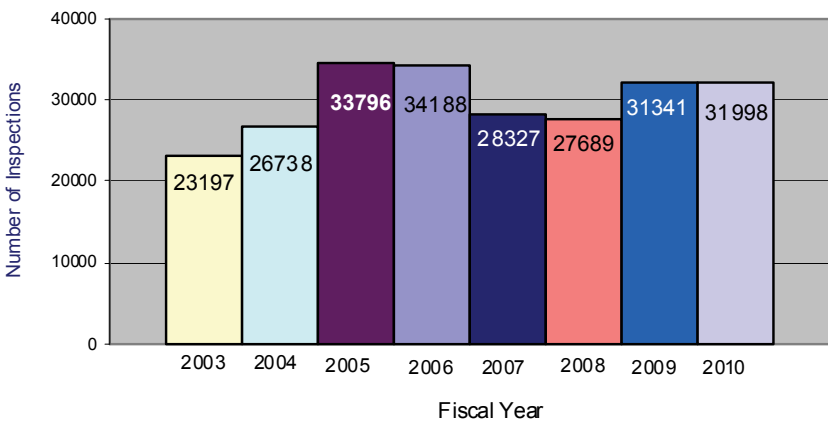


Summary of Investigations, Site Inspections, and Enforcement Actions - Fiscal Years 2003 to 2010

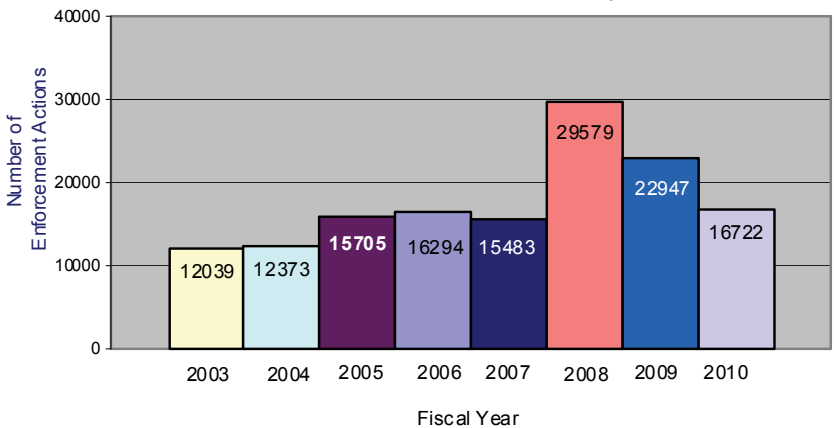
Number of Investigations Completed by Fiscal Year



Site Inspections Completed by Fiscal Year



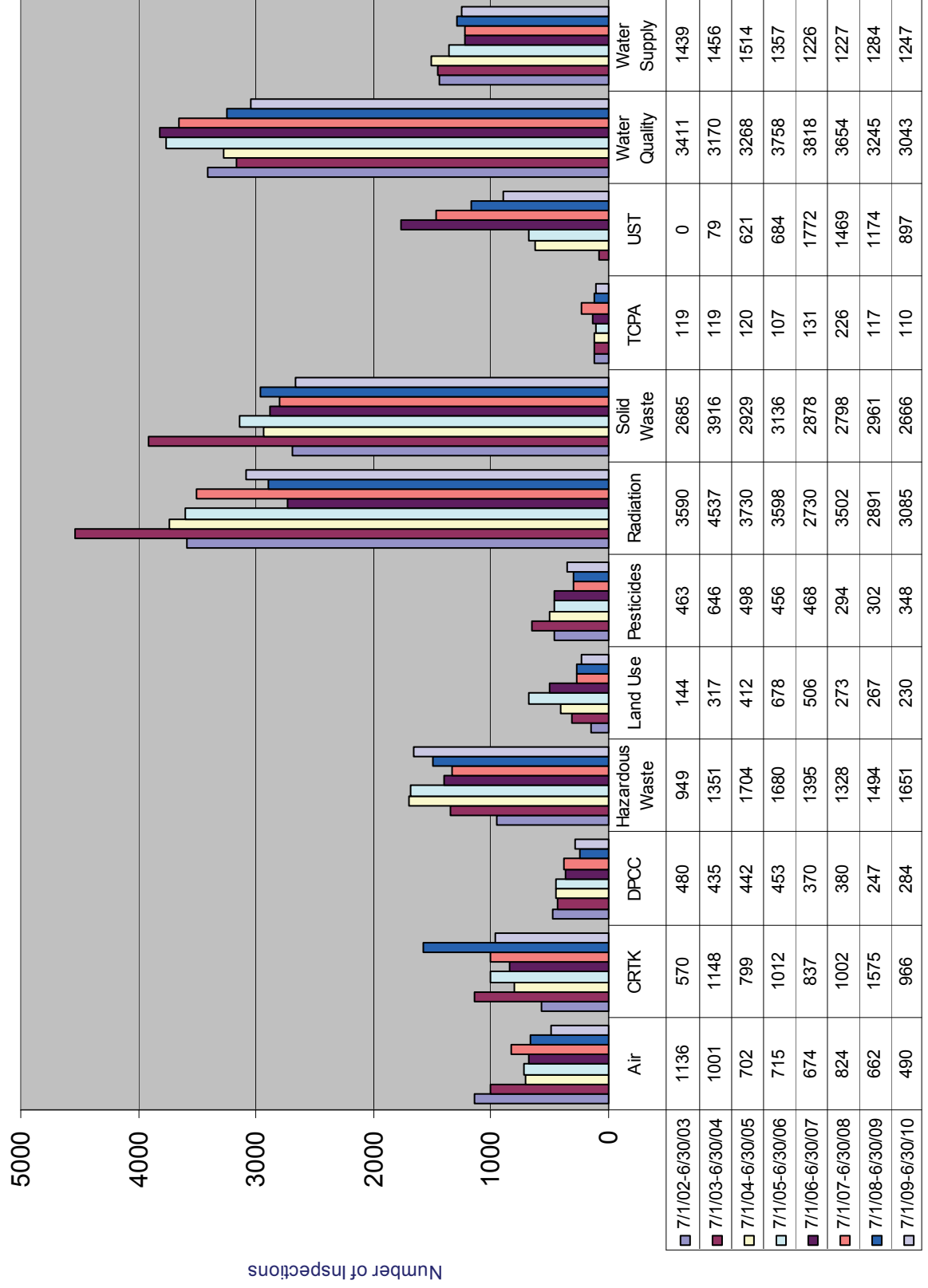
Total Enforcement Actions Issued by Fiscal Year



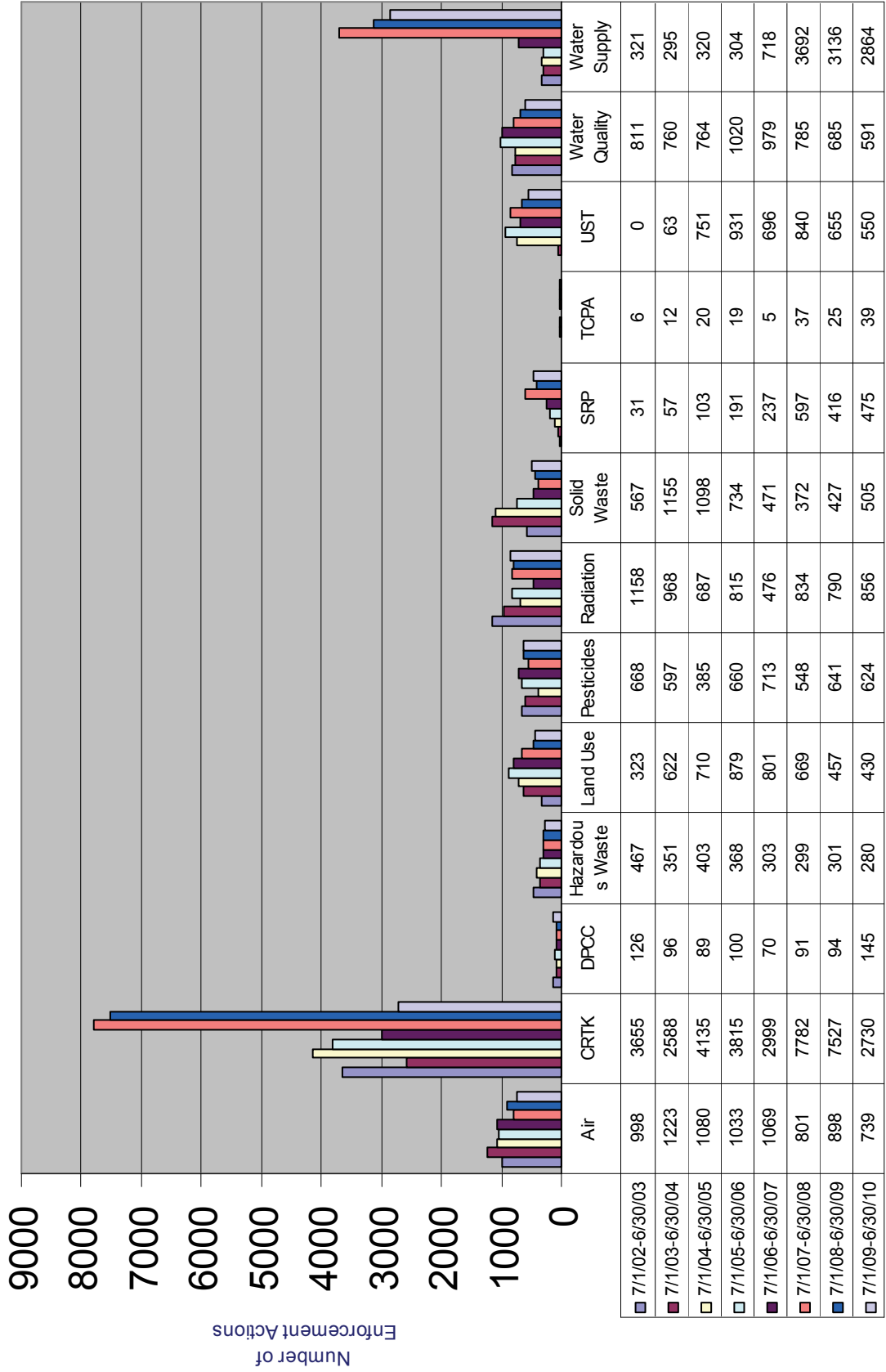
The following programs are included in the totals for each chart:

- Air
- Community Right to Know (CRTK)
- County Environmental Health Act (CEHA) Program
- Discharge Prevention, Containment and Countermeasures (DPCC)
- Hazardous Waste
- Land Use
- Pesticide Control
- Radiation Protection
- Site Remediation Program (SRP)
- Solid Waste
- Toxic Catastrophe Protection Act (TCPA)
- Underground Storage Tanks (UST)
- Water Supply
- Water Quality

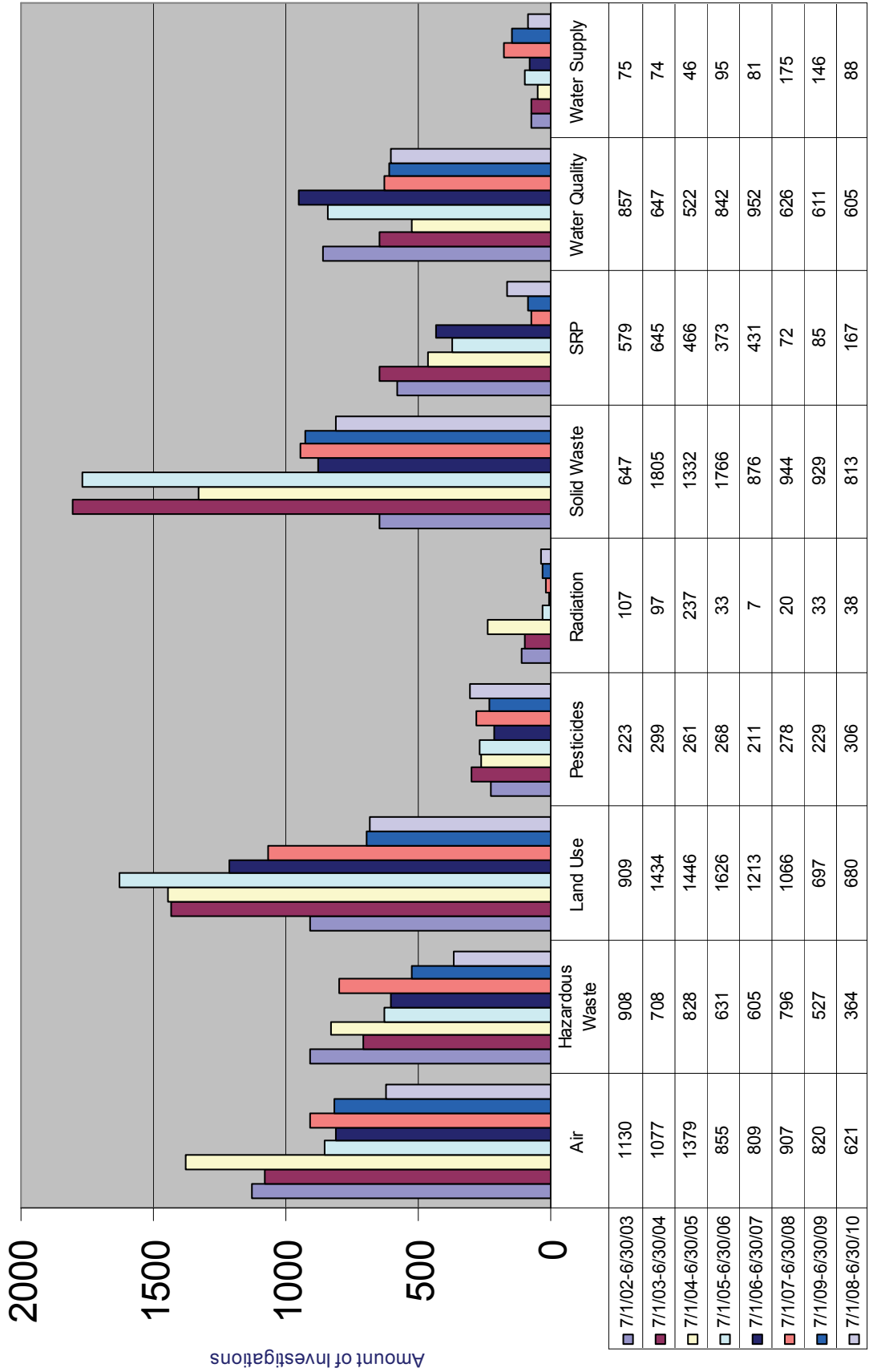
Inspections Completed by Fiscal Year



Enforcement Actions Issued by Fiscal Year



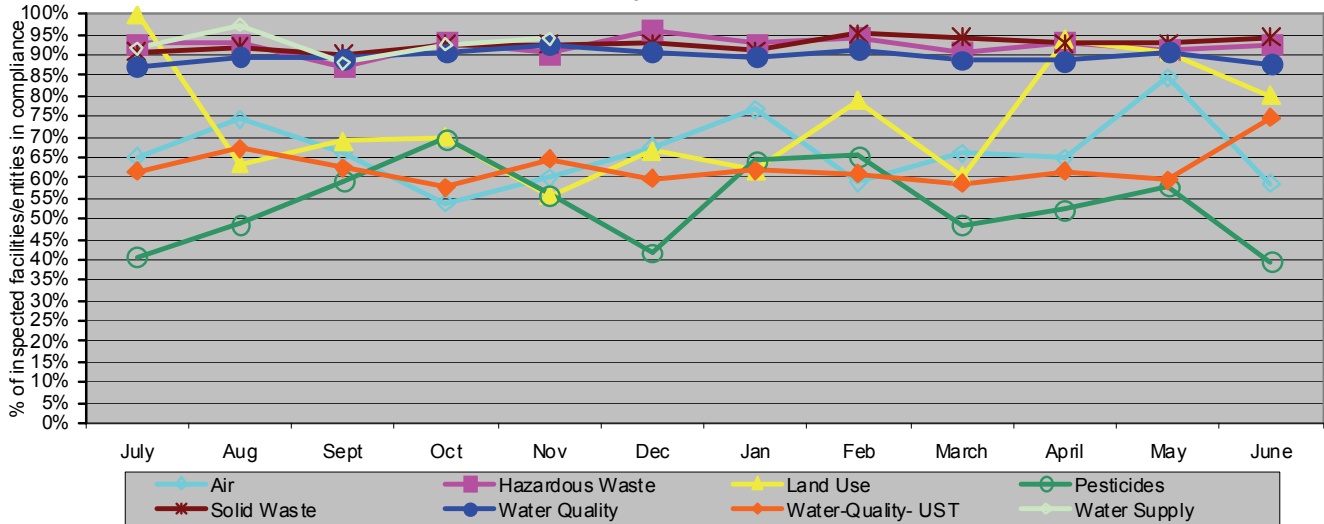
Investigations Completed by Fiscal Year



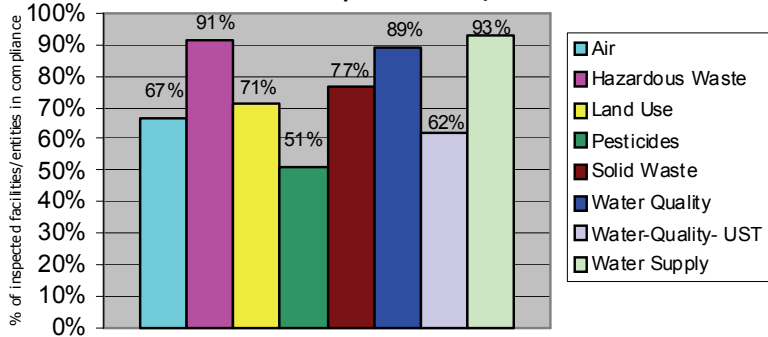
FY2010 Inspection-Based, Facility Compliance Rates

Compliance rates are based the number of discrete facilities or entities inspected by the programs and reflect the percentage found in compliance. Entities are only counted once even if inspected multiple times within a given period. One or more violations at any inspection in the period counts as non-compliance. The entities counted here are only where routine or pre-planned inspections occurred and are primarily where permits, licenses, or other Departmental approvals exist. These figures exclude observations based solely on submittals of self-reported information, monitoring and investigations (such as those stemming from hot-line calls or complaints). This report was run on August 2, 2010.

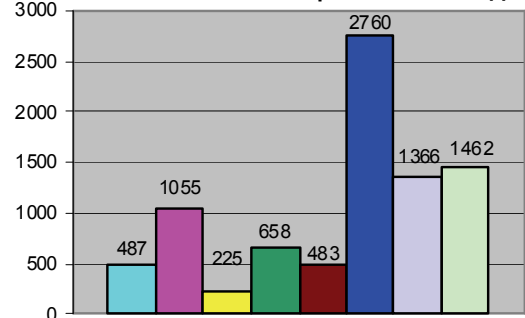
FY2010 Monthly Compliance Rate Trends



FY2010 Compliance Rates†



Facilities/Entities Inspected in FY2010††



| Compliance Rate | July | Aug | Sept | Oct | Nov | Dec | Jan | Feb | March | April | May | June | Entire year† |
|--------------------------------------|------------|------------|------------|------------|------------|------------|------------|------------|-------------|------------|------------|------------|---------------|
| Air | 65.1% | 74.3% | 66.0% | 53.8% | 60.0% | 67.5% | 76.9% | 58.8% | 66.0% | 64.9% | 84.6% | 58.6% | 66.5% |
| Hazardous Waste | 92.9% | 92.9% | 87.2% | 93.2% | 90.4% | 96.2% | 93.0% | 94.3% | 90.8% | 93.1% | 91.3% | 92.7% | 91.4% |
| Land Use | 100.0% | 63.3% | 69.0% | 70.0% | 55.6% | 66.7% | 61.9% | 78.9% | 60.5% | 93.8% | 90.9% | 80.0% | 71.1% |
| Pesticides | 40.8% | 48.8% | 59.1% | 69.6% | 55.8% | 41.7% | 64.1% | 65.4% | 48.4% | 52.2% | 57.8% | 39.6% | 50.8% |
| Solid Waste | 90.8% | 91.9% | 90.2% | 92.7% | 92.6% | 93.0% | 91.1% | 95.2% | 94.4% | 92.9% | 92.9% | 94.4% | 76.8% |
| Water Quality | 87.3% | 89.5% | 89.2% | 90.6% | 92.7% | 90.9% | 89.6% | 91.3% | 88.8% | 88.7% | 90.7% | 87.7% | 89.0% |
| Water-Quality- UST | 61.6% | 67.2% | 62.5% | 57.8% | 64.5% | 59.8% | 61.9% | 61.0% | 58.6% | 61.7% | 59.4% | 74.7% | 62.2% |
| Water Supply | 91.5% | 97.4% | 88.0% | 92.6% | 94.1% | 91.0% | 92.2% | 92.5% | 92.0% | 94.5% | 92.6% | 93.5% | 92.7% |
| Facilities Inspected | July | Aug | Sept | Oct | Nov | Dec | Jan | Feb | March | April | May | June | Entire year†† |
| Air | 42 | 67 | 46 | 39 | 40 | 40 | 39 | 34 | 53 | 37 | 27 | 26 | 487 |
| Hazardous Waste | 121 | 132 | 144 | 154 | 118 | 152 | 144 | 103 | 194 | 131 | 118 | 140 | 1055 |
| Land Use* | 13 | 30 | 43 | 10 | 9 | 11 | 21 | 18 | 38 | 16 | 11 | 10 | 225 |
| Pesticides | 35 | 23 | 11 | 13 | 24 | 12 | 18 | 16 | 35 | 56 | 54 | 51 | 658 |
| Solid Waste | 254 | 240 | 205 | 225 | 216 | 236 | 227 | 191 | 268 | 236 | 183 | 185 | 483 |
| Water Quality | 249 | 252 | 308 | 333 | 208 | 183 | 212 | 152 | 287 | 227 | 308 | 324 | 2760 |
| Water-Quality- UST** | 98 | 93 | 80 | 123 | 73 | 72 | 64 | 26 | 77 | 85 | 57 | 49 | 1366 |
| Water Supply | 60 | 102 | 93 | 93 | 81 | 80 | 103 | 71 | 130 | 104 | 132 | 198 | 1462 |
| Totals | 872 | 939 | 930 | 990 | 769 | 786 | 828 | 611 | 1082 | 892 | 890 | 983 | 8496 |

** A new Underground Storage Tank (UST) inspection program began in early 2004.

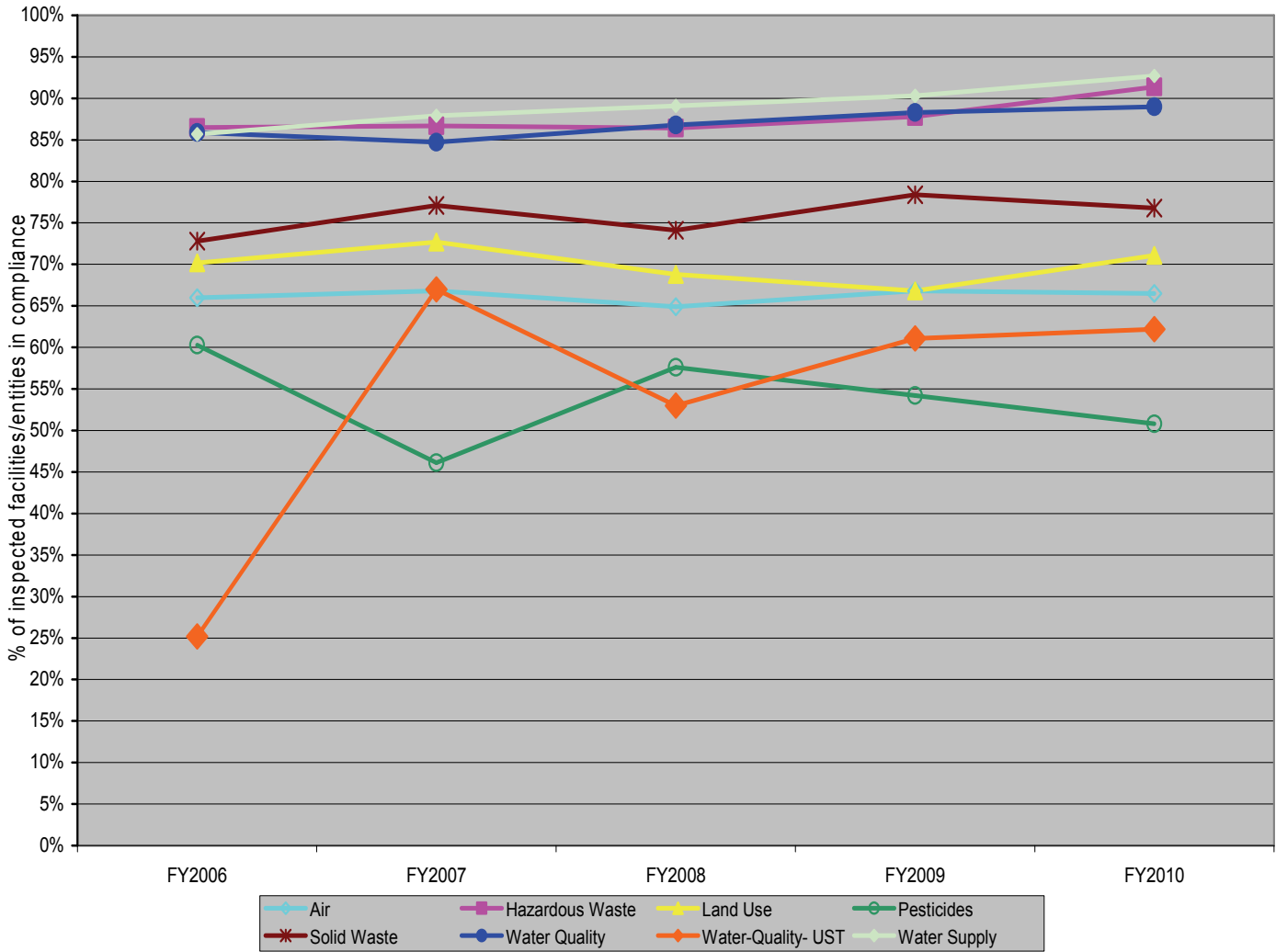
† Compliance Rates for the entire year will be lower than average monthly rates because of repeat visits to some facilities.

†† Facilities Inspected for the entire year will be lower than the total for all months because of repeat visits to some facilities.

FY2006 - FY2010 Inspection-Based, Facility Compliance Rates

Compliance rates are based the number of discrete facilities or entities inspected by the programs and reflects the percentage found in compliance. Entities are only counted once even if inspected multiple times within a given period. One or more violations at any inspection in the period counts as non-compliance. The entities counted here are only where routine or pre-planned inspections occurred and are primarily where permits, licenses, or other Departmental approvals exist. These figures exclude observations based solely on submittals of self-reported information, monitoring and investigations (such as those stemming from hot-line calls or complaints). This report was run on August 2, 2010.

FY2006 - FY2010 Yearly Compliance Rate Trends



Compliance Rates FY2006 -FY2010

| Compliance Rates | FY2006 | FY2007 | FY2008 | FY2009 | FY2010 |
|------------------------------------|--------|--------|--------|--------|--------|
| Air | 66.0% | 66.8% | 64.9% | 66.8% | 66.5% |
| Hazardous Waste | 86.5% | 86.7% | 86.4% | 87.8% | 91.4% |
| Land Use | 70.2% | 72.7% | 68.8% | 66.8% | 71.1% |
| Pesticides | 60.3% | 46.1% | 57.6% | 54.2% | 50.8% |
| Solid Waste | 72.8% | 77.1% | 74.1% | 78.4% | 76.8% |
| Water Quality | 85.9% | 84.7% | 86.8% | 88.3% | 89.0% |
| Water-Quality- UST | 25.2% | 67.0% | 53.0% | 61.1% | 62.2% |
| Water Supply | 85.7% | 87.9% | 89.1% | 90.3% | 92.7% |

* Facilities Inspected FY2006 - FY2010

| Facilities Inspected | FY2006 | FY2007 | FY2008 | FY2009 | FY2010 |
|------------------------------------|--------|--------|--------|--------|--------|
| Air | 747 | 750 | 854 | 656 | 487 |
| Hazardous Waste | 1131 | 902 | 789 | 898 | 1055 |
| Land Use | 675 | 532 | 269 | 256 | 225 |
| Pesticides | 1041 | 939 | 601 | 546 | 658 |
| Solid Waste | 685 | 668 | 517 | 528 | 483 |
| Water Quality | 3501 | 3674 | 3399 | 2989 | 2760 |
| Water-Quality- UST | 722 | 2010 | 1489 | 1382 | 1366 |
| Water Supply | 1585 | 1540 | 1490 | 1486 | 1462 |

* The number of facilities inspected was recalculated for prior years and will differ from numbers reported in prior reports.

Strategic Plan

C&E is dedicated to ensuring that New Jersey's environment is clean, safe, enjoyable, preserved and enhanced for future generations. Our vision is to build a nationally recognized organization that empowers our trained and dedicated professionals to ensure New Jersey's businesses, communities and individuals are models of environmental stewardship and compliance. To accomplish this vision we are actively working to improve the efficiency and effectiveness of our operations with particular emphasis on innovation and striking the proper balance between education, assistance, and enforcement. We are also expanding our ability to take a holistic approach that is not limited to concerns of a single program. This joint operations approach ensures that behavior that ignores compliance or shifts problems from one area to another is dealt with effectively. To do so requires us to gauge the value of our actions and begin the challenge of linking this to environmental results.

The following values will be demonstrated through our business operations:

▪Integrity

C&E is committed to performing all of its duties in a manner exemplifying the highest standards of professional, moral and ethical behavior.

▪Environmental Dedication

C&E is dedicated in its efforts to preserve, protect, and sustain the environment of New Jersey for the residents of the state and future generations.

▪Responsiveness and Effectiveness

C&E will strive to be responsive to the issues influencing our environment and to the needs of the constituents we serve. All of our actions will focus on improving the effectiveness of our program through self-evaluation and a commitment to achieve excellence in our daily operations.

▪Clarity of Communication and Accountability

C&E will continually strive to improve our relationship with all of our stakeholders by expanding our outreach to the various constituents. We will accom-

plish this by providing clear purpose and goals, and sharing the results of our program's performance.

▪Continuous Improvement and Innovation

C&E will work towards continuous improvement of the operations within our program and will seek and encourage the use of innovative methods to achieve excellence in the pursuit of our environmental goals.

▪Fair and Just

C&E will perform its duties in a manner that is equitable, fair and just to all of the constituents we serve.

Driven by purpose and guided by our values, C&E will pursue the following five goals:

▪**Build a work environment that attracts, develops and retains dedicated, motivated and talented employees.**

▪**Effectively balance compliance assistance, enforcement and education to achieve compliance and move the regulated community and the public towards environmental stewardship.**

▪**Lead the Department in the management, use and sharing of environmental information and intelligence to aid in the decision making, policy development and targeting activities.**

▪**Ensure effective participation in the Department's planning, policy-making, rule-making and decision-making process.**

▪**Improve productivity, accountability, and operation efficiency.**

Workgroups have been continuously working toward the advancement of the first two goals.

Stewardship

The greatest advancement of C&E's strategic plan came in the development and implementation of an Environmental Stewardship Program. What began as a pilot program in 2008 has become so successful that the State Legislature enacted a law

(P.L. 2009 c. 316) making the program permanent on January 18, 2010.

In fiscal year 2010, there were 155 new facilities added to the Stewardship Program for a total of 464

Air

Dry Cleaner Reimbursement Grant Program

Air C&E has established an dry cleaner reimbursement grant program to address the health risk potential for sensitive receptors for emissions of perchloroethylene from the dry cleaning industry, and to encourage an early reduction of the use of perchloroethylene at dry cleaning facilities and a transition to less toxic dry cleaning chemicals and processes.

As part of negotiated settlements involving electric generating power plant facilities located in the mid-west for alleged air emissions impacting the air quality in New Jersey, the Department is receiving approximately \$5,000,000 by 2013 to be used in this grant process.

This grant program will use these funds to encourage the removal of older perchloroethylene dry cleaning equipment, especially those with the greatest impact on sensitive receptors such as those that are co-residential and co-located with day care centers.

The amount is based on the type of system, the capacity of the system in pounds of clothing cleaned per load, and by the age of the equipment at the time it is removed. A typical dry cleaning system has a 15 year average useful life. The reimbursement grant will be based on an average initial purchase price, and the years remaining in the useful life of the equipment. Equipment over 15 years old will receive \$1,000.

The Department is in the process of proposing rules to regulate, a listed air toxic, in the dry cleaning industry. This grant program will also help to offset this expense, and to encourage an early reduction of

participating facilities. What is especially encouraging is that 32 facilities that were already part of the program added additional categories of qualification.

the use of perchloroethylene at dry cleaning facilities



Camden County MUA

As the result of a settlement agreement reached between the Department and Camden County Municipal Utilities Authority in 2008, clean up of an abandoned gas station located at Broadway and Chelton in the Waterfront South section of Camden, New Jersey has been initiated. Phase I of the project which consists of demolition and removal of all structures located on the aforementioned properties has been completed. Phase II consists of the identification and removal of all underground storage tanks and contaminated media located on and emanating from the subject property. To date all tanks have been removed and six monitoring wells have been installed. Once Phase III of the project is completed, the property will be deed restricted for recreational purposes only.



Office of Local Environmental Management

The Office of Local Environmental Management (OLEM) oversees the administration of the County Environmental Health Act (CEHA) program, the State's Noise Control program, the GreenStart voluntary compliance assistance program and the Solid Waste Utility Control Act (SWUCA) program.

CEHA

OLEM administers the CEHA program by awarding grant funds on an annual basis to 21 CEHA certified county health agencies. C&E delegates its enforcement authority to these county health agencies in the environmental program areas of air pollution, safe drinking water, solid waste, noise, and local hazardous material emergency response. OLEM has also expanded the CEHA scope to include special projects including compliance assistance, pesticide inspections, underground storage tank inspections, right-to-know inspections, coastal cooperative monitoring, and freshwater bathing beach monitoring. OLEM regularly reviews CEHA agencies' quarterly activity reports and invoices to ensure inspections and enforcement actions are consistent with contractual requirements and that grant funding is used to support only CEHA related expenses. In fiscal year 2010 OLEM reviewed more than 80 quarterly activity reports and processed over 150 invoices to reimburse county health agencies for this work.

As part of the delegated activities, in fiscal year 2010 CEHA agencies conducted 1,170 public non-community well inspections, 420 dry cleaner inspections, and over 3,000 solid waste facility inspections. CEHA agencies responded to over 1900 air and 1000 solid waste citizen complaints and referrals. Additionally a priority was to inspect closed landfills to identify potential hazards to public health and the environment.



Enforcement Consistency

OLEM continues to provide guidance to CEHA agencies for conducting appropriate and consistent enforcement. OLEM developed template enforcement documents for use by CEHA agencies and provided training to promote consistency and streamline enforcement efforts.

Hazardous Material Emergency Response

OLEM has been working with Office of Homeland Security and Preparedness and the New Jersey State Police to develop a statewide mutual aid agreement for hazardous materials emergency response among the counties. As of spring 2010, OLEM is in receipt of mutual aid agreements from all 21 counties. New Jersey now has a statewide network of mutual aid among county Chemical, Biological, Radiological, Nuclear and Explosive (CBRNE) programs, which minimizes over reliance on certain CBRNE teams, and promotes coordination, consistency, and predictability in CBRNE responses.

Noise Control

OLEM acts as the liaison to the New Jersey Noise Control Council (NCC) and is responsible for answering public noise complaints, reviewing and approving municipal noise ordinances and the coordination of noise control activities by counties and municipalities. On average, CEHA agencies respond to over 300 noise complaints each year. OLEM, in conjunction with the NCC and the Rutgers Noise Technical Assistance Center (RNTAC) has completed updating the Department's Model Noise Ordinance which is posted on the Department's noise control website. A grant provided through OLEM helps fund the RNTAC, providing CEHA personnel and other local officials throughout the state with technical advice and Noise Enforcement Certification and refresher training.

Scrap Tire Clean-up Projects

In fiscal year 2010, OLEM provided grant funding to Atlantic, Gloucester, Cumberland and Salem counties for the clean-up of seven sites each



containing anywhere from 3,000 to 200,000 abandoned tires. To date, two of these removal actions have been completed under budget and the remaining five are underway. Removing these tire piles is

protective of public health and the environment as they are breeding grounds for mosquitoes and create potential fire hazards.

Solid & Hazardous Waste

Abrachem Chemical Facility - Clifton, New Jersey

Abrachem Chemical, a former bulk chemical packaging facility, had been storing over 1,600 abandoned, mislabeled and mishandled drums containing hazardous chemicals that posed serious risks to the surrounding community, as well as the environment. An initial investigation by C&E in late 2008 revealed that Abrachem was improperly storing drums and bulk containers of known and unknown chemicals in seventeen, 43-foot long shipping containers. Drums were leaking, and a strong chemical odor emanated from the facility. This case was referred to the Environmental Protection Agency (EPA) by the Department. Despite the difficult nature of handling drums that in most cases contained unknown chemicals, EPA was able to access Superfund to effectuate remediation with the help of state and local authorities. Work included removing the drums of unknown chemicals from the shipping containers and moving them into the facility for staging and sampling to determine the nature of the chemicals. Workers needed to wear protective suits that would safeguard them from hazardous chemicals. Over the course of the seven-month cleanup in fiscal year 2010, EPA had to call for assistance from local and state authorities when unknown chemicals were discovered that had the characteristics of explosive chemicals. EPA not only identified the chemicals in the mislabeled drums, but also, when possible, identified where the drums had originated. Hundreds of the containers were given back to the various companies of origination, while others were disposed of by EPA at licensed hazardous waste disposal facilities. The floors inside the facility have been washed and



decontaminated and all debris and trash have been removed. The assistance and mutual cooperation between EPA, the Department, and the Clifton Fire Department was instrumental in the timely completion of this successful cleanup.



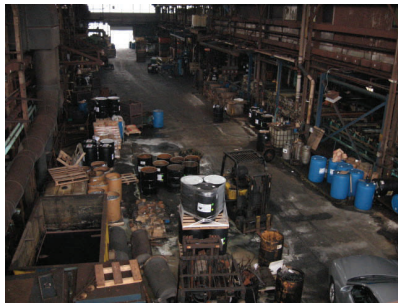
Heller Heat Treating, Clifton, NJ:

Heller Heat Treating (HHT) performed heat treating and metal finishing services to various industrial customers including the aircraft and ordinance business sectors. HHT entered into Chapter 7 bankruptcy in January 2009. Representatives from the Clifton Fire Department (CFD) and the Department requested the EPA accompany them on an inspection of facility in early March, 2009, because of their suspicion that hazardous materials were stored inside the premises. The following chemicals and hazardous materials were observed to be present at HHT at the time of the initial inspection:

- Approximately 30,000 gals of used quench oil stored in totes in various buildings.
- Additional oil contained in below-grade reservoirs for heat treating furnaces at various locations around the facility.
- One 30-cubic yard roll-off of zinc oxide sludge staged in a parking lot;
- Approximately 60 drums of zinc oxide sludge;
- Approximately 60 new product drums of sodium nitrite/nitrate oxidizer, and 40 drums of sodium nitrite/nitrate sludge;
- Approximately 400 drums of various chemicals, including solvents, acids, caustics, paint, oxidizers and unknown chemicals;
- Two zinc electroplating lines that contain plating chemical residue and sumps that contain hundreds of gallons of unknown chemicals;
- Approximately 50 fiber drums of elemental zinc

balls

- Partially full ammonia and natural gas tanks;
- Two below-grade process tanks that contain a total of 170 tons of molten sodium nitrite/nitrate mixture;
- Open-top metal treatment tanks containing liquid and solidified sodium hydroxide.



Due to the magnitude of wastes and the costs involved in remediation, the Department referred the site to EPA for a Superfund removal action on March 16, 2009. Removal and remediation was completed in fiscal year 2010 with total cost in excess of one million dollars.

Supreme Computer Recycling, Inc –Lakewood:

SUPREME is a large quantity handler of universal wastes and operates a Class D Recycling Center for Universal Wastes in Lakewood NJ. Supreme is one of the largest recycling facilities on the East Coast. On March 2, 2009, the Bureau of Hazardous Waste C&E issued an Administrative Order, Notice of Civil Administrative Penalty Assessment (AONOCAPA) and Revocation of Class D Recycling Center to Supreme and an affiliated company Preferred Enterprises, LLC ordering cessation of operations and closure of the facility and assessing a penalty. Simultaneously, the EPA issued a 7003 Unilateral Injunctive Order against Supreme ordering Supreme to immediately cease acceptance of mercury containing florescent bulbs and initiate remediation of on-site trailers containing bulbs. Supreme had repeatedly been cited by the Department for violations of its Recycling Center Approval, failing to provides access/information and various hazardous waste violations including the release of mercury



waste. In fiscal year 2010 EPA finalized a consent agreement with Supreme for improper export of non-working computer monitors to Hong Kong in 2007 and 2008, and for failing to promptly respond to EPA's requests for information. C&E oversaw the remediation of more than 25 mercury contaminated trailers and is currently working towards settlement of all outstanding issues.

Compliance Assistance

C&E's Hazardous Waste Program devotes considerable time to various Compliance Assistance Initiatives:

HW Handler Seminars

In fiscal year 2010 the program continued its Hazardous Waste Handler Seminar program initiated in 2006 pursuant to our Strategic Plan, requiring DEP to "effectively balance compliance assistance, enforcement and education to achieve compliance and move the regulated community and the public towards environmental stewardship". The latest seminar was held on June 16, 2010 and attended by over 200 registrants (which is the largest number for a single event since the program began). The subjects presented included The Definition of Solid Waste - Final Rule, and Universal Waste. Both these rules allow generators to handle certain hazardous waste in a reduced regulatory manner enabling businesses to save money.



Information on the seminars is available at the Program's Training Opportunities webpage, which can be accessed by opening:

http://www.state.nj.us/dep/enforcement/hw_seminar.html.

Welcome Wagon

On-site regulatory and practical compliance assistance is offered to new generators of hazardous wastes, universal wastes and used oils to help the new generators avoid future violations and become knowledgeable with regards to the DEP's Assistance Resources (webpages, etc). Thirty-eight of these inspections were conducted during fiscal year 2010.



Lectures/Education/Training Engagements

C&E's hazardous waste program is held in high regard on a state and national level and is routinely asked to provide speakers, educators and trainers for various events. In fiscal year 2010, the program provided educational services to Rutgers University's continuing education program and Montclair State University's Environmental Science program. We provided waste sampling techniques and training on behalf of the Northeast Environmental Enforcement Project and provided training to a number of Hospital

Associations regarding pharmaceutical waste management and disposal practices. On the national level the Commonwealth of Puerto Rico requested we provide a presentation on New Jersey's experience regarding the adoption of the new Definition of Solid Waste (DSW) Rule while the Association of State and Territorial Solid Waste Management Officials group requested we present a case study on New Jersey's recycling of universal wastes at their annual meeting in Utah.



Pesticides

Bureau of Pesticide Operations

In fiscal year 2010, the Pesticide Control Program developed a DEP Online service for Pesticide Product Registration. This service enables pesticide product registrants to process all aspects of the registration process via the internet. This includes making changes to registrant and billing party information, managing specific product data and

making any required payments. This service was developed to address the workflow involved with 12,900 pesticide products on 2,300 invoices, with \$3,900,000 in fees collected, each year.



Land Use

Case Highlights

Leone

Bernardsville, Somerset County

Coastal & Land Use C&E (CLUE) issued notices of violation (NOVs) to Dr. Joseph Leone in the fall of 2008 and spring of 2009 for clearing and filling 1.11 acres of exceptional resource value wetlands, 0.83 acres of transition area, re-aligning 530 linear feet of a trout production watercourse, and clearing and grading 3.00 acres of riparian zone. CLUE teamed with the Department's Division of Fish and Wildlife (DFW) to conduct an electro-fishing study of the watercourse since DFW did not have data for the impacted stretch of water. CLUE and DFW worked with Leone's consultants to restore the impacted watercourse incorporating specific measures to recreate the trout habitat. An Administrative Consent Order

(ACO) was finalized with Dr. Leone in 2010 which required implementation of a restoration plan and payment of a penalty. Restora-



tion of the site included the planting of 40 trees, 144 shrubs, and 480 herbaceous plugs in the riparian zone, wetland, and wetland transition area. The impacted stream was modified to create more sinuosity, control velocity and to create additional aquatic habitat and 560 shrubs were planted within 5 feet of the stream to stabilize and provide shade. CLUE and DFW plan to conduct another electro-fishing study in the future to see if the restored watercourse will support trout production.

Neshanic Valley Golf Course

Branchburg Township, Somerset County

Neshanic Valley Golf Course, owned by the Park

Commission of the County of Somerset was notified in 2006 that several permit violations had occurred at the Neshanic Valley Golf Course, which included the filling of 150 linear feet of a State open water, clearing of 0.92 acres of freshwater wetland and modified transition area, clearing of 0.73 acres of near stream vegetation, failure to file a deed restriction for the modified transition area, and multiple requirements of the State Historic Preservation Office.

CLUE entered into an ACO with the Park Commission, which resulted in the Park Commission correcting the physical violations by planting over 1,300 native shrubs and 3,300 herbaceous plants, completing the deed restriction for the modified transition area, and paying a penalty. The ACO also required the Park Commission to submit all pertinent information to the State Historic Preservation Office, completed in 2010, which led to a preservation easement for the Boudinot / Southard Farmstead, the Van Camp Farmsteads, and the Van Camp Cemetery; National Register of Historic Places nomination of the Boudinot / Southard Farmstead; and the installation of an interpretive display about the history and archaeology of the farmsteads and cemetery.

Menlo Park Plaza, LLC

Edison Township, Middlesex County

An ACO was finalized with Menlo Park Plaza (MPP), resolving a permit violation whereby MPP had failed to deed restrict the modified transition area at their "Woodland Greens" subdivision. The violation was discovered after 29 affected lots had already been sold to individual property owners, thereby preventing those lots from having a deed restriction filed by the developer. The ACO required payment of a penalty and a Stewardship Contribution in the amount of \$50,000 to the Township of Edison to be used solely for environmentally beneficial activities, specifically the creation, protection or enhancement of wetlands at its proposed Dismal Swamp Environmental Education Center.

Sea Girt Borough

Sea Girt, Monmouth County

In 2006 and 2007 separate AONOCAPAs were issued by the Department to Sea Girt Borough for separate Coastal Area Facility Review Act (CAFRA) violation incidents including the unauthorized excavation of dunes and violating a CAFRA Beach and Dune Maintenance General Permit condition by raking in a designated "no rake" zone for the protection of beach nesting shorebirds. A dead piping plover chick was found in the rake machine and the nest and remaining unhatched egg was abandoned. The piping plover is protected and listed as a State endangered and Federally threatened species. The U.S. Fish & Wildlife Service (USFWS) also issued an order for violating the Endangered Species Act and Migratory Bird Treaty Act. The Department, USFWS, and the Borough entered into a global Settlement Agreement (SA) to resolve all the enforcement issues. This included the payment of a penalty and the implementation of a comprehensive management plan which includes protective measures for a protected beach plant (seabeach amaranth) and protected shorebird species (piping plover, least tern, and American oystercatcher). In conjunction with the SA, a CAFRA Individual Permit was also obtained for future beach and dune maintenance activities, which includes the restoration and construction of protective dunes.

Water

Case Highlights

Land of Make Believe

Hope Township, Warren County

The Land Of Make Believe is an amusement park that maintains numerous water rides as well as a swimming pool and is located in Hope Township, Warren County. In August 2009 the Northern Bureau of Water C&E received information concerning potential environmental violations at the Land Of Make Believe. In August and September 2009, investigations were conducted at the Land Of Make Believe and confirmed numerous violations of the New Jersey Water Pollution Control Act, the New Jersey Water Supply Management Act and the New Jersey Safe Drinking Water Act. The violations ranged from the discharge of chlorinated swimming pool water and filter backwash to a stream in contravention of the Land Of Make Believe's New Jersey Discharge Elimination System (NJPDES) permit, failure to possess a water use registration for its wells, failing to maintain a septic system so that operation could be properly evaluated, and failing to monitor a well used for potable purposes. The Northern Bureau of Water C&E also initiated an investigation with the Division of Criminal Justice in September 2009. During this investigation a search warrant was executed and several additional violations were

documented. The Southern Bureau of Water C&E was instrumental in providing on-site certified laboratory analyses throughout the facility.



As a result of the above investigations, the Northern Bureau of Water C&E issued an AONOCAPA against the Land of Make Believe in January 2010. The facility has initiated corrective actions for several of the noted violations and an administrative hearing on this matter has been tentatively scheduled for January 2011.



Underground Storage Tanks

In 2004 more than 70 percent of New Jersey's Underground Storage tank (UST) facilities were out of compliance. By the end of 2008 over 70 percent of the UST facilities were in compliance as a result of repeated routine compliance inspections coupled with a focus on providing compliance assistance at the point of inspection and at various industry stakeholder forums. The three metrics utilized to make these compliance measurements are mandated by the

EPA and are reported by all States, Tribes and Territories in the United States every six months. They are percent in compliance for Release Prevention (RP), percent in compliance for Release Detection (RD) and percent in compliance for RP & RD combined.




For the reporting period ending March 31, 2010, New Jersey tied with Alabama and Wyoming for the third highest state compliance rate (94 percent) in the

nation for RP, tied with Arizona and Maryland for the third highest state compliance rate (91 percent) in the nation for RD and had the fourth highest state compliance rate (87 percent) in the nation for the RP & RD combined measurement. At that time

the average national compliance rates were as follows; 80.2 percent for RP, 76.3 percent for RD and 67.6 percent for RP & RD combined. New Jersey's compliance rates are all well above the national averages.

Administrative & Fiscal Support



The Administrative and Fiscal Support Unit (AFSU) provides administrative guidance, fiscal, human resources, employee services and computer support to all programs within C&E. Issues addressed by AFSU staff include budget, procurement, database design and all aspects of personnel management, including training, travel, health and safety and assisting employees navigating through the myriad of benefit services and workplace issues within DEP. The AFSU team continually strives to provide effective customer service in meeting the current and future needs of C&E staff. There are currently five team members.

Fiscal year 2010 was another challenging, busy year for AFSU. Our database design members remain very busy monitoring and updating all AFSU databases to maintain accuracy of stored records. In addition this year, as part of the Assistant Commissioner's initiative to ensure assignment and use of laptop computers by division inspectors to optimize on field activity and proactively address potential affects of interrupted logistical building access, AFSU embarked upon aged-computer replacement of upwards of 100 desktops with laptop units and purchasing of associated air card devices. Further, AFSU has economically replaced and coordinated deployment of as many as 200+ cell phone units as a result of a Treasury/vendor replacement incentive program. The out-dated replaced cell phones were donated to a vendor identified and authorized organization to benefit needy families.

Additional initiatives during fiscal year 2010 included development of a data system to track per

sonnel PES/PAR reporting, system introduction of the Pesticide program-specific new farm tracking database, creation of an on-line billing link for EZ pass violations, as well as, development and implementation of a division interface system for electronic distribution of cell phone bill documents. Finally, a total of 215 technical training requests were processed for C&E staff during 2010 as follows: 36 in the Air program, 39 in the Bureau of Hazardous Waste, 29 in the Bureau of Solid Waste, 4 Office of Local Environmental Management, 61 in the Water program, 3 in the Bureau of Enforcement Compliance Services, 21 in the Pesticides Program, 17 in Coastal and Land Use Enforcement, 1 in the Administrative and Fiscal Support Unit and 3 in AC office. Meeting technical and all other training issues for the division continues on a daily basis and remains challenging as budgetary constraints are increasingly tighter. Team members continue to support these and other new ventures on a daily basis.

The Team remains committed to providing customer service and support as needed to C&E staff in the areas identified in the Team's mission statement.



Enforcement & Compliance Services

The Bureau of Enforcement and Compliance Services (BECS) performs a variety of functions that are integrated directly with the day to day operations and outputs of all the programs performing enforcement activities throughout the Department. Functions include managing responses to OPRA requests, supporting and advancing the use of data and technology, producing outreach materials, web page development and processing collections. While carrying out these functions, the bureau has an overriding responsibility to encourage innovation and seek improvements in order to advance the Department's Action Plan and C&E's strategic plan.

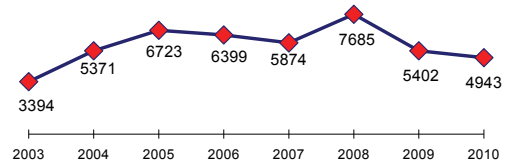
Outreach

BECS continues to be the lead on the highly successful Compliance Advisory system. During fiscal year 2010, 17 advisories were posted and distributed to 1,200 subscribers listed in the advisory listserve. A survey was added to the advisory system to gain input on how effective the program has been and how it could be improved upon. Of those that responded to the survey, the majority have been subscribers for two to three years and have found that between one and three advisories have been relevant to them. Ninety-two percent of the respondents agreed that the advisories are timely and helpful with compliance issues. Positive outcomes that have occurred as a result the advisories were an increase in awareness and information, a process or business practice was reviewed, the advisory was shared with staff or others, training/guidance was provided to staff and the reduction of emissions, pollutants, energy use or waste.

OPRA

OPRA oversight is one of several core functions performed by BECS. The bureau managed the response to 4,943 requests in the year, an decrease of approximately 8 percent over the 5,402 in fiscal year 2009.

C&E OPRA Requests Received
Fiscal Years 2003-2010



Technology

BECS continues to provide significant support in service of the data and technology needs of enforcement staff. In the 2010 fiscal year, BECS handled a steady stream of support requests. Most requests were related to enforcement uses of NJEMS, the Department's integrated, enterprise data management tool. The following support was provided by BECS in the 2010 fiscal year.

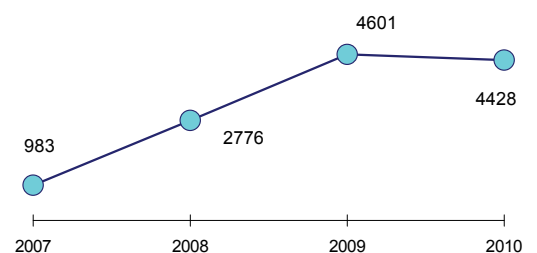
- 2,250 support requests for data corrections, requirement library updates, de-bugging/troubleshooting and system enhancement designs
- 242 requests for new or modified Business Objects reports
- 122 new or modified system document templates
- 57 new functions, procedures, packages or views for use in document templates or reports
- 2,100 images posted on the image server and completion of the corresponding NJEMS spreadsheet for 950 activities
- 367 bad debt records referred to a collection agency

Compliance Letters

A common perception is that anytime the regulated community receives a letter from C&E it can't be good news. In an effort to change this perception, C&E sends out a Compliance Letter, an official notification of compliance with applicable Department regulations, to each facility that no violations were discovered during the compliance inspection.

In fiscal year 2010, 4,428 letters were issued.

C&E Compliance Letters Issued
Fiscal Years 2007-2010



Environmental Crimes



For nearly three decades, the New Jersey Division of Criminal Justice has investigated and prosecuted violations of the State's water pollution, air pollution, and solid and hazardous waste laws, as well as utilizing traditional crimes that have an impact on public health, safety and the environment. During fiscal 2010, in addition to responding to pollution incidents statewide the Division worked closely with the department, Federal, and local authorities to identify and prosecute those that exposed employees and citizens of New Jersey to hazardous materials, hazardous and solid waste in communities where they work and live. The Division provides legal and technical assistance to State, County, local officials on criminal and civil environmental regulations. In fiscal year 2010, the Division obtained 17 indictments and accusations.

Hazardous/Solid Waste

In State v. Kevin Allen the defendant pled guilty to Illegal Disposal of Solid Waste, third degree, for illegally disposing of 18 drums containing inks and solvents at Galaxy Recycling yard located at 532 Johnston Avenue in Jersey City.

In State v. Ortega, the State Grand Jury returned an indictment against defendant charging him with third degree unlawful disposal of solid waste and third degree criminal mischief, for dumping truckloads of demolition at a yard in Belleville.

Environmental Fraud

In State v. A&S Trading the State filed an Accusation against defendant charging it with fourth degree Falsifying Records, for submitting a falsified Cathodic Protection survey to the DEP. Defendant pled guilty and the Court sentenced defendant to pay a fine.

In State v. Buechler the State Grand Jury returned a one count Indictment against defendant charging him with fourth degree Uttering a Forged document for providing a home buyer with a falsified laboratory

analytical report for well water.

In State v. Jack DiNardi the court sentenced defendant to pay a fine for fourth degree uttering a forged document for submitting a forged solid waste renewal form to DEP.

In State v. Vernon Pinkney and Envirosound, LLC the State Grand Jury returned a three count indictment against defendants charging them with fourth degree Uttering a Forged Document for submitting forged DEP certifications for underground storage tank removals to municipal building officials.

In State v. Lisa Cornely-Gatone the state filed an accusation against defendant charging her with tampering with public records for submitting false information to DEP to secure a "No Further Action" letter for a site. Defendant pled guilty to the charge.

Water Pollution

In State v. Ray Christiansen the Court sentenced defendant to two years probation and payment of restitution for a fourth degree water pollution charge for draining oily waste water from his vacuum truck into a storm drain behind a store.

In State v. Anthony Curto the Court sentenced defendant to two years probation and a fine for Unlawfully Engaging in the Collection of Solid Waste in Newark.

In State v. Pena-Diaz the defendant pled guilty to third degree water pollution for dumping two fifty-five gallon drums of paint into a tributary of the Hackensack River.

In State v. William Van Fechtmann the State filed an accusation against defendant charging him with a fourth degree violation of the Water Pollution Control Act for allowing elevated pH wastewater from Colonial Concrete to spill into the Passaic River. Colonial Concrete paid a fine and restitution to the

Hackensack Riverkeeper.

In State v. RD Secaucus the defendant, RD Secaucus owner of the Crowne Plaza Secaucus Hotel, pled guilty to third degree Water Pollution for discharging sewage contaminated waste water into the Hackensack River. Pursuant to the Court's sentence and a consent order, defendant must pay restitution to the Hackensack Riverkeeper, who referred the case to DCJ, for river patrol and monitoring, and must retain a consultant to monitor its handling of the Hotel's wastewater.

In State v. Maryland Woods the State Grand Jury returned a two count Indictment against defendant charging him with a fourth degree unlawful discharge of water pollutants and unlawful discharge of a hazardous substance for pumping oily waste water out of an oil tank into a storm drain in Newark.

Public Safety

In State v. Presto Pest Control and Kenneth Fox both defendants pled guilty to a third degree violation of the Pesticides Control Act for misapplying pesticides in restaurants and hotel rooms throughout the State. Both defendants entered into a consent order that permanently debar them from engaging in the pesticides business in New Jersey and which requires them to pay a fine.

In State v. Ulataski the defendant pled guilty to a third degree violation of the Asbestos Control and Licensing Act for unlawfully removing asbestos at a Fort Lee high rise complex.

Endangered and Non-Game Species Conservation Act

In State v. Jeffrey Cogshall the State filed an accusation against defendant charging him with a third degree violation of the Endangered and Non-Game Species Conservation Act, for cutting down a tree that had contained an eagle's nest. Defendant pled guilty and was admitted into Pretrial Intervention conditioned upon paying fines to DEP Hunter's and Angler's Fund and U.S. Fish and Wildlife Service.

This was the first prosecution under this new crime which was enacted in 2008.

Urban Initiative

In State v. Robert Clark, Kevin Allen, Timothy Smith, and Rodney Williams the State Grand Jury returned a two count indictment against defendants charging them with third degree unlawful disposal of solid waste and third degree criminal mischief for dumping 18 drums old inks and solvents onto a yard in Jersey City on April 30, 2010.

In State v. Joseph Volpe the State Grand Jury returned a one count Indictment against defendant charging him with third degree unlawful disposal of regulated medical waste for dumping a box containing over 2000 used hypodermic needles at a car wash in Vineland in March 2010. The defendant pled guilty and was sentenced to a 3 year jail sentence and a fine.

In State v. Wank the State filed an Accusation against defendant charging him with fourth degree Abandonment of Regulated Medical Waste, a box of syringes, in Union City. Defendant pled guilty to the charge.

Other Activity

Criminal Justice staff provided one half-day environmental crimes training on three separate dates at three different locations to over 300 C&E Inspectors

Natural & Historic Resources

Bureau of Law Enforcement Division of Fish & Wildlife

The Bureau is one of several enforcement agencies within the Department of Environmental Protection. At the present time the Bureau of Law Enforcement is comprised of fifty-one sworn officers and six civilian employees. Forty-five of the sworn officers are patrol related and six are administrative. The typical patrol area of a Conservation Officer (CO) is 250 to 350 square miles.



A Bachelor's Degree in Fish & Wildlife Management, Environmental Science or one of the Natural Sciences and one year of law or environmental experience is required for appointment as a CO. Recently, a CO III Recruit title has been approved that will allow individuals with degrees in Criminal Justice and Parks and Recreation to be considered. COs must complete a 22 week NJ PTC certified Police Academy. After completion of the academy, CO III recruits attend an eight week Bureau Academy, which focuses on Wildlife Law Enforcement and finish their first year of duty in a twelve week Field Officer Training program. The officers enter their second year of duty as one of the most educated and highly trained law enforcement officers in the world.

COs have full law enforcement authority Statewide. They enforce compliance to all laws pertaining to wildlife on all lands and waters public and private. Additionally, they protect 350,000 acres of State Wildlife Management Areas. This responsibility comprises a large portion of their time, as public property has doubled since the 1960's. Officers investigate wildlife crimes, wildlife mortalities, incidents of pollution, hunting accidents and hunting related non-target impacts. They assist with black bear response and outreach, complaints of black bear feeding, farmer complaints of deer depredation as well as

other wildlife related issues. They patrol via the use of four wheel drive vehicles, ATV, boat, foot and occasionally aircraft. They combat complex wildlife crimes and commercialization by the use of conventional patrol and covert operations. Our Marine Enforcement Unit focuses on enforcement of marine finfish and shellfish laws and regulations for commercial and recreational users in territorial waters. The shellfish enforcement is a necessary duty to provide for the public safety relative to shellfish harvest. The New Jersey shellfish industry is the largest producer of shellfish in dollars nationwide. The recent oil spill in the Gulf of Mexico has increased the demand for New Jersey seafood, increasing the demand for enforcement of commercial fishing regulations.

The Bureau is comprised of the administrative element, which includes our Special Services Section and four Regional elements. The regional elements are staffed by a Captain (CO I), two Lieutenants (CO II), one Investigator (CO II), one Senior Communications Operator and eight to ten CO IIIs. Each region is divided into two districts. There are three inland and one marine regional element.

During fiscal year 2010, COs performed 80,423 hours of law enforcement related duties. COs contacted 59,872 hunters, fishermen, trappers and other natural resource users during the course of their patrols. As a result of these inspections, 4,767 fish and wildlife complaints were signed, 353 written warnings were issued for minor violations and 24 criminal arrests were made.

New Jersey State Park Police

New Jersey's State Park System is the seventh largest nationally in terms of acreage. More than 430,000 acres of lands are within the system, with 53 parks and forests and more than 50 historic sites and villages. More than 18 million people visited a New Jersey state park in fiscal year 2010. The New Jersey State Park Police are charged with patrolling and protecting all of these resources and visitors.

The Department currently consists of 85 sworn members, and two civilian employees. The command staff includes one Police Director and four Lieutenants. There are three Districts, North, Central, and South, each supervised by a Lieutenant, as the District Commander and a Sergeant, as the Assistant District Commander. The Districts are then further broken down into patrol areas with each area having a Sergeant as the supervisor. Trenton Headquarters is comprised of the Director, one Administrative Lieutenant, one Administrative Sergeant, and two civilian support personnel.

Case Highlights

On March 11, 2010 at 10:40 am. State Park Police personnel stationed at Allaire State Park were notified of an illegal



dumpsite on state park property in Howell Township. Upon arrival on scene the Sergeant located a four-foot high by six-foot wide by fifteen-foot long debris pile, consisting of asphalt roofing shingles and other construction debris. After searching the pile of debris, evidence was found listing a name and address of the person involved. Subsequent investigation led to the arrest and conviction of a contractor who's company disposed of the debris. The contractor involved in the investigation properly disposed of all debris.

NJ Forest Fire Service

There are currently 33 Forest Fire Service employees that enforce the Forest Fire Laws throughout the State. These Firewardens have completed specialized training through the NJ Division of Criminal Justice (NJDCJ), nationally accredited Wildland Fire Origin



and Cause Determination course material, as well as an additional number of Firewardens that have completed the NJDCJ Basic Course for Arson Investigators.

Violations

During fiscal year 2010, 50 violations of the Forest Fire Law (Title 13) were recorded. These include written warnings, municipal summons complaints, and technical violations for the reimbursement of Forest Fire Service suppression costs.

Over 50 suspicious fires have occurred in the last five years within the Barnegat and Stafford Township area. The Forest Fire Service is working closely with the Ocean County Prosecutor's Office and local law enforcement in an investigation. The Forest Fire Service scent tracking dogs and hidden surveillance cameras have been deployed in an effort to gather evidence. One suspect was taken into custody by the Prosecutor's Office as the investigation continues.

A serious fire in Pemberton Township that burned over 500 acres was investigated by the Forest Fire Service with cooperation from the Pemberton Township police. The initial origin and cause investigation conducted by the Forest Fire Service indicated that the fire was due to an escaped campfire. While showing the point of origin to the Pemberton Township police, a local resident arrived on scene and implicated another individual as responsible for the campfire. The police further interviewed this person and the one implicated, and both have now been charged with second degree arson.

In addition to these enforcement actions, The Forest Fire Service has provided assistance to other enforcement agencies by providing aviation and geographic information system (GIS) support including coastal flights that spot spills and releases and crime scene maps for court presentations.

Canine Unit

The New Jersey Forest Fire Service started a canine program in the fall of 2004, modeled after the Virginia and West Virginia fire service canine programs.

Both states have attributed a significant decrease in the number of wildfires due to these canine programs.

The Forest Fire Service's canine program is additionally tasked to help decrease the number of wildfires in the state, with the scent dogs assisting on wildfire investigations and forest fire informational programs, and are also used to assist on searches for missing persons.

In the spring of 2009, Canine "Cleotis" was added to our program joining "Blaze", "EO", and "Dancer." "Cleotis" is a red Bloodhound imported from Canada and was born on March 2, 2009. He will be trained over the next year and will replace canine "Dancer", who will then be listed as inactive.

Canine "Tanner" is a Labrador Retriever used to locate match & lighter ignitions. "Tanner" is trained to locate, and indicate by sitting in the area of a burnt match. He will also locate and indicate by standing in the area of lighter ignition. As far as we know, "Tanner" is the first dog trained to locate match or lighter set wildfires in the nation.

Over the past year the Canine Unit took part in over 100 fire prevention programs with over 7,000 direct contacts. Programs were given at fairs, expos, schools, Boy Scout and Girl Scout meetings, the DEP Bring-Your-Kids-to-Work-Day and other events around the State.

Wildfire Investigations

The canine team assisted on 14 wildfire investigations. The Canine Unit worked closely with other law enforcement agencies on the Ocean County Wildfires. A trail by canine "EO" from evidence located in the area of a wildfire in Atlantic County led to the arrest and conviction of four juveniles. The juveniles admitted to starting 16 different wildfires over a six-month period.

The Canine Unit was also requested to patrol areas of concern during some of the high profile prescribe burns. As in previous years, the presence of the canine vehicle and hounds in the area seems to be a deterrent to wildfire ignitions.

Missing Persons

The Canine Unit responded to nine missing person searches during 2009. The Unit was requested to assist the NJ State Police Canine, Galloway Twp. Police, Hamilton Twp Police Canine, Egg Harbor Twp. Fire Department, Washington Twp. Police and the Washington Twp. Fire Department.

On a search in Galloway Twp., Canine "EO" made a life-saving find. He was able to locate a special needs person who wandered away from his home in the middle of the night. The trail was about one-mile long and it took canine "EO" about 25 minutes to locate the person.



Pollution Prevention & Right to Know

The Office of Pollution Prevention and Right to Know (P2RTK) staff conducted three workshops in fiscal year 2010. Two focused on the Community Right to Know reporting requirements and one focused on P2 Planning and Release and Pollution Prevention Report (RPPR) requirements. The P2/RPPR workshop included presentations from EPA's TRI Program as well as its P2 program. In addition, there were presentations from the New Jersey Center for Manufacturing Excellence (NJME) as well as the Northeast Waste Management Officials Association (NEWMOA). Staff also participated in the 7th Annual Health and Fire Safety Fair at Kean University.

P2 RTK staff conducted over 1,200 Community Right to Know inspections in FY2010.

The Small Business Assistance Program (SBAP) provides environmental compliance assistance to small business. Over the last 12 months, they have conducted 294 on site visits, distributed 5000 compliance calendars to gas stations and dry cleaners, helped 37 companies file air permits and participated in 24 education and outreach events. In addition to these compliance assistance efforts the SBAP has been working on two pollution-prevention initiatives, one for dry cleaners and the other for auto repair facilities.

The SBAP has been working with the NJ Small Business Development Centers on an education project to

demonstrate wet cleaning technology to dry cleaners. Current dry cleaning solvents have

inherent environmental and health risks, by choosing wet cleaning, cleaners can avoid these risks.

Through this program the SBAP hopes that more dry cleaners will adopt wet cleaning as alternative method for cleaning "dry clean only" garments.

Over the last year this project has held 5 wet cleaning demonstrations and one wet cleaning seminar.

For more information on this project, check out the project's website: www.njsbdc.com/njwetcleaning.

Another project that the SBAP is working on is the NJ Green Automotive Repair Program (NJGARP). The NJGARP recognizes auto repair shops that achieve a high level of pollution prevention and energy conservation. The NJGARP is nonprofit organization made of representatives from the auto repair industry in NJ, which includes the NJ Alliance of Automotive Service Providers, NJ Coalition of Automobile Retailers, NJ Gasoline Convenience Store Association, and independent repair shop owners.

The SBAP provides technical and environmental assistance and oversight to this group's efforts in encouraging and certifying "green" automobile repair facilities. NJGARP has certified 19 auto repair shop as green facilities over the last year and is looking to expand the green certification program to auto body shops this year. For more information on this program, visit: www.njgreenautorepair.org.

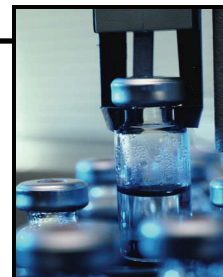


Office of Quality Assurance

The Office of Quality Assurance (OQA) has responsibility for leading the department's activities related to establishing and maintaining effective quality systems and for assuring the quality of analytical data used by the department, industry, local government, municipal authorities and private citizens. As part of its activities the OQA certifies businesses conducting environmental analyses.

Businesses can either be certified using standards generated by the State of New Jersey or accredited using standards generated through the National Environmental Laboratory

Accreditation Conference (NELAC). New Jersey is one of thirteen states in the United States approved as a Recognized Accrediting Authority in the National Environmental Laboratory Accreditation Program (NELAP); and able to grant businesses



national status as a NELAP Accredited laboratory. Over 125,000 certifications/ accreditations are granted each year to over 850 businesses. These businesses are located throughout the United States, Canada, Europe, and Asia. New Jersey has one of the most analytically complex programs in the nation and grants certifications/ accreditations to businesses that analyze drinking water, wastewater, ambient water, soils, solid/ hazardous waste, sludge and air samples for microbiological, inorganic, organic, radiochemical, radon and biological properties. To become certified/accredited, and to maintain this status, businesses are required to conduct a variety of activities. These include Performance Test (PT) Samples and On-Site Audits to demonstrate compliance. Following are the Fiscal Year 2010 numbers relating to these two activities:



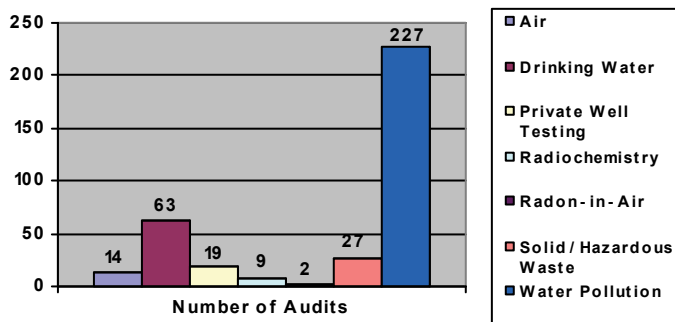
Performance Test Samples

| | Total Analyzed | Total Found Unacceptable |
|-----------------------|----------------|--------------------------|
| Drinking Water | 9,837 | 250 |
| Radiochemistry | 62 | 4 |
| Radon-in-Air | 10 | 0 |
| Solid/Hazardous Waste | 7,090 | 429 |
| Water Pollution | 12,292 | 550 |

On-Site Audits/Performance Test Samples

Laboratories are found to have an “unacceptable” result for either failing to submit a PT Sample result or for submitting a PT Sample result that is outside of a passing range. In either case, an “unacceptable” result is an indication of a laboratory’s inability to provide reliable analytical data. Laboratories submitting “unacceptable” results are required to analyze repeat samples, assessed a monetary penalty and/or suspended from participation in the Environmental Laboratory Certification Program. Only laboratories with “acceptable” PT Sample results can be found eligible for certification/ accreditation status.

On-Site Audits



Radiation

X-ray Inspections

The Bureau inspected 2,864 facilities and evaluated compliance of 5,507 x-ray machines in fiscal year 2010. These inspections resulted in the issuance of 689 enforcement documents (NOV, AO & NOP) of which 30.6 percent contained penalty assessments totaling \$143,600.00. There were 892 violations of radiation protection codes of which 406 (46 percent) were violations of quality assurance regulations and 486 were of other radiation protection regulations.

The majority of quality assurance violations were for failure to conduct various quality control tests, 268 (66 percent) and failure to have an annual medical physicist’s survey performed, 90 (22 percent).



The majority of violations in non-quality assurance categories were for failure to pay registration fees, 108 (22 percent); equipment performance issues, 187 (33 percent); failure to perform and/or submit radiation safety surveys, 86 (18 percent); failure to register x-ray equipment with the Department, 43 (9 percent); failure to monitor employees radiation

exposure, 16 (3 percent); and permitting the operation of x-ray equipment without a license, 55 (11 percent).

Mammography Facilities Inspected

In fiscal year 2010, the Bureau conducted 221 federally mandated Mammography Quality Standards Act (MQSA) facility inspections and discovered violations of MQSA regulations at 19 facilities (9 percent), which were forwarded to FDA for final action. New Jersey facilities continue to exceed national compliance rates (91 percent vs. 81 percent) as reported by FDA.

Technologist Certification Section

License verification activities discovered 71 individuals working without a license or with an expired license. These individuals and/or their employers were assessed civil penalties. In fiscal year 2010, the Section performed on-site compliance inspections at thirteen of its limited radiologic technology programs. The section also evaluated two applications for sponsorship of new educational programs.

Non-Ionizing Radiation

For the first time since the Nonionizing Radiation Section was established in 1984, all facilities inspected for this fiscal year were found to be in compliance with the regulations specified in N.J.A.C. 7:28-41, Mercury Vapor Lamps and N.J.A.C. 7:28-42, Radiofrequency Radiation. The Section is attributing this high compliance rate to increased outreach efforts, such as, mass mailings to the regulated sectors, newsletter articles, literature distribution and word of mouth, particularly in the construction industry. Regarding the improper use of mercury vapor lamps at construction sites, word has spread among the industry that the Department is performing inspections and aggressively pursuing enforcement actions when violations are found.

Radon

The Radon Program currently certifies 18 radon measurement businesses and 16 radon mitigation businesses. Over 600 certified radon professionals work for these businesses. All in-state businesses are inspected annually and enforcement actions are

issued for violations of the regulations. When complaints are received regarding a radon mitigation system, an inspection of the system is often conducted. These inspections will now be conducted routinely for all mitigation businesses to evaluate the quality of the mitigation systems that are installed.

Agreement State Program – Radioactive Materials

Some Non-Community, Non-Transient Water Systems (NCNTWS) must treat their drinking water for naturally occurring radionuclides. Because of the buildup of radioactive material on the treatment system, in some cases a Radioactive Materials License is required which is issued by the Bureau of Environmental Radiation. Because some of these facilities are small businesses (e.g. restaurants, day-care centers, etc.) and do not have the resources to hire consultants, staff have been conducting compliance assistance inspections. The inspector goes over the conditions of the license and makes sure the owner understands the reporting requirements.

Since the inception of New Jersey becoming an Agreement State in September 2009, the Bureau of Environmental Radiation's (BER) Radioactive Materials Program (RMP) has taken on the additional regulatory responsibility for the licensing and inspection for over 700 medical and industrial nuclear material licensees in New Jersey. Inspections conducted at these licensees, cover areas such as training of personnel who use materials, radiation protection programs, radiation patient dose records, and security of nuclear materials. Out of State licensees who plan to conduct regulated activities in areas under New Jersey's jurisdiction for a period not to exceed 180 days in any calendar year, are required to file for reciprocal recognition of their specific license. A data base is maintained on these licensees to track their reciprocity usage in the State. These licensees are inspected and accountable for any improper activities within the State. Since September 2009, enforcement actions were issued to three (3) out of State licensees found to be operating in the State without reciprocity.

Release Prevention

RELEASE PREVENTION

The Bureau of Release Prevention constitutes two programs, the Discharge Prevention program, and the Toxic Catastrophe Prevention Act (TCPA) program. The Discharge Prevention program provides assistance to New Jersey facilities that are required under the Spill Compensation and Control Act, to develop Discharge Prevention, Containment and Countermeasure (DPCC) and Discharge Cleanup and Removal (DCR) plans. The purpose of these plans is to ensure that major facilities utilize equipment and procedures to prevent the discharge of petroleum or other hazardous substances to the environment, and that they have a plan and equipment in place to be used if a discharge does occur. The TCPA program assists and supports owners or operators that handle, use, manufacture, store or have the capability of generating a toxic, flammable, or reactive extraordinarily hazardous substance at or above specified threshold quantities in a process. The program verifies that these facilities comply with state and federal accidental release prevention requirements.

The Bureau's website at <http://www.nj.gov/dep/rpp/brp/> contains information on news, the lists of regulated substances, rules, guidance documents and other important links.

Discharge Prevention Program

Owners or operators of facilities that store 20,000 gallons or more of hazardous substances other than petroleum or petroleum products, or 200,000 gallons or more of hazardous substances of all kinds are regulated under the Discharge Prevention rules. The Discharge Prevention program inspects regulated facilities to evaluate implementation of their discharge prevention program as well as to evaluate physical conditions. Site visits are also conducted for technical review of operations during initial plan approval or existing plan renewal. Bureau staff perform comprehensive inspections and reviews of facilities. Inspections are conducted unannounced

each year except during plan renewal. Technical site visits are conducted every three years during the DPCC/DCR plan

renewal process. During inspection a Notice of Violation is issued for any out of compliance items found. Non-minor violations are elevated to a formal enforcement action. Currently, there are 291 sites covered by the Discharge Prevention rule. The Bureau conducted inspections at 164 facilities and technical site visits at 114 facilities in fiscal year 2009.

TCPA Program

The TCPA program currently regulates 87 facilities and performed inspections or audits of 61 facilities in FY 2010 to monitor and evaluate implementation of their risk management programs, to verify compliance with the TCPA Act and rules, and to minimize the risk of a catastrophic accidental EHS release to the environment and the public. A risk management program includes elements such as process safety information, standard operating procedures, operator training, mechanical integrity/preventive maintenance, process hazard analysis with risk assessment, management of change to operations/equipment, safety review, and emergency response. Program staff review annual reports submitted by facilities which summarize risk management program activities over the previous year. Staff also review submitted risk management plans, which include registration information and data on worst case releases from the facility.

Inspections and audits conducted by the TCPA program's chemical safety engineers cover the management system for the facility's risk management program including the procedures, records and reports, and tracking systems, along with an inspection of the equipment and controls of the covered process. If the TCPA program finds material deficiencies, which are inadequacies or omissions of an owner's or operator's risk management program that reduces



the effectiveness of the risk management program, a consent agreement, which includes the description of the finding and a corrective action, is issued.

Rule Readoption with Amendments

In fiscal year 2009 the Department readopted with amendments the TCPA rules at N.J.A.C. 7:31, and the adoption was published in the New Jersey Reg-

ister dated March 16, 2009. Newly regulated facilities were required to register with the TCPA Program by March 16, 2010, and three new facilities submitted Risk Management Plans to register. These facilities will be audited and issued consent agreements for the approval of their risk management programs in fiscal year 2011.

Site Remediation Waste Management

Case Highlights

Oyster Creek Nuclear Power Plant

In 2009 radioactive tritium was inadvertently released into the aquifer below the Oyster Creek Nuclear Power Plant. It is believed at least 180,000 gallons of contaminated water was released from the plant on April 9, 2009 through small holes in piping. The Department has documented levels of tritium in the underlying Cohansey aquifer that exceeds one million picocuries per liter (pCi/L) as compared to the EPA health based standard of 20,000 pCi/L.

While there is currently no evidence of an immediate threat to private or public drinking water supplies, the tritium contamination is migrating at a rate of one to three feet per day. In order to prevent the tritium from ever affecting the region's potable

water sources, the Department has issued a Spill Act Directive to Exelon Generation Co., LLC (Exelon), the owner and operator of the

Oyster Creek Nuclear Power Plant. The Spill Act Directive requires Exelon to initiate an expanded remedial investigation to determine the vertical and horizontal extent of tritium in all environmental media, including soil, surface water, and ground water and initiate all necessary remedial actions that the Department approves to remediate the discharged tritium. Failure to comply with the Spill Act Directive allows the Department to perform these actions and exposes Exelon to treble damages. Exelon has indicated that it will comply with the directive.



Initiatives

The Site Remediation Reform Act: Compliance Assistance

On May 7, 2009, the Site Remediation Reform Act (SRRRA) was enacted. The SRRRA compels responsible parties to address discharges of hazardous substances by establishing an affirmative obligation to conduct remediation. The SRRRA establishes criteria for the licensing of site remediation professionals who will assure that contaminated sites are remediated in accordance with the Technical Requirements for Site Remediation, N.J.A.C. 7:26E and related Department guidance without Department oversight. In October 2009 the Department began



issuing temporary licenses to site remediation professionals. The SRRA authorizes the Department to establish mandatory timeframes for the completion of each phase of remediation. These timeframes, as well as other requirements of the act, have been codified in regulations entitled the Administrative Requirements for the Remediation of Contaminated Sites (ARRCS), N.J.A.C. 7:26C, which became effective on November 4, 2009.

The SRRA requires anyone initiating remediation on or after November 4, 2009 to utilize a Licensed Site Remediation Professional (LSRP). Parties that already initiated remediation are required to hire an LSRP by May 7, 2012, but may choose “opt in” ahead of that deadline, hire a LSRP, and proceed without Department pre-approval of work plans and reports.

In the transition period before the mandatory requirement to utilize a LSRP, the Department is providing compliance assistance to parties conducting remediation and their LSRPs. Compliance assistance is designed to facilitate the transition away from Department oversight, promoting understanding of the program and ultimately faster remediation, and freeing the limited resources of the Department to focus on the worst sites. The Department is also providing compliance assistance to parties responsible for conducting remediation who have failed to initiate remediation on or after November 4, 2009 by notifying them of their affirmative obligation to remediate using a LSRP under SRRA. Enforcement will follow compliance assistance efforts as needed and will focus on those parties who fail to act when notified of their affirmative obligations under SRRA and on those parties who initiated remediation prior to the effective date of the rules and who don't “opt in,” when violations occur.

