

**2004 ANNUAL REPORT**

**OF THE**

**CLEAN WATER ENFORCEMENT ACT**

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

*Calendar Year 2004*



**May 2006**

*New Jersey Department of Environmental Protection*



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*May 2006*

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Middlesex County U.A.	Morris Township
Mount Holly M.U.A.	North Bergen M.U.A.
Ocean County U.A.	Passaic Valley Sewerage Commissioners
Pequannock, Lincoln Park	Rahway Valley S.A.
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## TABLE OF CONTENTS

EXECUTIVE SUMMARY	i.
I. INTRODUCTION	1.
II. PERMITTING	
A. DIVISION OF WATER QUALITY	3.
B. NEW DEVELOPMENTS	9.
III. ENFORCEMENT	
A. INTRODUCTION	14.
B. INSPECTIONS	15.
C. VIOLATIONS	16.
D. ENFORCEMENT ACTIONS	26.
E. COMBINED SEWER SYSTEM ENFORCEMENT	31.
F. PENALTIES ASSESSED AND COLLECTED	32.
IV. DELEGATED LOCAL AGENCIES	
A. INTRODUCTION	35.
B. PERMITS	36.
C. INSPECTIONS AND SAMPLINGS	37.
D. VIOLATIONS	37.
E. DLA ENFORCEMENT ACTIONS AND PENALTIES	41.
F. LIST OF DELEGATED LOCAL AGENCIES (DLAs)	42.
V. CRIMINAL ACTIONS	44.
VI. FISCAL	
A. CWEA FUND SCHEDULE AND COST STATEMENT	47.
VII. WATER QUALITY ASSESSMENT	
A. INTRODUCTION	49.
B. 2004 WATER QUALITY INVENTORY REPORT	49.
C. EVALUATION OF POINT SOURCE CONTRIBUTION TO WATER QUALITY	52.
D. SURFACE WATER QUALITY MONITORING	53.
E. REFERENCES AND SOURCES OF ADDITIONAL INFORMATION	53.

## LIST OF TABLES\*\*

TABLE II-1	REGULATED FACILITIES 2002-2004 _____	3.
TABLE II-2	REGULATED DISCHARGES BY TYPE 2001-2004 _____	4.
TABLE II-3	GENERAL PERMITS _____	5.
TABLE II-4	PERMIT ACTIONS TAKEN BY THE DIVISION OF WATER QUALITY 2002-2004 _____	8.
TABLE II-5	COMPARISON OF PERMIT ACTIONS 2001-2004 _____	9.
TABLE III-1	SUMMARY OF VIOLATIONS FOR WHICH A PENALTY WAS ASSESSED <i>Calendar Year 2004</i> _____	18.
TABLE III-2	SUMMARY OF VIOLATIONS BY CATEGORY ( <i>All Facilities</i> ) _____	20.
TABLE III-3	SUMMARY OF VIOLATIONS BY CATEGORY ( <i>Nonlocal Agencies</i> ) _____	21.
TABLE III-4	SUMMARY OF VIOLATIONS BY CATEGORY ( <i>Local Agencies</i> ) _____	22.
TABLE III-5	SUMMARY OF ENFORCEMENT ACTIONS _____	29.
TABLE III-6	LABORATORY CERTIFICATION ACTIVITIES 1995-2004 _____	30.
TABLE III-7	PENALTIES ASSESSED ( <i>Local and Nonlocal</i> ) _____	33.
TABLE IV-1	DLA PERMIT ACTIVITY SUMMARY 2004 _____	36.
TABLE IV-2	DLA SUMMARY OF ALL PERMIT VIOLATIONS CY 2004 _____	38.
TABLE VI-1	CLEAN WATER ENFORCEMENT FUND SCHEDULE CY 2004 _____	47.
TABLE VI-2	CLEAN WATER ENFORCEMENT COST STATEMENT CY2004 _____	48.
TABLE VII-1	DELINEATION OF NJ WATERS _____	50.

## LIST OF CHARTS

CHART III-1	SERIOUS VIOLATIONS <i>1992-2004</i> _____	23.
CHART III-2	SIGNIFICANT NONCOMPLIERS <i>1992-2004</i> _____	25.
CHART III-3	PENALTIES COLLECTED <i>1991-2004</i> _____	34.
CHART IV-1	NUMBER OF PERMITTEES REGULATED BY DLAs <i>1991-2003</i> _____	37.
CHART IV-2	EFFLUENT VIOLATIONS (DLA) <i>1991-2004</i> _____	39.
CHART IV-3	SIGNIFICANT NON-COMPLIERS AS REPORTED BY DLAs <i>1991-2004</i> _____	40.
CHART IV-4	PENALTY MONEY COLLECTED BY DLAs <i>1991-2004</i> _____	42.

## LIST OF APPENDICES

APPENDIX III-A	NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION - SIGNIFICANT NONCOMPLIERS_____	III-A1 – III- A9
APPENDIX IV-A	DLA - SIGNIFICANT NONCOMPLIERS_____	IV-A1 – IV-A17
APPENDIX IV-B	DLA SUMMARY OF RESPONSES_____	IV-B1 – IV-B23
APPENDIX IV-C	SPECIFIC PURPOSES FOR WHICH PENALTY MONIES COLLECTED BY THE DLAs HAVE BEEN SPENT_____	IV-C1 - IV-C11



## 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, 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 renewals of existing permits.

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 regulates 759 facilities that discharge to the surface waters of the State in 2004, as compared to the 798 facilities regulated in 2003. 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 the Department also regulates are listed in this report as "Other". In 2004, the DWQ regulates 4,256 of these other facilities (either separately or combined with a DSW), as compared to the 3,707 regulated in 2003, an increase of 15 percent. The DWQ regulates a total of 4,750 facilities in 2004, compared with 4,264 facilities in 2003, an increase of 11 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, 2004, the Department permitted 5,475 discharge types for 4,750 facilities.

In 2004, the Department took 1,772 formal permit actions, reflecting a 23 percent increase in permit actions from 2003. This large increase is mainly due to the large number of authorizations that were issued in 2004 under the Municipal Stormwater Regulation Program umbrella of general permits and the 198 new authorizations that were issued under the Basic Stormwater General Permit.

The Department issued DSW permit renewals to 26 major facilities in 2004. Over the past few years, DWQ has focused its permitting resources on renewing major DSW permits. The Department also issued 1031 new permits and received no hearing requests on these actions. The Department issued 458 permit renewals and received 8 hearing requests on these actions.

For the Stormwater Permitting Program in 2004, 5 new Master General Permits were issued along with 946 new general permit authorizations, 106 were renewed, 15 were modified, and 92 general permit authorizations were terminated. In addition, 3 new individual permits were issued, 59 were renewed, 5 were terminated, and 9 individual permit modifications were completed. The DWQ has also received 9,333 Nonapplicability Forms to date, with 13 received in 2004.

## **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 2004, the Department conducted 1785 facility inspections. Of the 1785 facility inspections performed, 1,748 were full inspections and 37 were interim inspections.

### *Violations*

In 2004, the Department assessed penalties against 132 facilities for 648 violations of the WPCA.

The 648 violations addressed by the Department's actions were similar to the number of violations addressed in 2003 (665). For penalty actions concerning effluent violations, approximately one-half of the actions (39 of 78) were in response to just a single violation. Thirteen actions were in response to facilities with just two effluent violations and 145 violations were from 7 facilities.

Effluent violations comprised 43.1 percent (279) of the 648 violations for which the Department assessed penalties in 2004. Of the 279 effluent violations in 2004, 76 percent (212) concerned discharges of nonhazardous pollutants, such as suspended solids, nutrients and fecal coliform. The other 24 percent (67) concerned discharges of hazardous pollutants, such as chlorine residual, metals, pesticides and organics.

Reporting violations accounted for 42.1 percent (273) of the violations for which the Department assessed a penalty. For the second year in a row reporting violations are on the increase (2003 had 140 reporting violations, while 2002 only had 66), 175 of these violations were from only 3 permittees.

The remaining 14.8 percent (94) of the violations for which the Department assessed a penalty included unpermitted discharges, exceedances of facility design flow, improper sampling, sewer connection/extension violations and ACO compliance schedule violations.

#### *Serious Violations*

In 2004, the Department identified and issued formal enforcement actions for 234 serious effluent violations (99 were from local permittees and 135 from nonlocals). These violations involved discharges from 68 facilities. Of the 234 serious violations, 72 percent (168) involved violations of limitations for nonhazardous pollutants, and the remaining 28 percent (66) involved violations of limitations for hazardous pollutants. Serious violations have decreased from a reported high figure of 847 in 1992.

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

In 2004, the Department issued formal enforcement actions to 20 permittees designated as SNCs (1 permittee had 2 facilities that qualified as SNC). Two of the permittees have contested their individual designations as SNCs through the filing of adjudicatory hearing requests on the AONOCAPA's issued to them. Appendix III-A of this report identifies each SNC and sets forth information concerning each SNC's violations. In 2004, of the 20 SNC permittees 12 were nonlocal agencies and 8 were local agencies. Ten of the permittees violated a DSW permit, 4 violated a DGW permit, 5 violated a SIU permit and one was for a Stormwater Permit. Also one permittee qualified as SNC for its DGW, DSW and SIU permits. In 2004, there was one permittee that continued to be an SNC violator from 2003 (LaBrea Bakery - NJ0139700). In comparison, the number of permittees identified in the 1993 report that continued to be or were repeat SNC violators was 18.

As has been the case since 1996, the percentage of permittees in significant noncompliance in 2004 was less than 2.0 percent of the total NJPDES permittees with monitoring and reporting requirements in their permits.

#### *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 2004, the Department initiated 360 informal enforcement actions (NOVs) for Surface Water (SW), Groundwater (GW) and Significant Indirect Users(SIU) and 317 for stormwater violations. There were fewer NOVs issued in 2004 for SW,GW and SIU violations compared to 2003 where there were 479. However, there were more NOVs issued in 2004 for stormwater violations compared to the 165 issued in 2003.

*Formal Enforcement Actions:*

In 2004, the Department initiated 137 formal enforcement actions compared with a high of 941 in 1993. The number of formal actions issued (137) in 2004 is up from 2003 (117). There was a total of enforcement actions (informal and formal) in 2004 was 814.

*Penalties Assessed and Collected*

In 2004, the Department assessed a total of \$3,240,001 in civil and civil administrative penalties within 132 distinct enforcement actions. This is an increase from the \$2.46 million assessed in 2003. This is the highest amount assessed since 1995 when \$4.7 million was assessed.

In 2004, the Department collected \$1,974,826.67. This is an increase from the all time low of \$976,235 collected in 2003. There were 2 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 939 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 903 of the 939 permittees at least once during the calendar year.

The DLAs reported 1,158 permit violations by permitted facilities in 2004, compared with 1,425 violations in 2003. The DLAs reported a total of 46 indirect users who qualified as SNCs under the State definition during 2004. The analysis in the 2003 report indicated that 53 indirect users met the SNC definition. Therefore, there was a decrease of 7 (13.2 percent) in the number of facilities in significant noncompliance. The DLAs reported as a whole that by the end of calendar year 2004, 20 (43.5 percent) of the 46 indirect users in significant noncompliance had achieved compliance. During 2004, the DLAs issued 335 enforcement actions as a result of inspections and/or sampling

activities.

In calendar year 2004, 16 of the DLAs assessed a total of \$1,841,035 in penalties for 669 violations while collecting \$1,262,788. In 2003, 16 DLAs assessed \$1,398,376 in penalties for 586 violations while collecting \$958,006.

### **Criminal**

In 2004, the Division of Criminal Justice (DCJ) conducted a total of 22 WPCA investigations. The Division also reviewed over 550 Department actions (NOVs, Orders, Penalty Assessments, etc.) for potential criminality. DCJ Investigators responded to 11 water pollution emergency response incidents, out of a total of 59 emergency response incidents. The Division filed four (4) criminal actions (indictments or accusations) for violations of the WPCA. (The Division filed a total of 18 criminal actions in environmental cases.) Three (3) of the criminal actions constituted third degree charges involving a purposeful, knowing or reckless unlawful discharge of a pollutant into the State's waters and one involved a fourth degree charge for negligent discharge of a pollutant into State waters. All of them (four criminal actions) have been resolved either through guilty pleas or, in three of the actions, through admission into PTI. (The defendants who pled guilty in the one action were sentenced in January of 2005.) In 2004, through the successful prosecution of cases involving water pollution, the Division obtained \$514,208 in fines and restitution.

In 2004, the Morris County Prosecutor's Office (MCPO) filed eleven (11) criminal actions for violations of the WPCA. This included a total of six (6) accusations, four (4) complaints and one (1) indictment. Of this total, ten (1) were third degree charges and one (1) was a fourth degree charge involving an unlawful negligent discharge into the State's waters.

### **Fiscal**

A total of \$2,046,576.43 in penalty receipts was deposited in calendar year 2004.

In calendar year 2004, the Clean Water Enforcement Fund disbursed \$292,000.00 to the Division of Law for the costs of litigating civil and administrative enforcement cases and other legal services; \$41,400 to the Office of Administrative Law for costs associated with adjudicating WPCA enforcement cases. The CWFED disbursed \$1,220,097.77 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. Each year, 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 biannually 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 support of designated uses and attainment of water quality standards. 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, in 2000 USEPA encouraged states to integrate the two reports into a single document known as the *Integrated Water Quality Monitoring and Assessment Report*. This combined report presents the extent to which waters of the State are attaining water quality standards and identifies waters that are impaired and need total maximum daily loads (TMDLs) as required under section 303(d) of the Act.

The Integrated List consists of five sublists. All assessed waterbodies are placed on the 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. Waterbodies are placed on Sublist 1 if the water quality standards are attained and all uses are met, Sublist 2 if some standards and some uses are met, Sublist 3 if there is insufficient or no information is available, Sublist 4 if the water is impaired but a TMDL has been completed or the impairment is not due to a pollutant, and Sublist 5, which is also known as the 303(d) list, if the waterbody is impaired and a TMDL is required.

The most recent Integrated Report is the 2004 Report, which forms the basis for the water quality information presented in the CWEA Annual Report are based upon a wide range of high quality data including 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 other sources. Assessment methods used are delineated in the Department's assessment method document (NJ Department of Environmental Protection, 2003b).

## 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. Since 2000, the former section on Stormwater Permitting has been incorporated into the Division of Water Quality (DWQ) section.

### 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 759 facilities that discharge to the surface waters of the State in 2004, as compared to the 798 facilities regulated in 2003. 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 2004, the DWQ regulated 4,256 of these other facilities (either separately or combined with a DSW), as compared to the 3,707 regulated in 2003, an increase of 15 percent. The DWQ regulated a total of 4,750 facilities in 2004, compared with 4,264 facilities in 2003, an increase of 11 percent.

**TABLE II-1  
REGULATED FACILITIES  
2002-2004**

FACILITIES REGULATED (including stormwater)	2002	2003	2004	% Growth 2003-2004
Discharge to Surface Water only	561	557	494	-11.3
DSW/Other combined	230	241	265	+9.9
Other only	3099	3466	3991	+15.1
<b>TOTAL</b>	<b>3,890</b>	<b>4,264</b>	<b>4,750</b>	<b>+11.3</b>

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, 2004, the Department permitted 5,475 discharge types for 4,750 facilities. Table II-2 below provides information regarding the number of discharge types permitted by the Department between 2001 and 2004.

**TABLE II - 2  
REGULATED DISCHARGES BY TYPE  
2001-2004**

<b>ACTIVITY TYPE</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>
INDUSTRIAL DSW	547	555	533	510
MUNICIPAL DSW	258	250	266	262
SIU	83	78	78	81
GROUNDWATER	998	1091	1112	1145
RESIDUALS	64	66	60	67
STORMWATER	2204	2172	2673	3410
<b>TOTAL</b>	<b>4,154</b>	<b>4,212</b>	<b>4,722</b>	<b>5,475</b>

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 renewals of existing permits. In 2004, the permitted facility universe increased by 753, mainly due to the issuance of the phase two 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. However, certain general NJPDES permits do not require submission of formal renewal applications. The Department has classified its NJPDES permit actions based upon the technical complexity of the permit application and the potential environmental or health effects of the discharge, and reports the following permit categories in the Permit Activity Report in accordance with P.L. 1991, c.423:

*Requests for Authorization to discharge under a general permit:*

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

**TABLE II - 3  
GENERAL PERMITS**

<b>NJPDES No.</b>	<b>Category</b>	<b>Name of General Permit</b>	<b>Discharge Type</b>	<b>Year Issued</b>
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
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

In 2005, the Department anticipates issuing the Mining & Quarrying Activity Stormwater Permit and renewing the Swimming Pool Discharges General Permit, the Construction Dewatering General Permit, and the Hydrostatic Test Water General Permit. A new DSW general permit is also expected authorizing the Beneficial Reuse of Reclaimed Water as well as a new General Remediation General Permit to complement the existing B4B general permit.

*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.

*Construction Activity Stormwater General Permits:*

The Construction Activity General Permit (NJ0088323) is for construction activities disturbing 5 acres or more and certain mining activities, 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 1,903 construction activity general permit authorizations in 2004. There are a total of 6,100 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.

*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.

**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 2004, the Department took 1,772 formal permit actions, reflecting a 23 percent increase in permit actions from 2003. This large increase is mainly due to the large number of authorizations issued under the Tier A Municipal Stormwater, Tier B Municipal Stormwater, Public Complex Stormwater and the Highway Agency Stormwater General Permits that were issued in 2004. Approximately 58 percent of the final permit actions were new facilities, 26 percent of the actions were permit renewals, 5 percent were for permit modifications, and 11 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 2004, the Department received 8 requests for adjudicatory hearings, compared to 14 requests received in 2003. This is a request rate of 0.5 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 26 major facilities in 2004. Over the past few years, DWQ has focused its permitting resources on renewing major DSW permits. The Department also issued 1,029 new permits and received no hearing requests on these actions. The Department issued 458 permit renewals and received 8 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**  
**2002 - 2004**

<b>TYPE OF PERMIT ACTION</b>	<b>2002</b>	<b>Contested 2002</b>	<b>2003</b>	<b>Contested 2003</b>	<b>2004</b>	<b>Contested 2004</b>
<b>Industrial Surface Water</b>						
- New	12	0	20	0	17	0
- Renewals	50	0	111	3	31	0
- Modifications	17	0	19	0	38	0
- Terminations	36	0	35	0	57	0
<b>Subtotal</b>	<b>115</b>	<b>0</b>	<b>185</b>	<b>3</b>	<b>143</b>	<b>0</b>
<b>Municipal Surface Water</b>						
- New	0	0	0	0	0	0
- Renewals	24	4	31	10	49	8
- Modifications	23	0	34	1	17	0
- Terminations	0	0	3	0	5	0
<b>Subtotal</b>	<b>47</b>	<b>4</b>	<b>68</b>	<b>11</b>	<b>71</b>	<b>8</b>
<b>Significant Indirect User</b>						
- New	10	0	9	0	3	0
- Renewals	10	0	14	0	7	0
- Modifications	8	0	9	0	6	0
- Terminations	11	0	1	0	0	0
<b>Subtotal</b>	<b>29</b>	<b>0</b>	<b>33</b>	<b>0</b>	<b>16</b>	<b>0</b>
<b>Ground Water</b>						
- New	37	0	43	0	51	0
- Renewals	37	3	576	0	199	0
- Modifications	8	0	7	0	8	0
- Terminations	13	0	17	0	27	0
<b>Subtotal</b>	<b>95</b>	<b>3</b>	<b>643</b>	<b>0</b>	<b>285</b>	<b>0</b>
<b>Land Application of Residuals</b>						
- New	4	0	2	0	4	0
- Renewals	5	0	20	0	7	0
- Modifications	1	0	3	0	2	0
- Terminations	2	0	0	0	4	0
<b>Subtotal</b>	<b>12</b>	<b>0</b>	<b>25</b>	<b>0</b>	<b>17</b>	<b>0</b>
<b>Stormwater</b>						
- New	51	0	370	0	954	0
- Renewals	1621	2	23	0	165	0
- Modifications	3	0	5	0	24	0
- Terminations	79	0	83	0	97	0
<b>Subtotal</b>	<b>1754</b>	<b>2</b>	<b>481</b>	<b>0</b>	<b>1240</b>	<b>0</b>
<b>TOTALS</b>	<b>2062</b>	<b>10</b>	<b>1435</b>	<b>14</b>	<b>1772</b>	<b>8</b>

For the Stormwater Permitting Program in 2004, 5 new Master General Permits were issued along with 946 new general permit authorizations, 106 were renewed, 15 were modified, and 92 general permit authorizations were terminated. In addition, 3 new individual permits were issued, 59 were renewed, 5 were terminated, and 9 individual permit modifications were completed. The DWQ has also received 9,333 Nonapplicability Forms to date, with 13 received in 2004.

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  
2001 - 2004**

TYPE OF PERMIT ACTION	2001	2002	2003	2004
New	207	114	444	1,029
Renewal	165	1747	775	458
Modifications	45	60	77	95
Terminations (Revocations)	143	141	139	190
<b>TOTAL ACTIONS</b>	<b>560</b>	<b>2062</b>	<b>1435</b>	<b>1772</b>

## B. NEW DEVELOPMENTS

### **Section One - Municipal Stormwater Regulation Program and Underground Injection Control**

The Department implemented a major new program in 2004 that affects all municipalities, counties, and many state and federal facilities. This program, entitled the Municipal Stormwater Regulation Program (MSRP), is designed to reduce or eliminate stormwater-borne pollution to our State's waterways. On February 2, 2004, the Department adopted changes to the NJPDES rules in order to implement the new MSRP in response to US Environmental Protection Agency requirements (Phase 2) for municipal stormwater discharge permits. The program integrates the NJPDES program with other aspects of stormwater management regulated under the Stormwater Management Act. In addition, the amendments address the 1999 changes to the Federal Underground Injection Control (UIC) regulations and revise other UIC requirements relating to the issuance of permits. The rule change also expands the NJPDES permit requirements for stormwater discharges associated with construction activity, changing the threshold acreage for requiring a permit from 5 acres of disturbance to 1 acre, and adding best management practices to control construction-related pollutants.

The Division issued four general permits effective on March 3, 2004 to implement the Municipal Stormwater Regulation Program. These four permits are:

- **Tier A Municipal Stormwater General Permit**

The Tier A Permit (NJ0141852) is primarily for 465 municipalities assigned to "Tier A" under the NJPDES rule changes. Tier A municipalities are generally located within the more densely populated regions of the state or along or near the coast.

- **Tier B Municipal Stormwater General Permit**

The Tier B Permit (NJ0141861) is primarily for 101 municipalities assigned to “Tier B” under the NJPDES rule changes. Tier B municipalities are generally located in more rural areas and in non-coastal regions.

- **Public Complex Stormwater General Permit**

The Public Complex Permit (NJ0141879) is primarily for county, State, interstate, and Federal agencies that operate “public complexes” (e.g., colleges or universities, hospitals, prisons, office complexes, or military bases) as described in the NJPDES rule changes. At present, 78 public complexes are authorized under this permit.

- **Highway Agency Stormwater General Permit**

The Highway Permit Stormwater General Permit (NJ0141887) is primarily for county, State, interstate, and Federal agencies that operate “highways and other thoroughfares” as described in the NJPDES rule changes. At present, 33 highway entities are authorized under this permit.

## **Section Two - General Permits Issued or Renewed**

The Division issued the NJPDES Hot Mix Asphalt Producers Stormwater General Permit in April 2004, and the NJPDES Lined Surface Impoundment Discharge to Ground Water General Permit in February 2004. The Combined Sewer Overflow( CSO) Long-term Control Plans Permit was issued in June 2004 and the Residuals Transfer Facility General Permit was renewed in September 2004. 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 four general permits:

- **Hot Mix Asphalt Producers (HMAP) Industry Specific Stormwater General Permit**

The Hot Mix Asphalt Producing (HMAP) permit (category R4) (NJ0132721) authorizes the discharge of stormwater coming in contact with industrial activities at HMAP facilities to surface and ground waters of the State. With input from the industry, the HMAP Stormwater General Permit was developed to cover all activities at the HMAP facilities. The HMAP General Permit relies on Best Management Practices (BMPs) and monitoring to maintain the integrity of the environment without placing an unreasonable burden on the industry. The permit allows facilities to remain dynamic by requiring them to create their own Stormwater Pollution Prevention Plans (SPPP) which reflect the changing conditions at each individual HMAP facility. Permittees authorized under the HMAP General Permit will prepare, submit and maintain a SPPP, which is a written document detailing the facility operations, potential sources of pollutants, and BMPs the permittee will be implementing. The BMPs will be designed to meet numeric limits and benchmark concentrations for the pollutants of concern at HMAP facilities.

The permittees are also required to design and submit a Drainage Control Plan for the facility, demonstrating that all the stormwater from areas of industrial activity is captured and reused, diverted to regulated outfalls and/or has no exposure to “source materials”. Permittees that discharge air compressor condensate to surface or ground water are required to sample the discharge monthly. Another feature of the HMAP General Permit is the Renewal Report. The Renewal Report will summarize the monitoring data submitted on



DMRs and WCRs for twelve (12) valid stormwater samples taken during the permit cycle. It will also detail changes and improvements made to BMPs to meet the numeric limits and benchmarks contained in the permit. Twenty-five facilities are presently permitted under the HMAP permit.

- **Lined Surface Impoundment Ground Water General Permit (category LSI) (NJ0142051)**

A lined surface impoundment has a continuous layer of soil or synthetic material that restricts the downward or lateral escape of any waste, waste constituents, or leachate. Eligible dischargers must have or install a liner with a hydraulic conductivity of  $1 \times 10^{-7}$  cm/sec or less. The impoundment must also have a permitted outfall, such as a discharge to surface water or a sanitary sewer, or incorporate a closed-loop recycling system that allows for reuse of accumulated pollutants. For new construction, a lined surface impoundment authorized under this general permit must be completely constructed prior to commencing operation. Facilities that are regulated by another industry specific general permit are not eligible for this permit, but a facility with an individual NJPDES Discharge to Ground Water permit for an unlined basin may choose to apply for the LSI general permit.

This permit requires that unlined basins be modified to include an impermeable liner as described above. In such cases, the liner is required to be installed within 18 months of authorization. At present, several authorizations have been issued under this permit with an anticipated total of 25.

- **CSO Long-term Control Plans (LTCPs)**

Phase II of the CSO General Permit was taken on June 30, 2004, and will further the development of CSO Long-term Control Plans (LTCPs). Specifically, the general permit 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 would also be 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.

CSO LTCPs shall ensure that both the technology-based and water quality-based requirements of the federal CWA are met. With respect to water quality-based requirements, the CSO Control Policy provides that "development of the long-term plan should be coordinated with the review and appropriate revisions of Surface Water Quality Standards and implementation procedures on CSO-impacted receiving waters to ensure that the long-term controls will be sufficient to meet water quality standard."

- **Residuals- Residuals Transfer Facility General Permit**

The general permit for Residuals Transfer Facilities (category ZG) (NJ0132519) was renewed on September 29, 2004. The 7 existing individual authorizations under this general permit were automatically renewed as part of this process. The Department recognizes that the basic operation at these transfer facilities is similar enough to have similar permit conditions. A residuals transfer facility can be any operation, device or system at which liquid sewage sludge is transferred from collection vehicles to any type of permanent/fixed on-site storage unit (this includes fixed frac tanks) and then to haulage vehicles. The general permit establishes minimum conditions for temporarily storing liquid sewage sludge (which includes domestic septage) and grease (which meets the definition of a domestic pollutant) prior to transfer to duly permitted or approved residuals management operations for ultimate

management. The general permit, through a letter of authorization, will also restrict the quantity of liquid sewage sludge which can be stored on-site to that quantity approved for each storage unit by the Department through a Treatment Works Approval. However, to qualify for the general permit, the quantity of on-site storage shall not exceed fifty thousand (50,000) gallons.

### **Section Three - Draft Reclaimed Water for Beneficial Reuse General Permit Coming Soon**

The Reclaimed Water for Beneficial Reuse (RWBR) Task Force Team is currently developing a general permit that will be issued to facilities that propose to reuse their treated effluent. This general permit will allow permittee's to reuse the treated effluent for restricted access uses only (e.g., sanitary sewer jetting, street sweeping, sewage treatment plant washdown, fire protection, irrigation of landscaping within a secured perimeter, non-contact cooling water and boiler make-up water). The expected time frame for the issuance of the draft permit is in 2005.

### **Section Four - NJPDES Permit Universe Status**

The total NJPDES issued permits universe as of September 30, 2004 is 5088 permits. This is up from 4255 permits as of September 30, 2003, a 19.6% increase. Of these 5088 permits, 4760 (94%) are current, while only 328 are beyond their expiration date. The number of expired permits decreased from 641 as of September 30, 2003 to the current 328, a 48.8% reduction in one year. The Division is continuing its efforts to further reduce the number of permits operating with expired permits.

### **Section Five - Municipal and Industrial Surface Water Permitting**

The Division has continued its goals of reducing the expired permit rate for both industrial and municipal major Discharge to Surface Water (DSW) permits. The major permit expired permit rate has continued in its steady downward trend, beginning with a high of approximately 20% in January 2003, to nearly reaching its 10% goal in December 2003. The Division will maintain focus on renewal of major permits and anticipates the expired permit rate to be less than 10% for the next fiscal year. As part of the above actions, the Division has successfully renewed a number of older permits which had been expired, but administratively extended, in excess of 10 years.

Concentrating on reducing the major permit expired permit rate has resulted in an increase of the minor permits expired permit rate. To address this consequence, the Division has recently allocated additional staff and established a team to specifically handle minor DSW permits and reduce the number of permits operating with expired permits.

### **Section Six - NJPDES Program for Submission of Electronic Monitoring Report Forms**

Electronic Data Interchange (EDI) was initiated by the Division of Water Quality 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. Currently 115 permittees are signed up to use EDI to submit their monitoring data. New participants continue to sign up for the convenience, accuracy and savings offered by EDI.

A new updated version of the EDI application was put into production at the end of December 2004. Enhancements include the following:

1. The ability to filter MRFs by type in the submitted folder;
2. the ability to retain resubmittal MRF information in the submitted folder;
3. the ability to easily isolate a resubmittal MRF from an earlier submission;
4. a signoff sheet for users who need or want to print their electronic MRF and manually submit it to the Department; and
5. the display of Quantification Levels (QLs) on both the DMR and WCR forms.

### **Section Seven - 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](http://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](http://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](http://www.nj.gov/dep/dwq/permitng.htm). Added to the web site last year was a link to download data on sewage sludge production for 2002. In the Fall of 2004, data on sewage sludge production for 2003 was added to the available downloads. The sludge production information lists the modes of sewage sludge management used by domestic treatment plants and are organized by municipality and county.

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](http://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. These semi-custom reports are generated through a link to the New Jersey Environmental Management System (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. The provisions of the CWEA relevant to this Chapter are as follows:

*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.

*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**

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 2004, the Department conducted 1785 facility inspections. Of the 1785 facility inspections performed, 1748 were full inspections and 37 were interim inspections.

The data presented below concerning the number of facilities and discharges inspected are organized into two categories of facilities: local and nonlocal. 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. The CWEA distinguishes between these two types of facilities in a number of ways. For instance, for local agencies, the CWEA establishes different criteria for financial assurance requirements as well as different settlement criteria.

The data presented below also distinguishes between the three different types of NJPDES permits: DSW, DGW, and discharges into a municipal treatment works by an SIU.

## **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.

### **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 2004 is reported in Section Six below.

### **Section Three - 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 2004, for the fifth 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. Of those 191 violations, 95 percent (181) involved nonhazardous pollutants and 5 percent (10) involved hazardous pollutants.

#### *Violations of Compliance Schedules:*

In 2004, the Department took one formal action against for two violations of a compliance schedule set forth in an ACO. There were 2 violations, both were reporting violations and neither went more than 90 days out of compliance with the schedule established in its ACO.

### **Section Four - 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 2004, the Department issued 29 formal enforcement actions against facilities responsible for unpermitted discharges. Of the 29 unpermitted discharge formal enforcement actions, 1 involved discharges to ground water, 21 involved discharges to surface water 2 involved a discharge into a municipal treatment works by an SIU and 5 involved discharging storm water without a permit.

#### **Section Five - 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. Therefore, this report includes information on all affirmative defenses asserted, as well as affirmative defenses granted, for serious violations.

This year, in addition to the information on affirmative defenses for effluent violations, the Department is once again providing data on extenuating circumstance-type defenses, as provided for pursuant to N.J.S.A. 58:10A-10.1.d and N.J.A.C. 7:14-8.9(e), for DMR omissions or DMR nonsubmittal.

In 2004, the Department granted 28 affirmative defenses asserted by 21 facilities for 59 effluent violations or parameter omissions. Twenty of the affirmative defenses granted concerned upsets, 8 concerned laboratory error. There were no defenses granted for extenuating circumstances or bypass in 2004. Of the 28 defenses granted, 22 involved discharges to surface water, 6 involved discharges to ground water. There were no affirmative defenses related to SIU discharges in 2004. Ten of the defenses granted involved discharges by local agencies, whereas 18 involved nonlocal agency permittees. Fifteen of the violations were considered serious as defined in the Clean Water Enforcement Act and twelve violations were considered serious and qualified as a significant noncomplier as defined in the CWEA. Thirty-two of the violations where affirmative defense was denied were neither serious nor qualified as a significant noncompliance.

In 2004, the Department denied 16 affirmative defenses asserted by 15 facilities for 45 effluent violations. Fourteen of the affirmative defenses denied claimed an upset and 2 claimed laboratory error was the cause of the violations. Of the 16 defenses denied, 15 violations concerned a discharge to surface water and one involved a discharge to ground water. There were none related to SIU discharges. Five of the defenses denied involved discharges by a local agency and 11 involved a nonlocal agency permittee. Twelve of the violations were considered serious as defined in the Clean Water Enforcement Act and five violations were considered serious and qualified as a significant noncomplier as defined in the CWEA. These have resulted in penalty actions taken by NJDEP. Twenty-eight of the violations where affirmative defense was denied were not serious or at a frequency to warrant penalty action

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

In 2004, the Department assessed penalties against 132 facilities for 648 violations of the WPCA. The 648 violations addressed by the Department's actions was substantially greater than the 373 violations addressed in 2002 but similar to the number seen in 2001(596) and 2003 (665). The

lowest ever recorded was the 291 violations in calendar year 1998. In comparison, in 1992 the Department assessed penalties against 300 facilities for 2,483 violations. Of the penalty actions issued in 2004, 50 percent of the actions were for single effluent violations (39 of 78). Thirteen actions (17%) were in response to facilities with just two effluent violations.

Table III-2 below groups violations into the following categories: effluent violations, violations of compliance schedules, DMR reporting violations and other violations.

**TABLE III - 1**  
**SUMMARY OF VIOLATIONS FOR WHICH A PENALTY WAS ASSESSED**  
**Calendar Year 2004**

<b>VIOLATION CATEGORY</b>	<b>Number</b>	<b>Percentage</b>
<b>Effluent</b>	<b>279</b>	<b>43.1</b>
- Nonhazardous	212	76
- Hazardous	67	24
<b>Compliance Schedule</b>	<b>2</b>	<b>0.3</b>
<b>Reporting</b>	<b>273</b>	<b>42.1</b>
- Nonsubmittal	56	21
- Omissions	217	79
<b>Other</b>	<b>94</b>	<b>14.5</b>
<b>TOTALS</b>	<b>648</b>	<b>100</b>

\*\*\*\*\*  
Effluent violations comprised 43.1 percent (279) of the 648 violations for which the Department assessed penalties in 2004. Of the 279 effluent violations in 2004, 76 percent (212) concerned discharges of nonhazardous pollutants, such as suspended solids, nutrients and fecal coliform. The other 24 percent (67) concerned discharges of hazardous pollutants, such as chlorine residual, metals, pesticides and organics.

As mentioned above, about one-half of the penalty actions (39 of 78) issued for effluent violations were in response to just a single violation. Only 11 of the 78 actions involved five or more effluent violations. Of the 279 effluent violations, 145 violations were from just 7 permittees. They were: Cedar Square Limited- NJ0062944-(54 effluent violations), Awosting STP- NJ0027669 (23 effluent violations), Albert C. Wagner Youth Correction Facility- NJ0026719 (20 effluent violations), Warren County District Landfill- NJ0102598 (13 effluent violations), J&J Snack Foods Corporation- NJ0136298 (12 effluent violations), Meadowview Hospital- NJ0023566 (12 effluent violations), and Highview Acres STP- NJ0027685 (11 effluent violations).

Reporting violations accounted for 42.1 percent (273) of the violations for which the Department assessed a penalty. It is important to point out that the 273 reporting violations in 2004, was higher than the 140 reported in 2003. Thirty-eight permittees were penalized for having reporting violations. Of the 273 reporting violations 175 (64 percent) were from just 3 permittees. These 3 facilities were Cedar Square Limited- NJ0062944- (88 reporting violations), Warren County District Landfill- NJ0060763 and NJ0102211 (46 reporting violations), Carteret Packaging- NJ0108901 (41 reporting violations).

The final category addressed in this report is "Other" which includes unpermitted discharges, exceeding facility design flow, improper sampling, and sewer connection/extension violations. This



category accounted for 14.5 percent (94) of the violations for which the Department assessed a penalty for in 2004.

Local agencies accounted for 224 of the violations for which the Department assessed penalties, nonlocal agencies accounted for the remaining 424 violations.

Table III-3 below lists the number and percentage of effluent, compliance schedule and reporting violations by calendar year for local and nonlocal agencies. Table III-4 contains only the data from **nonlocal** agencies. Table III-5 illustrates the violation data just for **local** agencies.

**TABLE III - 2  
SUMMARY OF VIOLATIONS BY CATEGORY ~ LOCAL AND NONLOCAL**

		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		
<b>1992</b>	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%
<b>1993</b>	Number	1,167	253	1,420	2	35	213	248	384	2,054
	Percentage	82.2%	17.8%	69.1%	0.1%	14.1%	85.9%	12.1%	18.7%	100.0%
<b>1994</b>	Number	758	146	904	7	3	139	142	691	1,744
	Percentage	83.8%	16.2%	51.8%	0.4%	2.1%	97.9%	8.1%	39.6%	100.0%
<b>1995</b>	Number	578	99	677	0	7	107	114	72	863
	Percentage	85.4%	14.6%	78.4%	0.0%	6.1%	93.9%	13.2%	8.3%	100.0%
<b>1996</b>	Number	221	85	306	94	0	88	88	39	527
	Percentage	72.2%	27.8%	58.1%	17.8%	0.0%	100.0%	16.7%	7.4%	100.0%
<b>1997<sup>1</sup></b>	Number	426	64	490	8	8	246	254	71	823
	Percentage	86.9%	13.1%	59.5%	1.0%	3.1%	96.9%	30.9%	8.6%	100.0%
<b>1998</b>	Number	103	18	121	1	1	84	85	84	291
	Percentage	85.1%	14.9%	41.6%	0.3%	1.2%	98.8%	29.2%	28.9%	100.0%
<b>1999<sup>2</sup></b>	Number	72	41	113	5	20	199	219	622	959
	Percentage	63.7%	36.3%	11.8%	0.5%	9.1%	90.9%	22.8%	64.9%	100.0%
<b>2000</b>	Number	165	19	184	1	27	179	206	193	584
	Percentage	89.7%	10.3%	31.5%	0.2%	13.1%	86.9%	35.3%	33.0%	100.0%
<b>2001</b>	Number	156	49	205	2	41	194	235	154	596
	Percentage	76.1%	23.9%	34.4%	0.3%	17.4%	82.6%	39.4%	25.8%	100.0%
<b>2002</b>	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%
<b>2003</b>	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%
<b>2004</b>	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%

<sup>1</sup>Of the 490 Effluent violations for 1997, 70 are attributable to the Ringwood Board of Education - Robert Erskine School STP; 63 to the Lighthouse Bar and Restaurant; 59 to the New Jersey Turnpike Authority; 57 to the RVSA; and 37 to the Burlington County Solid Waste Facility. Of the 254 Discharge Monitoring Report violations for 1997, 197 are attributable to the Lighthouse Bar and Restaurant.

<sup>2</sup>Five facilities were responsible for 168 of the 219 Discharge Monitoring Reports violations Kearfott Guidance & Navigation Corporation, Plant #1 (65 omission violations); Kearfott Guidance & Navigation Corporation, Plant #3 (55 omission violations); Phillips Electronics North America Corporation (22 omission violations); Anadigics, Inc. (16 omission violations); and John T. Handy, Inc. (10 DMR nonsubmittal violations). Of the 622 Other violations, 480 violations were noted at one facility - Harmony Dale Farms.

**TABLE III - 3  
SUMMARY OF VIOLATIONS BY CATEGORY ~ NONLOCAL AGENCIES**

		Violation Category								
Year	Number / Percentage	Effluent			Compliance Schedule	Discharge Monitoring Report			Other	Grand Total (columns 5,6,9,10)
		Non-hazardous	Hazardous	Total		Non-submittal	Omissions	Total		
<b>1992</b>	Number	782	209	991	2	38	336	374	538	1,905
	Percentage	78.9%	21.1%	52.0%	0.1%	10.2%	89.8%	19.6%	28.2%	100.0%
<b>1993</b>	Number	672	223	895	0	24	181	205	346	1,446
	Percentage	75.1%	24.9%	61.9%	0.0%	11.7%	88.3%	14.2%	23.9%	100.0%
<b>1994</b>	Number	595	118	713	0	2	119	121	135	969
	Percentage	83.5%	16.5%	73.6%	0.0%	1.7%	98.3%	12.5%	13.9%	100.0%
<b>1995</b>	Number	348	68	416	0	7	103	110	40	566
	Percentage	83.7%	16.3%	73.5%	0.0%	6.4%	93.6%	19.4%	7.1%	100.0%
<b>1996</b>	Number	156	55	211	0	0	86	86	26	323
	Percentage	73.9%	26.1%	65.3%	0.0%	0.0%	100.0%	26.6%	8.0%	100.0%
<b>1997</b>	Number	187	24	211	1	6	234	240	52	504
	Percentage	88.6%	11.4%	41.9%	0.2%	2.5%	97.5%	47.6%	10.3%	100.0%
<b>1998</b>	Number	76	9	85	1	1	78	79	42	207
	Percentage	89.4%	10.6%	41.1%	0.5%	1.3%	98.7%	38.2%	20.3%	100.0%
<b>1999</b>	Number	54	28	82	0	18	183	201	558	841
	Percentage	65.9%	34.1%	9.8%	0.0%	9.0%	91.0%	23.9%	66.3%	100.0%
<b>2000</b>	Number	97	11	108	0	27	160	187	181	476
	Percentage	89.8%	10.2%	22.7%	0.0%	14.4%	85.6%	39.3%	38.0%	100.0%
<b>2001</b>	Number	105	35	140	0	41	184	225	25	390
	Percentage	75.0%	25.0%	35.9%	0.0%	18.2%	81.8%	57.7%	6.4%	100.0%
<b>2002</b>	Number	119	22	141	0	4	56	60	114	315
	Percentage	84.4%	15.6%	44.8%	0.0%	6.7%	93.3%	19.0%	36.2%	100.0%
<b>2003</b>	Number	68	59	127	0	31	108	139	59	325
	Percentage	53.5%	46.5%	39.1%	0.0	22.3%	77.7%	42.8%	18.2%	100.0%
<b>2004</b>	Number	134	28	162	2	56	138	194	66	424
	Percentage	82.7%	17.3%	38.2%	0.47%	29%	71%	45.7%	15.6%	100.0%

**TABLE III - 4  
SUMMARY OF VIOLATIONS BY CATEGORY ~ LOCAL AGENCIES**

		Violation Category								
Year	Number / Percentage	Effluent			Compliance Schedule	Discharge Monitoring Report			Other	Grand Total <small>(columns 5,6,9,10)</small>
		Non-hazardous	Hazardous	Total		Non-submittal	Omissions	Total		
<b>1992</b>	Number	410	45	455	71	0	34	34	18	578
	Percentage	90.1%	9.9%	78.7%	12.3%	0.0%	100.0%	5.9%	3.1%	100.0%
<b>1993</b>	Number	495	30	525	2	11	32	43	38	608
	Percentage	94.3%	5.7%	86.3%	0.3%	25.6%	74.4%	7.1%	6.3%	100.0%
<b>1994</b>	Number	163	28	191	7	0	20	20	556	774
	Percentage	85.3%	14.7%	24.7%	0.9%	0.0%	100.0%	2.6%	71.8%	100.0%
<b>1995</b>	Number	230	31	261	0	0	4	4	32	297
	Percentage	88.1%	11.9%	87.9%	0.0%	0.0%	100.0%	1.3%	10.8%	100.0%
<b>1996</b>	Number	65	30	95	94	0	2	2	13	204
	Percentage	68.4%	31.6%	46.6%	46.1%	0.0%	100.0%	1.0%	6.4%	100.0%
<b>1997</b>	Number	239	40	279	7	2	12	14	19	319
	Percentage	85.7%	14.3%	87.5%	2.2%	14.3%	85.7%	4.4%	6.0%	100.0%
<b>1998</b>	Number	27	9	36	0	0	6	6	42	84
	Percentage	75.0%	25.0%	42.9%	0.0%	0.0%	100.0%	7.1%	50.0%	100.0%
<b>1999</b>	Number	18	13	31	5	2	16	18	64	118
	Percentage	58.1%	41.9%	26.3%	4.2%	11.1%	88.9%	15.3%	54.2%	100.0%
<b>2000</b>	Number	68	8	76	1	0	19	19	12	108
	Percentage	89.5%	10.5%	70.4%	0.9%	0.0%	100.0%	17.6%	11.1%	100.0%
<b>2001</b>	Number	51	14	65	2	0	10	10	129	206
	Percentage	78.5%	21.5%	31.6%	1.0%	0.0%	100.0%	4.9%	62.6%	100.0%
<b>2002</b>	Number	26	12	38	0	0	6	6	14	58
	Percentage	68.4%	31.6%	65.5%	0.0%	0.0%	100.0%	10.3%	24.2%	100.0%
<b>2003</b>	Number	11	80	91	0	0	1	1	248	340
	Percentage	12.1%	87.9%	26.8%	0.0%	0.0%	100.0%	0.3%	72.9%	100.0
<b>2004</b>	Number	78	39	117	0	0	79	79	28	224
	Percentage	67%	33%	52%	0.0%	0.0%	100%	35%	13%	100%

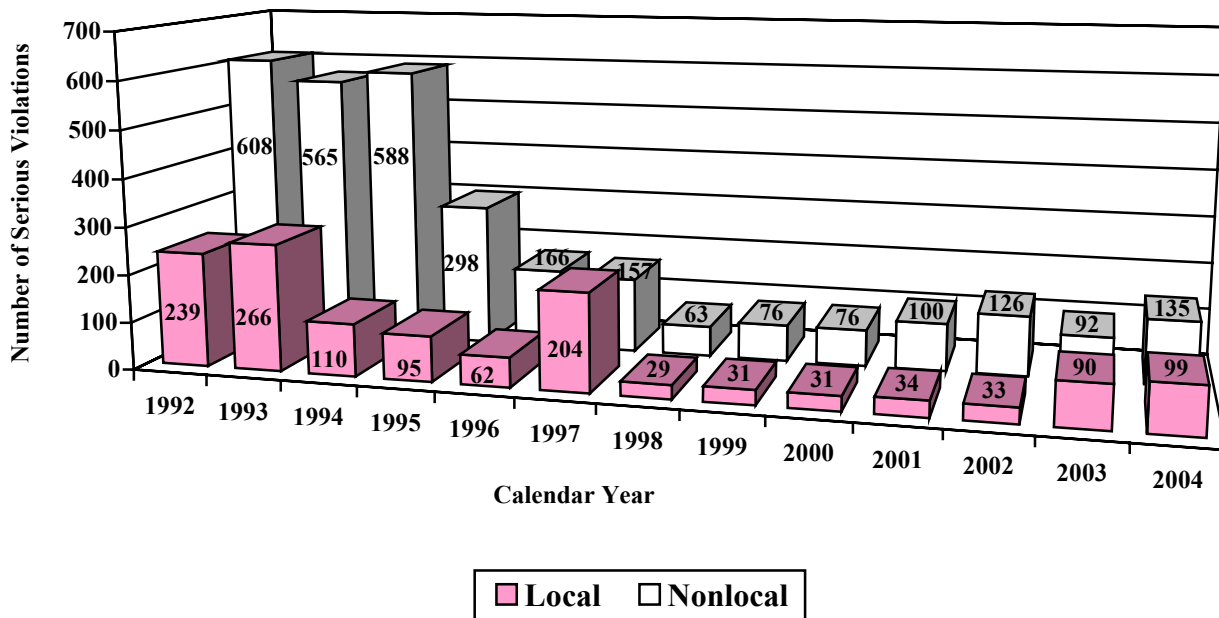
### Section Seven - Serious Violations:

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 2004, the Department identified and issued formal enforcement actions for 234 serious effluent violations (99 were from local permittees and 135 from nonlocals). These violations involved discharges from 68 facilities. Two of these permittees have appealed their penalty assessments for 44 of the violations. Of the 234 serious violations, 72 percent (168) involved violations of limitations for nonhazardous pollutants, and the remaining 28 percent (66) involved violations of limitations for hazardous pollutants. In Chart III-1 below, the serious violations are separated into those from either local or nonlocal permittees. Serious violations have decreased from a reported high figure of 847 in 1992. This decrease from ten 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.

There was an increase for the sixth consecutive year in the total number of serious violations. Serious violations by local agencies are approximately the same as 2003. The significant increase came from nonlocal permittees (92 in 2003, 135 in 2004).

CHART III - 1  
SERIOUS VIOLATIONS



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

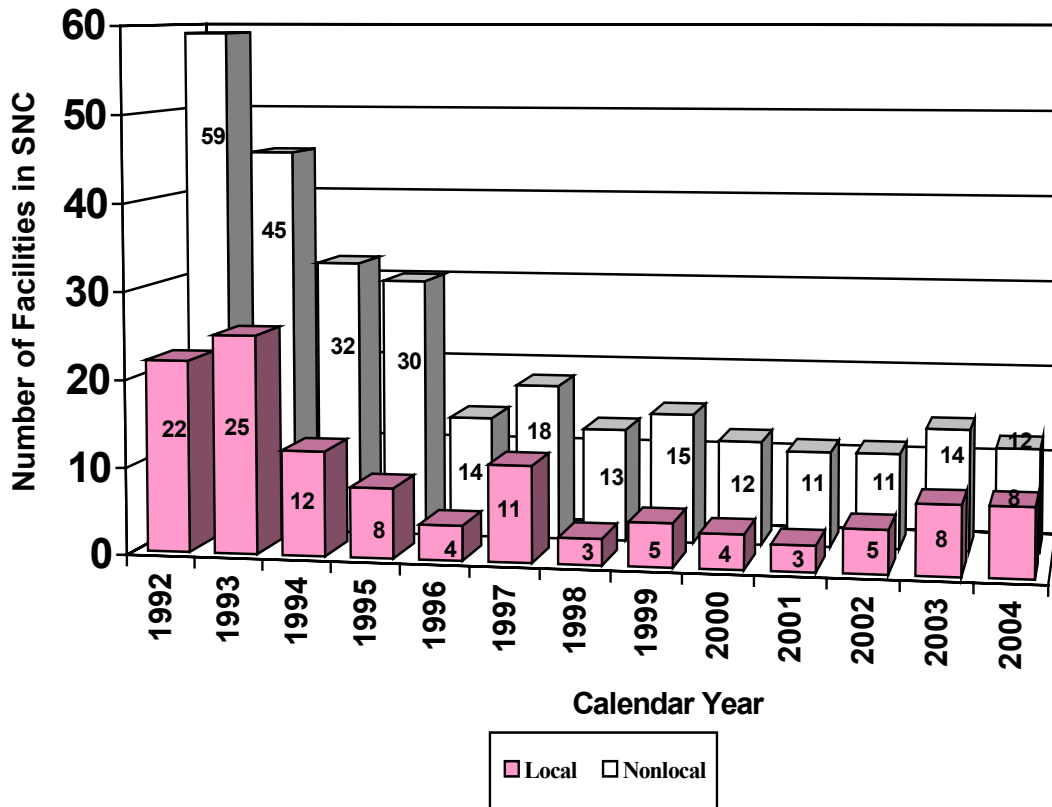
The CWEA requires the Department to report the number of permittees qualifying as SNCs, including permittees contesting such designation, and to provide certain information pertaining to each permittee designated as an SNC. An SNC is a permittee which: (1) commits a serious violation for the same pollutant 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 2004, the Department issued formal enforcement actions to 20 permittees identified as SNCs. Two of the permittees have contested their individual designations as SNCs through the filing of adjudicatory hearing requests on the AONOCAPA's issued to them. 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. Therefore, the number of SNCs has dropped by 73 percent since 1992. In 2004, 12 of the 20 SNC permittees were nonlocal agencies and 8 were local agencies. Ten of the permittees violated a DSW permit, 4 violated a DGW permit, 6 violated a SIU permit and one violated a stormwater permit. Also, one permittee violated its DGW permit, DSW permit and SIU permit. In 2004, there was one permittees that continued to be an SNC violator from 2003, LaBrea Bakery- NJ0139700. In comparison, the number of permittees identified in the 1993 report that continued to be or were repeat SNC violators was 18.

As has been the case since 1996, the percentage of permittees in significant noncompliance in 2004 was less than 2.0 percent of the total NJPDES permittees with monitoring and reporting requirements in their permits. Chart III-2 below shows the number of local and nonlocal 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).

The 20 permittees identified as SNCs is similar to the number reported in 2003 (22). Chart III-2 shows a significant decreasing trend, which has flattened out over the past nine years of the overall thirteen year period, in the total number of chronic violators having serious discharge violations or failing to submit discharge monitoring reports which places them in significant noncompliance. 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 nine 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.

## CHART III - 2 SIGNIFICANT NONCOMPLIERS



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. 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 2004 calendar year, will be the subject of penalty assessments once the Department confirms that the violations occurred.

If the Department establishes that a report of an exceedance was in error (for example, if the reported exceedance is attributable to a mistake in the reporting or processing of discharge data), the Department does not take an enforcement action for the reported exceedance.

## D. ENFORCEMENT ACTIONS

### Section One - Types of Enforcement Actions:

#### *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 do 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.

The Department takes an informal enforcement action by issuing a Notice of Violation (NOV) at the time a violation is identified during a field inspection. An NOV not only identifies a violation but also requires the violator to advise the Department of the action taken to remedy the violation.

#### *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.



At one time, the Department issued Enforcement Directives (EDs) to grant or deny the assertion of an affirmative defense or a Force Majeure claim. While the Department continues to respond to such claims, in July of 1999 it ceased labeling and counting these actions as EDs, which explains the abrupt decrease in the number issued.

### **Section Two - Types of Settlement Agreements:**

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.

### **Section Three - Enforcement Actions Initiated in 2004:**

#### *Informal Enforcement Actions:*

In 2004, the Department initiated 360 informal enforcement actions (NOVs) for SW, GW, and SIU violations. In addition, the Department initiated 317 NOVs for stormwater violations for a total of 677 NOVs issued in 2004. There were fewer NOVs issued in 2004 for SW, GW and SIU violations when compared to 2003 (479). However, there were more NOVs issued in 2004 for stormwater violations compared to 2003 (165).

#### *Formal Enforcement Actions:*

In 2004, the Department initiated 137 formal enforcement actions compared with 117 in 2003 and a high of 941 in 1993. While a large portion of the decrease from the early 1990s is due to the elimination of the Enforcement Directive (ED) category as previously explained, both Orders (27 in 2004 vs. 274 in 1992) and Settlements (110 in 2004 vs. 152 in 1992) of all types has decreased over the past ten years. 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 reduction in formal actions since 1992 can be traced for the most part to the decrease in the issuance of administrative actions containing penalty assessments that could be adjudicated. Meanwhile, the number of SA/Ps, which typically constitutes approximately 65 percent of all formal enforcement actions, was

down from a high of 126 in 1995 to 97 in 2004. This indicates a drop in the number of facilities, which had violations that would trigger mandatory penalties under the CWEA (serious and SNC violations), that chose to enter into SA/Ps to avoid litigation costs and resolve violations quickly.

The number of formal actions issued (137) in 2004 and is on the increase from the low reported in 2003 (117). The total number of enforcement actions (informal and formal) in 2004 was 814.

Table III-6 summarizes enforcement actions taken from 1992- 2004.

**TABLE III - 5**  
**SUMMARY OF ENFORCEMENT ACTIONS**  
**(INCLUDING STORMWATER)**

TYPE OF ENFORCEMENT ACTION	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004
<b>INFORMAL ACTIONS</b>	1273	1,055	561	325	422	337	392	389	425	664	790	644	677
-- NOV	768	718	487	325	422	337	392	389	425	664	790	644	677
<b>FORMAL ACTIONS</b>	752	941	913	638	454	389	243	178	133	119	139	117	137
- ENFORCEMENT DIRECTIVES	317	480	522	371	304	233	117	N/A	N/A	N/A	N/A	N/A	N/A
- ORDERS	274	198	147	74	50	54	51	80	42	25	44	36	27
AO	0	6	0	1	2	0	0	0	0	0	4	0	0
AO/NOCAPA	8	3	9	3	1	21	28	55	31	17	24	34	24
NOCAPA	7	8	6	8	9	4	8	12	5	3	5	1	3
IRO/P <sup>1</sup>	222	129	77	30	13	11	N/A	N/A	N/A	N/A	N/A	N/A	N/A
SPDL	34	45	32	20	17	11	6	7	2	1	1	1	0
JO	1	5	5	1	3	2	4	1	0	2	1	0	0
JO/P	2	2	4	4	0	0	2	1	1	1	0	0	0
AGR	-	6	14	7	5	5	3	4	3	1	7	0	0
- SETTLEMENTS	152	260	244	200	100	102	75	98	91	94	102	81	110
ACO	32	26	21	14	6	4	1	3	6	2	4	3	1
ACO/P	17	30	15	8	8	8	5	3	1	4	3	2	1
SA	56	121	80	49	10	11	10	11	16	14	25	17	11
SA/P	32	77	121	126	76	76	57	78	65	73	65	59	97
JCO	4	4	3	2	0	2	2	1	0	0	4	0	0
JCO/P	2	2	4	1	0	1	0	2	3	1	1	0	0
- AUTO PAYMENTS	9	3	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
<b>TOTALS</b>	<b>2,025</b>	<b>1,996</b>	<b>1,474</b>	<b>645</b>	<b>876</b>	<b>726</b>	<b>635</b>	<b>567</b>	<b>558</b>	<b>783</b>	<b>929</b>	<b>761</b>	<b>814</b>

<sup>1</sup> An Immediate Response Order with Penalty (IRO/P) was an administrative order that usually ordered a permittee to comply with its permit and also assessed a civil administrative penalty. In July of 1998, the Department modified its tracking and reporting protocol of IRO/Ps. This type of enforcement action was eliminated since it was essentially the same as AO/NOCAPA.

**Section Four - 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. The Air and Environmental Quality Element within the Department previously performed this function.

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 2004 and earlier listed in Table III-6 are not included in Table III-5 or Table III-7.

**TABLE III - 6  
LABORATORY CERTIFICATION ACTIVITIES**

TYPE OF ACTIVITY	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004
- ENFORCEMENT ACTIONS										
AO/NOCAPA	9	4	1	4	10	4	1	1	2	10
AO/S	81	3	72	33	1	0	0	0	60	22
AO/P/S	1	1	0	0	0	0	0	0	0	0
IRO/P	0	2	0	0	0	0	0	N/A	N/A	N/A
ACO/P	0	0	1	0	0	0	0	0	0	0
SA	0	2	2	1	0	3	3	2	1	2
SA/P	0	0	0	0	1	0	0	0	0	2
PENALTIES ASSESSED \$	6,900	3,000	13,725	84,000	157,500	48,000	53,250	25,000	14,250	103,571
PENALTIES COLLECTED \$	1,500	7,500	1,350	4,004	27,560	11,473	40,877	48,500	6,750	<b>7,750</b>

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.

The \$103,571 assessed in 2004 is the second highest amount assessed during the history of the Laboratory Enforcement program. The highest amount of civil administrative penalties assessed was in 1999. Any increase is attributed to the increased number of referrals received from the Office of Quality Assurance based upon audits of certified laboratories.

## E. 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 (LTCPs) 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).

There following is a summary of some of the major CSO enforcement actions in taken in 2004:

**City of Camden-** A revised construction schedule and Force Majeure 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.

**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.

**City of Elizabeth-** An ACO was executed on February 10, 2004 to resolve the outstanding NOCAPA. All facilities were operational by December 31, 2003. The ACO closed out July 2, 2004.

**North Hudson Sewerage Authority River Road Plant (WNYMUA)** An ACO was executed with North Hudson and became effective March 18, 2004. The ACO provides a schedule for the construction and operation of solids/floatables control facilities for all CSO discharge points. In addition, the ACO assesses a penalty of \$7,500 for missing the original deadlines established by the CSO General Permit.

**North Hudson Sewerage Authority Tri-City (Hoboken, Union City, Weehawken-** An ACO was executed with North Hudson and became effective March 18, 2004. The ACO provides a schedule for the construction and operation of solids/floatables control facilities for all CSO discharge points. In addition, the ACO assesses a penalty of \$7,500 for missing the original deadlines established by the CSO General Permit.

**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 request on March 12, 2004 for missing JCO construction schedule deadlines.

**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.

## **F. 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 2004, the Department assessed a total of \$3.24 million in civil and civil administrative penalties within 132 distinct enforcement actions. This is an increase from \$2.46 million assessed 2003 and \$2.27 million assessed in 2002. In addition, the penalty actions more than doubled from 2003 where the total number of penalty actions taken was 58. Table III-9 outlines the penalties assessed by the Department since 1996.

**TABLE III-7  
LOCAL (LOC) AND NONLOCAL (NL) PENALTIES ASSESSED**

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
<b>TOTALS</b>	<b>\$3,240,001</b>	<b>132</b>	<b>37/95</b>	<b>\$2,463,799</b>	<b>58</b>	<b>29/29</b>	<b>\$2,272,075</b>	<b>95</b>	<b>28/67</b>

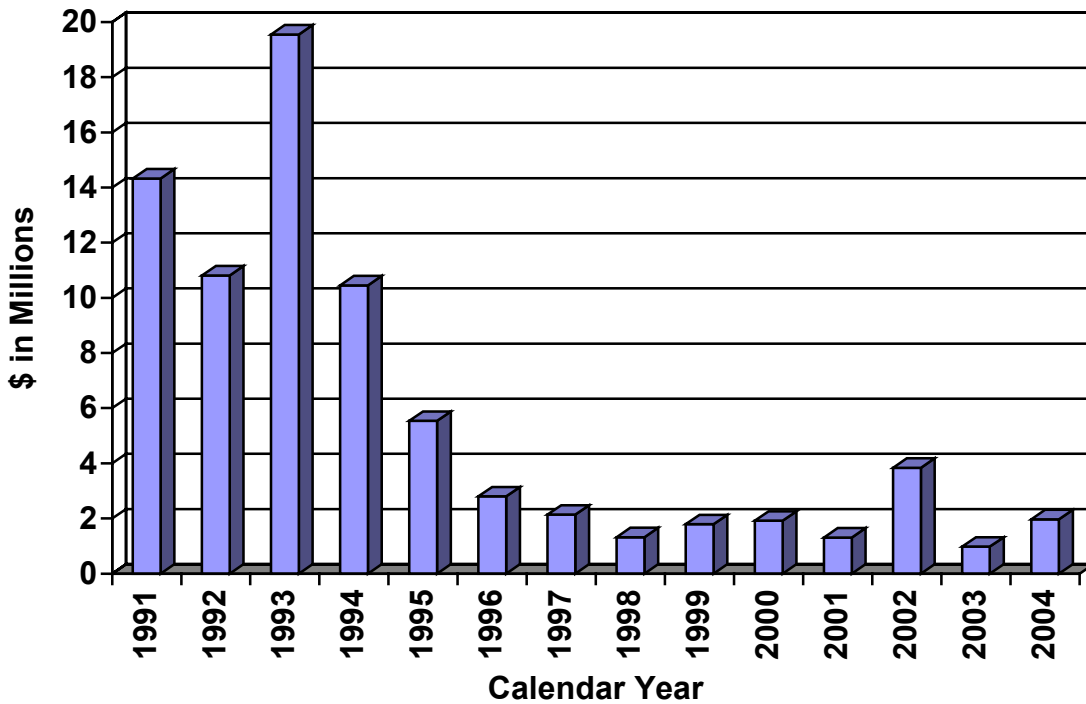
PENALTY RANGES	2001			2000			1999		
	\$ AMOUNT ASSESSED IN RANGE	TOTAL # OF ACTIONS	LOC/NL PENALTY ASSESSED	\$ AMOUNT ASSESSED IN RANGE	TOTAL # OF ACTIONS	LOC/NL PENALTY ASSESSED	\$AMOUNT ASSESSED IN RANGE	TOTAL # OF ACTIONS	LOC/NL PENALTY ASSESSED
>\$500,000	\$671,375	1	01/00	\$0	0	00/00	\$659,000	1	00/01
\$250,001 – 500,000	\$720,127	2	00/02	\$267,900	1	00/01	\$259,000	1	01/00
\$100,001 – 250,000	\$514,536	3	01/02	\$939,553	6	01/05	\$624,440	4	03/01
\$25,001 – 100,000	\$556,681	13	03/10	\$667,580	14	06/08	\$920,520	20	09/11
\$1 - 25,000	\$346,098	79	29/50	\$502,200	84	21/63	\$656,313	99	32/67
<b>TOTALS</b>	<b>\$2,808,817</b>	<b>98</b>	<b>34/64</b>	<b>\$2,377,233</b>	<b>105</b>	<b>28/77</b>	<b>\$3,119,273</b>	<b>125</b>	<b>45/80</b>

PENALTY RANGES	1998			1997			1996		
	\$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	0	0	00/00	\$659,000	1	00/01	\$0	0	00/00
\$250,001 – 500,000	0	0	00/00	\$259,000	1	01/00	0	0	00/00
\$100,001 – 250,000	117,398	1	00/01	\$624,440	4	03/01	\$515,081	3	00/03
\$25,001 – 100,000	731,334	15	06/09	\$920,520	20	09/11	\$855,699	17	06/11
\$1 - 25,000	447,569	84	27/57	\$656,313	99	32/67	\$484,660	101	31/70
<b>TOTALS</b>	<b>1,296,301</b>	<b>100</b>	<b>33/67</b>	<b>\$3,119,273</b>	<b>125</b>	<b>45/80</b>	<b>\$1,855,440</b>	<b>121</b>	<b>37/84</b>

## Section Two - Penalties Collected:

In 2004, the Department collected \$1.97 million in penalties. This is up from last years amount collected (\$973,235). There were 2 payments made greater than \$100,000. The highest payments received were from Oyster Creek Generating Plant (\$190,000) and Carteret Packaging (\$133,006). As shown in Chart III-3 below, penalty collections have ranged from a high of \$19.6 million in 1993 to a low of \$0.98 million in 2003. The decreasing trend seen is consistent with the decrease in assessments over the past few 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 1991-2004**





## 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 a significant indirect user (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, 2004 statutory deadline as well as any addenda received as of February 28, 2005. 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 939 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 2003, the DLAs issued a total of 40 new permits, 315 renewals, and 139 permit modifications with four permits contested by interested parties. Of the DLA regulated total of 970 dischargers, 573 were classified as CSM and 397 were classified as OR. In 2004, the DLAs issued 56 new permits, 300 renewals, and 98 permit modifications with three permits contested by interested parties. As of December 31, 2004, the DLAs had issued permits to 563 CSM facilities and 376 OR facilities for a total of 939 permits. Table IV-1 Details the permit actions mentioned above and identifies the CSM and OR categories.

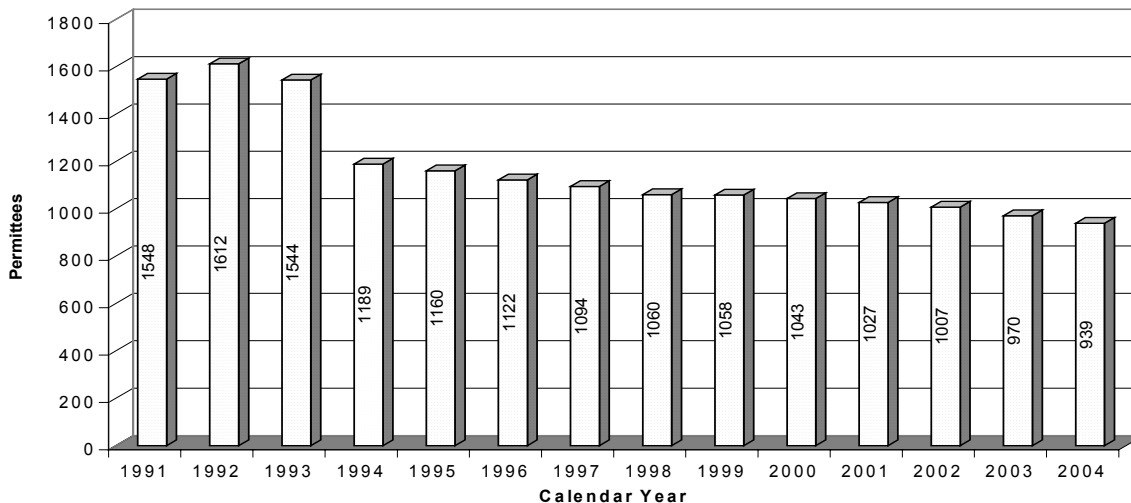
As noted in Table IV-1 below, seven (7) permittees had their permit limits relaxed through an administrative order (AO) or an administrative consent order (ACO) issued by a DLA. In six (6) of these cases, the limits were relaxed for conventional pollutants (BOD, TSS, oil and grease, etc.), and in one case, a CSM facility was given an interim limit for molybdenum. In 2003, the DLAs also issued seven (7) AOs or ACOs that relaxed the local limits.

**TABLE IV - 1  
DLA PERMIT ACTIVITY SUMMARY  
January 1 - December 31, 2004**

PERMIT ACTIONS	CSM	OR	TOTAL
<b>New Permits</b>	<b>32</b>	<b>24</b>	<b>56</b>
<b>Permit Renewals</b>	<b>144</b>	<b>156</b>	<b>300</b>
<b>Permit Modifications</b>	<b>67</b>	<b>31</b>	<b>98</b>
<b>Permits contested by interested parties</b>	<b>3</b>	<b>0</b>	<b>3</b>
<b>AO/ACO compliance schedules relaxing local limits</b>	<b>5</b>	<b>2</b>	<b>7</b>

The number of permittees regulated by DLAs has been steadily decreasing since 1992, the first full year of reporting under the CWEA. As noted in Chart IV-1, the permitted universe peaked in 1992, with 1,612 permittees under the regulation of DLAs. DLAs reported 939 permittees under their regulation at the end of calendar year 2004, representing a decrease of 41.7% (or 673 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 903 of the 939 permittees at least once during the calendar year. The DLAs inspected and sampled 531 (94.3 percent) of the 563 CSM permittees and 372 (98.9 percent) of the 376 OR facilities. In 2003, the DLAs inspected and sampled 923 of the permittees at least once. The DLAs inspected and sampled 534 (93.2 percent) of the 573 CSM permittees and 389 (98.0 percent) of the 397 OR permittees. In 2004, there was a shortfall of approximately 6 percent in the number of CSM facilities both inspected and sampled, slightly below the 7 percent shortfall from last year. A significant number of the facilities that were not sampled/inspected during the calendar year were either not currently discharging, had not begun discharging, or were new permittees thus causing the shortfall. In assessing compliance with pretreatment program requirements, EPA guidance indicates that a 20 percent shortfall would place the DLA in reportable noncompliance. There was no sampling/inspection shortfall in the OR category as the CWEA only requires one third of these facilities to be both sampled and inspected annually. The DLAs inspected and sampled 372 of the 376 OR facilities (or 98.9 percent of the universe) in calendar year 2004, as compared to the statutory requirement of 33 percent.

### D. VIOLATIONS

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

The DLAs reported 1,158 permit violations by permitted facilities in 2004, compared with 1,425 violations in 2003. 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 1,158 permit violations reported in 2004, 874 (75.5 percent) were effluent violations, and 284 (24.5 percent) were reporting violations, compared with 1,080 (75.8 percent) effluent violations and 345 (24.2 percent) reporting violations in 2003. The total number of violations reported decreased by 267 (18.7 percent) compared to 2003. This decrease is attributed to a significant decrease in the number of permit violations from seven DLAs (Joint Meeting of Essex and Union Counties, Middlesex County Utilities Authority, Camden County Municipal Utilities Authority, Hamilton Township Department of Water Pollution Control, The Linden Roselle Sewerage Authority, Ocean County Utilities Authority, and Rockaway Valley Regional Sewerage Authority).

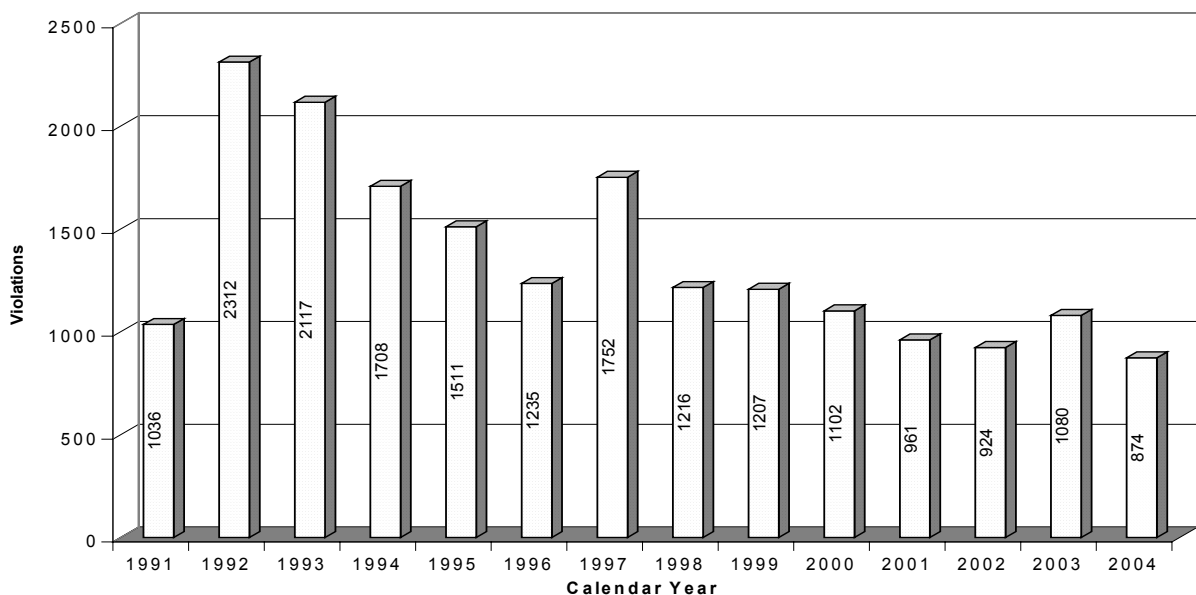
Of the 874 effluent violations, 380 (43.5 percent) were for non-hazardous discharges of conventional pollutants, such as suspended solids and nutrients, and 494 (56.5 percent) were for hazardous pollutant discharges, such as metals, organics and other toxic substances. In 2003, 415 effluent violations were for non-hazardous pollutants and 665 effluent violations were for hazardous pollutants. Of the total number of effluent violations in 2004, 305 (34.9 percent) constituted serious violations compared with 325 (30.1 percent) serious violations in 2003. The total number of serious violations decreased by 20 (6.2 percent) compared to 2003. Table IV-2 details the permit violations mentioned above and identifies the CSM and OR categories.

**TABLE IV-2  
SUMMARY OF ALL PERMIT VIOLATIONS (DLA)  
January 1 - December 31, 2004**

VIOLATION TYPE	CSM	OR	TOTAL	%
Non-hazardous pollutants	267	113	380	32.8
Hazardous pollutants	313	181	494	42.7
Reporting violations	207	77	284	24.5
<b>TOTALS</b>	<b>787</b>	<b>371</b>	<b>1,158</b>	<b>100.0</b>

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 874 in 2004, a decrease of 61.9 percent.

**CHART IV-2  
EFFLUENT VIOLATIONS (DLA)**



**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 2004, the DLAs reported four unpermitted discharges. One of these facilities is a CSM, and three are OR facilities. Although these facilities were considered as "unpermitted" by the delegated local agencies, the permit issuance of these facilities are underway. For the one CSM facility, a permit has been issued with an effective date of January 1, 2005. For the three OR facilities, the DLAs were in the process of either soliciting the permit applications or drafting discharge permits for these facilities. In 2003, the DLAs reported eight 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 2004.

**Section Three - Significant Noncompliance:**

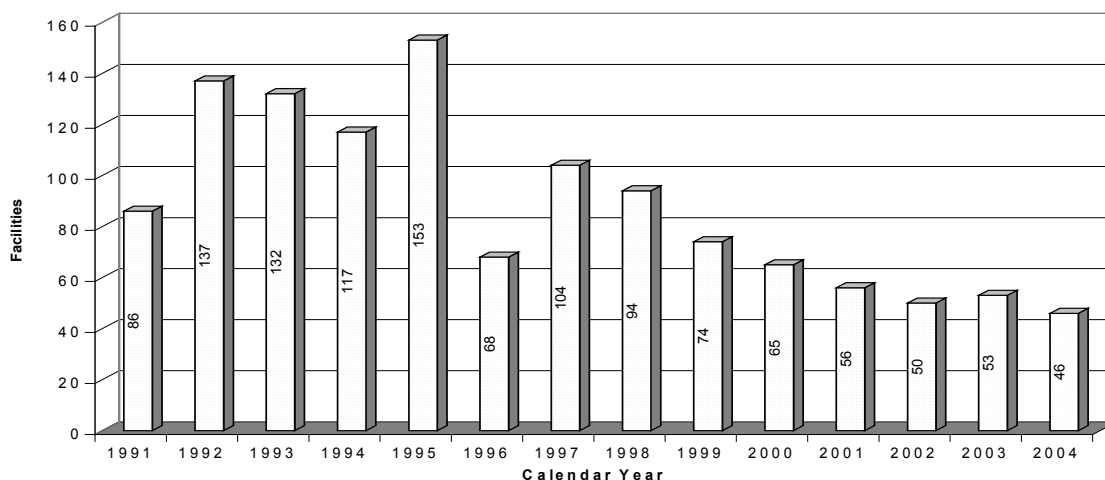
The CWEA requires that DLAs identify facilities designated as SNCs in accordance with the definition of significant noncompliance as defined by the New Jersey WPCA under N.J.S.A. 58:10A-3.w.

The DLAs reported a total of 46 indirect users who qualified as SNCs under the State definition during 2004. The analysis in the 2003 report indicated that 53 indirect users met the SNC definition.

Therefore, there was a decrease of 7, or a 13.2 percent decrease in the number of facilities in significant noncompliance. The DLAs reported as a whole that by the end of calendar year 2004, 20 (43.5 percent) of the 46 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 2004, the number of facilities meeting SNC criteria shows a decrease of 66.4 percent. The percentage of DLA indirect users meeting the SNC criteria in 2004 was 4.9 percent.

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



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

Two DLAs reported that users had 7 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 2003, one DLA reported that one user had 2 violations of its AO or ACO, and one user was reported to have violated its compliance schedule by more than 90 days.

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:**

Six DLAs granted 27 affirmative defenses for upsets, bypasses, testing or laboratory errors for serious violations. Twenty (or 74.1 percent) of the 27 affirmative defenses were given due to laboratory error, 6 (or 22.2 percent) for upset or bypass, and 1 (or 3.7 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 2003, 60 affirmative defenses were granted by six DLAs: 28 (46.7%) for laboratory error; 16 (26.7%) for upset or bypass; and 16 (26.6%) for matrix interference or net-gross calculation violations.

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

### **Section One – DLA Enforcement Actions:**

During 2004, the DLAs issued 335 enforcement actions as a result of inspections and/or sampling activities. CSM permittees were the subject of 59.7 percent (200) of these actions, and OR permittees were the subject of the remaining 40.3 percent (135). One DLA, PVSC, is responsible for a large percentage (127, or 37.9 percent) of these actions and most of these enforcement actions initiated by PVSC were due to pH violations. In 2003, the DLAs issued 417 enforcement actions. CSM permittees were the subject of 232 (55.6 percent) of these actions and OR permittees were subject to 185 (44.4 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 335 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 - DLA Penalty Assessments and Collections:**

In calendar year 2004, 16 of the DLAs assessed a total of \$1,841,035 in penalties for 669 violations while collecting \$1,262,788. In 2003, 16 DLAs assessed \$1,398,376 in penalties for 586 violations while collecting \$958,006.

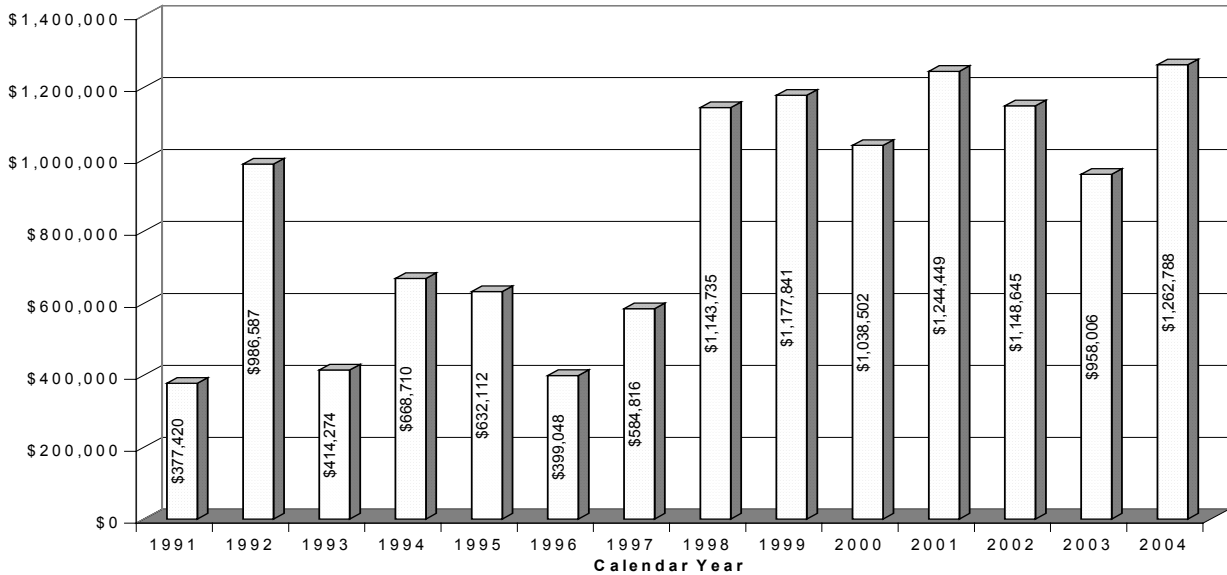
One DLA, Joint Meeting of Essex and Union County, reported that they recovered \$22,000 in enforcement costs in civil actions and/or civil administrative actions.

One DLA, PVSC, noted that it had reported one facility to the Division of Criminal Justice due to intentional bypassing the pH meter, failure to use the pretreatment system to pretreat their wastewater, and several serious violations for zinc, cyanide, and copper. The Division of Criminal Justice issued a warrant. As a result, the facility was fined and the facility's owner was put on probation.

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 accessing 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:

Delegated Local Agency

Facility Mailing Address

Bayshore Regional S.A.

100 Oak Street  
Union Beach, NJ 07735

Bergen County U.A.

PO Box 9  
Little Ferry, NJ 07643

Camden County M.U.A.

1645 Ferry Avenue  
Camden, NJ 08101

Cumberland County U.A.

333 Water Street  
Bridgeton, NJ 08302

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 Lamberton Road Trenton, NJ 08611
Wayne Township	475 Valley Road Municipal Bldg. Wayne, NJ 07470

## V. CRIMINAL ACTIONS

In 2004, the Attorney General, through the Division of Criminal Justice Environmental Crimes Bureau and several county prosecutors' offices, continued their commitment to the enforcement of the criminal provisions of the Water Pollution Control Act (WPCA), N.J.S.A. 58:10A-10(f). In 2004, as part of its Urban Initiative, the Division made the detection and prosecution of pollution in vulnerable urban areas a priority.

The Division of Criminal Justice Environmental Crimes Bureau (ECB) investigates and prosecutes 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 2004, the Division of Criminal Justice conducted a total of 22 WPCA investigations. The Division also reviewed over 550 Department actions (NOVs, Orders, Penalty Assessments, etc.) for potential criminality. Division State Investigators responded to 11 water pollution emergency response incidents, out of a total of 59 emergency response incidents. The Division filed four (4) criminal actions (indictments or accusations) for violations of the WPCA. (The Division filed a total of 18 criminal actions in environmental cases.) Three (3) of the criminal actions constituted third degree charges involving a purposeful, knowing or reckless unlawful discharge of a pollutant into the State's waters and one involved a fourth degree charge for negligent discharge of a pollutant into State waters. All of them (four criminal actions) have been resolved either through guilty pleas or, in three of the actions, through admission into PTI. (The defendants who pled guilty in the one action were sentenced in January of 2005.) In 2004, through the successful prosecution of cases involving water pollution, the Division obtained \$514,208 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 2004, the Morris County Prosecutor's Office (MCPO) filed eleven (11) criminal actions for violations of the WPCA. This included a total of six (6) accusations, four (4) complaints and one (1) indictment. Of this total, ten (1) were third degree charges and one (1) was a fourth degree charge involving an unlawful negligent discharge into the State's waters. Discussed below are the WPCA criminal actions and dispositions secured by the Division and by the Morris County Prosecutor.

In AmerGen/Oyster Creek, as part of a \$1 million dollar State settlement with AmerGen to resolve the Division's investigation into a discharge of thermal water from the Oyster Creek nuclear plant that resulted in the deaths of 5,876 fish, the Division entered into an agreement with AmerGen which required it to pay a \$250,000 fine to the Clean Water Enforcement Fund. The agreement also requires AmerGen to pay \$250,000 to the Natural Resource Education Foundation Lighthouse Center for Natural Resource Education in Waretown. The DEP entered into a \$500,000 settlement that included penalties, natural resource damage assessments, and payments to the Lighthouse Center and the Barnegat Bay Estuary Program. The NJPDES permit

# is 0005550.

In **State v. Paul Brothers, Inc., Thomas D. Paul, and William Marsden** (Indictment No. 04-04-00058-S), the State Grand Jury charged defendants with second degree release of hazardous waste, contrary to N.J.S.A. 2C:17-2, and third degree water pollution, contrary to N.J.S.A. 58:10A-10f. The defendants were charged with discharging highly acidic wastewater from the Paul Brothers concrete fabricating facility in Newfield Borough into an adjoining wooded area. Each of the three defendants pled guilty to third degree water pollution. (In January of 2005, the corporate defendant was fined \$45,000 by the Honorable Walter L. Marshall, Jr., J.S.C. Judge Marshall sentenced Mr. Marsden to a three year probationary term and Mr. Paul to a three year probationary term contingent upon serving 364 days in the county jail.)

In **State v. Vladimir Smolensky** (Indictment No. 04-03-00052S), the State Grand Jury charged the defendant with a third degree violation of the Water Pollution Control Act, N.J.S.A. 58:10A-10f. Defendant, the supervisor of the UMDNJ - Newark power plant, is charged with violating the plant's water pollution permit (#20220016) by discharging about 10,000 gallons of acidic wastewater into the sewer system in a manner that bypassed the pH treatment system. Defendant was admitted into Pretrial Intervention by the Honorable Donald J. Volkert, Jr., J.S.C., conditioned upon the payment of a \$5,000 fine to the Clean Water Enforcement Fund.

In **State v. Jorge Roldan** (Accusation No. 04-10-0829-A), the ECB filed an accusation against defendant, the owner of Precise Plating in Newark, charging him with fourth degree unlawful discharge of a pollutant, contrary to N.J.S.A. 58:10A-10f, for discharging wastewater with levels of cyanide above those allowed in its permit (#20200253) into the PVSC sewer system. Defendant was admitted into Pretrial Intervention by the Honorable Donald J. Volkert, Jr., and J.S.C., conditioned upon the payment of a \$2,500 fine to the Passaic Valley Sewage Commission.

In **State v. Delton Lyons** (Accusation No. 2004-11-1272), the ECB filed an accusation against Mr. Lyons for third degree water pollution, contrary to N.J.S.A. 58:10A-10f(2). On two separate occasions in November 2004, defendant dumped oily water into a storm sewer leading to a nearby pond. Defendant, who was admitted into Pretrial Intervention by the Honorable John J. Almeida, J.S.C., will have to pay \$6,708 to the New Jersey Spill Compensation Fund.

In **State v. Vivona** (Accusation #04-07-0971A), the MCPO charged Mr. Vivona, the owner/operator of a carnival, along with three workers, with third degree water pollution. The investigation revealed that several employees were discharging raw sewage from their mobile homes into a storm drain. The Honorable Salem Vincent Ahto, J.S.C., admitted Mr. Vivona into Pretrial Intervention. Mr. Vivona will have to pay \$20,000 to the Clean Water Enforcement Fund. Charges against the employees were dismissed.

In **State v. Brook Run LLC** (Accusation #04-08-0943A), the MCPO charged the company which manages Victory Gardens Apartments, along with its manager, with third degree water pollution. The defendants were discharging raw sewage into a storm drain. The Honorable Salem Ahto, J.S.C., admitted the company into Pretrial Intervention contingent upon the payment of \$12,500 to the Clean Water Enforcement Fund. The charge against the individual was dismissed.

In **State v. Sarasota Amusements** (Accusation #04-09-1096A & #04-09-1097A), and **State v. Hayes** (Accusation #04-09-1098A & #04-09-1099A), the MCPO charged the company and

one of its employees with third degree water pollution. The defendants operated a carnival which discharged raw sewage from mobile homes in two different towns. The Honorable John J. Harper, J.S.C., admitted the company and the employee into Pretrial Intervention contingent upon the payment of a total of \$17,500 into the Clean Water Enforcement Fund.

In **State v. Bretter** (Accusation #04-09-1124A) and **State v. Moati** (Accusation #04-09-1159A), the MCPO charged the defendants with second degree release of hazardous waste and third degree water pollution. The defendants were responsible for the discharge of gasoline into a storm drain. The defendants pled guilty to third degree water pollution and received probationary sentences. Mr. Bretter was required to pay \$60,000 to the Clean Water Enforcement Fund and Mr. Moati was required to pay \$50,000 to the Clean Water Enforcement Fund.

In **State v. Hinchman** (Indictment #04-09-01152), the MCPO charged the defendant with third degree causing a hazardous discharge and with fourth degree water pollution. The investigation revealed that the defendant, a site foreman at a construction site, put fuel into his pickup truck which spilled onto the ground and into a trench. Mr. Hinchman ignored the spill and left the site. Defendant pled guilty to fourth degree water pollution and was sentenced to a probationary term contingent upon serving 60 days in the county jail and the payment of \$5000 to the Clean Water Enforcement Fund.

In summary, the Attorney General, through the Division of Criminal Justice and the Morris County Prosecutor, filed fifteen (15) WPCA criminal actions in 2004, involving thirteen (13) third degree charges and two (2) fourth degree charges, and secured ten (10) final dispositions for criminal violations of the WPCA. Four (4) of the criminal actions involved complaints which were later dismissed. One (1) of the actions involved charges against three (3) defendants who have pled guilty but were not sentenced until January of 2005.

**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 2004, based upon cost accounting data.

*The CWEF Schedule*

A total of \$1,354,116.00 in penalty receipts was deposited in the second half of FY2003 and \$692,460.43 in penalty receipts was deposited during the first half of fiscal year 2004.

**TABLE VI – 1**  
**CLEAN WATER ENFORCEMENT FUND SCHEDULE**  
**For the period from January 1, 2004 through December 31, 2004**

	January – June 2004	July – December 2004
Total Penalties Recorded	\$1,354,116.00	\$692,460.43

*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 2004, the Fund disbursed \$292,000 to the Division of Law for the costs of litigating civil and administrative enforcement cases and other legal services; and \$41,400.00 to the Office of Administrative Law for costs associated with adjudicating WPCA enforcement cases. The CWEF disbursed \$1,220,097.77 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, 2004 through December 31, 2004**

	FY2004 January - June	FY2005 July – December
Division of Law (Dept. of Law & Public Safety)	\$292,000	\$ -0-
Office of Administrative Law	\$6,723.00	\$34,677.00
Office of Information Technology	-0-	-0-
Department of Environmental Protection		
- Salaries	\$217,192.65	\$284,276.13
- Materials and Supplies	\$10,823.42	\$51,498.88
- Services Other than Personal	\$33,116.42	\$86,848.00
- Maintenance and Fixed Charges	\$81,651.65	\$13,023.67
- Equipment	\$8,266.95	0.0
<b>DEP Subtotal</b>	<b>\$451,051.09</b>	<b>\$435,646.68</b>
<b>Total Disbursements</b>	<b>\$749,774.09</b>	<b>\$470,323.68</b>

## VII. WATER QUALITY ASSESSMENT

### A. Introduction

This Water Quality Assessment section of the CWEA Report provides an overview of water quality within New Jersey. Direct evaluation of the effects of point source compliance on water quality is challenging because of the difficulty in measuring the 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 reflect loadings resulting from point sources discharging either at or below permitted levels combined with nonpoint sources and groundwater inputs.

This section also provides an analysis of two widely contrasting point source scenarios which taken together serve to illustrate the wide disparity regarding the contributions of point sources to overall instream pollutant loads.

### B. 2004 Integrated Report

Each year, 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 biannually into a formal *Integrated Report* (combined 305(b) report and 303(d) List) which is submitted to the EPA. The most recent Integrated Report is the 2004 Report, which forms the basis for the water quality information presented here. The report in its entirety can be found at <http://www.state.nj.us/dep/wmm/sgwqt/wat/integratedlist/integratedlist2004.html>. Assessments in the Report are based upon a wide range of high quality data including 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 other sources. Assessment methods used are delineated in the Department's assessment method document (NJ Department of Environmental Protection, 2003b).

The Integrated Report contains an *Integrated List* consisting of five sublists. All assessed waterbodies are placed on 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 includes waterbodies that meet water quality standards and all uses are met. Sublist 2 includes waterbodies if some standards and some uses are met. Sublist 3 includes waterbodies if there is insufficient or no information is available. Sublist 4 includes waterbodies if the water quality is impaired but a total maximum daily load (TMDL) has been completed or the impairment is not due to a pollutant. Sublist 5, which is also known as the 303(d) list, include a waterbody if its water quality is impaired and a TMDL is required.

Although the Department performs extensive biological monitoring within the State's nontidal fresh waters, the causes of biological impairment can be due to a wide range of factors such as habitat quality, factors that may have little to do with point source impacts. Because of this coupled with the intended scope of this Clean Water Enforcement Act Report, this water quality section will focus on the chemical/physical quality of New Jersey waters, as these parameters can be most directly associated with the impact of point sources.

The surface water quality summary presented here is based upon data collected from 1996 to

2002, principally from networks with as many as 800 sites. Of this physical/chemical network (ASMN), 60 locations are fixed sites, sampled quarterly, while a subset of the 800 sites (60 each year) are sampled using a random selection method. Additional data are also obtained from supplemental networks designed to assess special issues such as heavy metals. Resulting data are then compared to applicable Surface Water Quality Standards (SWQS) criteria. Status and Trends in Water Quality

It is important to note that USEPA requires states to report on the attainment of designated uses within section 305(b) reporting in terms of river miles, lakes acres and square miles of coastal waters. Towards that end the Department employs EPA’s Reach File 3 (RF3) stream coverage to meet its reporting requirements. This coverage is designed for national level reporting and as such is calibrated to a 1:100,000 scale. This is far less detailed than the 1:24,000 scale that the Department uses to meet its many other management needs. The result is that the linear miles, square miles and acres reported to EPA within the context of 305(b) will appear somewhat less than would be expected if the 1:24,000 scale were used. Based upon RF3, the sum total of New Jersey’s water resources are delineated as follows:

**TABLE VII-1  
DELINEATION OF NJ WATERS**

<b>Waterbody Type</b>	<b>Quantity in New Jersey based upon RF3</b>
Freshwater Streams And Rivers (Nontidal)	6,330 linear miles
Tidal Rivers	1,510 linear miles
Lakes/Reservoirs/Ponds (2 acres and larger)	69,825 acres (or 3,268 lakes)
Estuaries/Bays	615 sq. miles
Open Ocean Within The State’s Jurisdictional Limit	454 sq. miles

Based upon these total miles, acres and square miles in RF3, the overall results for water quality from the 2004 Report are as follows:

Nontidal Rivers and Streams:

- Overall results indicate that dissolved oxygen levels in the state are relatively healthy. The 2004 assessment shows that only 13 of 310 sites (4%) are not attaining dissolved oxygen (DO) criteria. This represents only 78 river miles (of 2,653 miles assessed) not attaining standards for DO in the state.
- 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. Of the 300 stations assessed, all are fully attaining the Surface Water Quality Standards (SWQS) criteria (possessing less than 10% of the total samples assessed showing violations of criteria).
- A total of 347 stations (representing 2,634 river miles) were assessed for total phosphorus (TP). The assessment results show that over half of the stations now meet TP standards (54% attaining, 35% non-attaining).
- Observations revealed that 31 stations with low pH exceedances were located in areas directly surrounding the Pinelands yet these stations are classified as Freshwaters – category



2 (FW-2) and not Pinelands (PL) waters within the SWQS. These areas are characterized as having environmental conditions such as soils, geology, and vegetation very similar to the Pinelands, therefore, there is speculation that the low pH at these sampling sites may be attributable to natural conditions rather than an impairment.

- Metals were monitored at 12% of nontidal rivers. Of these monitored miles, 72% exceeded a standard for one or more metals. Arsenic, lead, mercury, and copper were responsible for the highest number of impairments of river miles in non-tidal waters. Arsenic and lead were responsible for the highest number of new metal listings based on the most current sampling, 310 and 110 miles respectively. Mercury and copper exceeded their criteria but to a lesser extent, impacting 47 and 50 river miles. Exceedances of the metal criteria occurred throughout the state, in all physiographic regions, and in all land use types.
- Over 98% of stations assessed fully met the standards for total dissolved solids (TDS).

### Tidal Rivers and Coastal Waters

- ◆ A limited amount of new metal data exists in tidal rivers. Twenty-three sites representing 269 miles were assessed for metals with all of the rivers having at least one metal or toxic substance exceeding its criteria. Several sites had metals or other toxic substances placed on sublist 4 (of the Integrated List) because of a total maximum daily load (TMDL) or other pollutant reduction plan. The sites listed on sublist 4 include: the Delaware River Zones 2, 3, and 4 for Tetrachloroethene; 1,2 Dichloroethane; and PCBs; the Tidal Hackensack River for Nickel; and the Hudson River for Mercury. In addition, recent data from the Delaware River Basin Commission has resulted in the Delaware River in Zone 4 being assessed as impaired for copper.
- ◆ Of the 441 miles of tidal rivers assessed for dissolved oxygen (DO), 378 miles (86%) were assessed to be in full attainment, while 52 miles were in non-attainment (12%) due to periodic drops in DO.
- ◆ Of the 616 square miles of open estuarine waters assessed from New York Harbor to Delaware Bay, 48% had sufficient dissolved oxygen levels to support a healthy biota. The remaining 52 % were assessed as being in non-attainment due to periodic drops in DO levels to unacceptable levels and are listed on Sublist 5 (sites being in non attainment and on New Jersey's 303(d) List).
- ◆ Of 454 square miles of ocean water assessed (Sandy Hook south to Cape May and 3 nautical miles off the coast) for dissolved oxygen, 100 percent had unacceptably low levels brought about by a benthic low DO cell which forms off the coast during the summer months and breaks up in the fall. As a result all these waters are listed on Sublist 5.

Occurrences of low DO in the ocean have been attributed to a combination of natural processes and anthropogenic inputs of nutrients (point and nonpoint sources). Ocean waters naturally stratify as they warm in the summer. In addition, as phytoplankton bloom and die, natural biological activity decomposes the algae which in turn reduces DO levels near the ocean floor. The significance of temporary low DO conditions to aquatic life is unclear at this time. As additional data are compiled, the information will be adjusted to reflect these new data.

### **C. Evaluation of Point Source Contribution to Water Quality**

The role of point sources to overall water quality in New Jersey's waterways will become clearer as the Total Maximum Daily Load (TMDL) process unfolds and reveals the relative contributions of point sources to total pollutant loads in analyzed waters. As of yet, two TMDL reports relevant to traditional\* point sources (wastewater treatment facilities) in riverine systems have been completed, in the Papakating Creek and Greenwood Lake watersheds. The pollutant of concern in each case is phosphorus. Papakating Creek is discussed below. An additional TMDL report involving portions of the Passaic River is in draft form with a proposal targeted for the latter part of 2005, the preliminary results of which are discussed here as well. The two examples presented here show two widely differing scenarios of traditional\* point source impacts to water quality related to nutrients and serve to illustrate the differing factors at play. One finds that the relative contribution of traditional point sources to pollutant loading in a watershed to vary significantly with the number of these point sources present, their size with respect to loading outputs, the volume of the receiving water (dilution capacity), as well as other factors such as receiving water clarity, etc.

The initial scenario presented here, the watershed of the Papakating Creek in the northern portion of the State contains three specifically permitted discharges, two of which are industrial stormwater discharges. The third is a municipal minor discharge, the Highpoint Regional High School, which is permitted to discharge 0.03MGD as a monthly average. The land use in the watershed is principally undeveloped (57%) and agriculture (31%). The remaining 12% is comprised of low density/rural residential with a very small percentage of high density, commercial and industrial land use mixed in.

The Papakating is on the State's 303(d) List for violations of the Surface Water Quality Standards for Total Phosphorus. Of the total phosphorus loadings entering the river system as Kg per year; the vast majority (67%) comes from agriculture, another 18% enters via the stormwater conveyance system from the non agricultural developed lands. The contribution of the municipal discharge was negligible at about one half a percent.

In contrast to the Papakating, the Passaic River (also on the State's 303(d) List for Total Phosphorus and other constituents) flows through and drains a highly developed watershed containing significant numbers of large point sources. At Two-Bridges (just upstream of the confluence with the Pompton River), roughly 35 percent of the watershed is urban and only about 1 percent agricultural. Much of the remaining land is undeveloped (forest, wetland and water). A preliminary TMDL report for the Passaic River shows the river's flow here to be dominated by 24 municipal treatment plants. In midsummer conditions one might see point source effluent comprising over 50% of the overall stream flow. Although nonpoint sources can account for roughly half of the total phosphorus load as seen over the long term; under low flow conditions, cumulative point source loadings can account for up to 80% of the overall phosphorus load contained in the river.

Further complicating the nutrient profile for the Passaic River is the observation that portions of the river are unable to biologically utilize (via primary productivity) significant portions of its nutrient load on account of the high turbidity or dark color (downstream of large wetlands complexes) of the river water. Hence, secondary impacts, which would degrade the water such as low dissolved oxygen levels, are not often seen here.

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\* distinguished from stormwater point sources which have become important since implementation of the Phase II municipal stormwater permitting program

In conclusion, one can see from the Papakating Creek and Passaic River examples here that assessing the impacts of point sources upon overall water quality statewide is difficult on account of the large number of unique issues that can enter into the analysis. Assessments should be presented on a watershed specific basis.

#### **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 primary surface water monitoring unit is the Office of Water Monitoring and Standards. The current chemical stream monitoring network (Ambient Stream Monitoring Network) has been operating since the autumn of 1997 and was discussed in the beginning of this Water Quality section. This network is supplemented by additional monitoring (100 sites) designed to assess specific issues such as heavy metals, baseline water quality, etc. In addition, the Office 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.

#### **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 website at the following web-address:

<http://www.nj.gov/dep/wmm/> and/or by obtaining the following publications (some of which are available at the before mentioned web-site).

NJ Department of Environmental Protection. 2004. *New Jersey 2004 Integrated Water Quality Monitoring and Assessment Report [305(b) and 303(d)]*. Trenton, New Jersey.  
<http://www.state.nj.us/dep/wmm/sgwqt/wat/integratedlist/integratedlist2004.html>

Ayers, M. A., J.G. Kennen and P.E. Stackelberg. *Water Quality in the Long Island-New Jersey Coastal Drainages, 1996-98*. US Geological Survey Circular 1201. West Trenton, New Jersey.  
<http://www.nj.usgs.gov/nawqa/linj.html>

NJ Department of Environmental Protection. 2001. *Environmental Indicators Technical Report*. Environmental Planning and Science. 219 pp.

NJ Department of Environmental Protection. 2000 *New Jersey Water Quality Inventory Report*. Trenton, New Jersey. <http://www.state.nj.us/dep/wmm/sgwqt/wat>

NJ Department of Environmental Protection. 2002. *New Jersey 2002 Integrated Water Quality Monitoring and Assessment Report [305(b) and 303(d)]*. Trenton, New Jersey.  
<http://www.state.nj.us/dep/wmm/sgwqt/wat>

NJ Department of Environmental Protection. 2003a. *New Jersey 2003 Integrated Water Quality Monitoring and Assessment Report [305(b) and 303(d)]*. Trenton, New Jersey.  
<http://www.state.nj.us/dep/wmm/sgwqt/wat>

NJ Department of Environmental Protection. 2003b. *Integrated Water Quality Monitoring and Assessment Methods*. November, 2003. Water Monitoring and Standards. Trenton, New Jersey.  
<http://www.state.nj.us/dep/wmm/sgwqt/wat>

NJ Department of Environmental Protection. 2004. *Amendment to the Sussex County Water Quality Management Plan; Total Maximum Daily Load to Address Phosphorus in the Clove Acres Lake and Papakating Creek, Northwest Water Region*. Trenton, New Jersey.  
<http://www.nj.gov/dep/watershedmgt/DOCS/Papakating%20TMDL%20draft%204-20-04.pdf>

NJ Department of Environmental Protection. 2005. *Development of a TMDL for the Wanaque Reservoir and Cumulative WLAs/LA for the Passaic River Watershed*. Report Submitted to NJDEP by Najarian Ass., Eatontown, NJ. Report under Department review at time of press.

US Environmental Protection Agency. September, 1997. *Guidelines for Preparation of the Comprehensive State Water Quality Assessments (305(b) Reports) and Electronic Updates*. EPA-841-B-97-002A.

**APPENDIX III- A**

**NJ DEPARTMENT OF ENVIRONMENTAL PROTECTION  
SIGNIFICANT NONCOMPLIERS**

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



**1. Anadigics Incorporated**

NJPDES No. NJ0136808  
Block 78 Lots 16, 16.01, 35 Technology Drive  
Warren Township, Somerset County

*Description and date of violations:*

The Department issued a NJPDES SIU permit to discharge to Warren Township Municipal Utility Authority's sewage treatment plant to Anadigics Incorporated on October 16, 2002. DMRs for the monitoring periods of November 2002, December 2002, and March 2003 indicated violations for Arsenic and Phosphorous at outfall number 001L. In addition, Anadigics Incorporated installed and operated a treatment works without first obtaining a Treatment Works Approval from the Department.

*Follow-up and action:*

On February 4, 2004, the Department and Anadigics Incorporated executed an SA/P in the amount of \$13,500.

***Total Number of Violations: 4***

**2. Casie Ecology Oil Salvage, Inc.**

NJPDES No. NJ0072729  
Block 89 Lot 17, 3209 North Mill Road  
Vineland, Cumberland County

This permittee is contesting the designation of a significant noncomplier.

*Description and date of violations:*

The Department issued a NJPDES SIU permit to discharge to Landis Sewage Authority to Casie Ecology Oil Salvage, Inc. (Casie) on October 1, 1997. DMRs for the monitoring periods of April through June 2002 indicated that Casie failed to monitor for Hexavalent Chromium, Surfactants, and Cyanide. Casie also failed to monitor for Phenol during the April 2002 and May 2002 monitoring periods. In addition, the DMR for the monitoring period of May 2003 indicated a violation for Phenol.

*Follow-up and action:*

On February 23, 2004, the Department issued an AO/NOCAPA to Casie in the amount of \$21,160. On March 11, 2004, Casie requested an Adjudicatory Hearing on the AO/NOCAPA.

***Total Number of Violations: 6***

**3. Cedar Square Limited,  
Leico International II Corporation and John G. Federico**  
NJPDES No. NJ0062944  
Block 560, Lot 1.01, Routes 9 and 50  
Upper Township, Cape May County

This permittee is contesting the designation of a significant noncomplier.

*Description and date of violations:*

The Department issued a NJPDES permit to discharge to groundwater to Cedar Square Limited on November 1, 1992. DMRs for the monitoring periods of February 1996 to February 2001 indicated violations for Total Nitrogen at outfall T01. In addition, DMRs for the November 1998 to December 1999 monitoring periods indicated violations for Flow at outfalls T01 and T02. Cedar Square Limited also failed to monitor for Ammonia, Nitrate Nitrogen, Total Nitrogen, Volatile Organic Compounds and Total Coliform throughout the monitoring periods of January 1996 through October 2000 for outfalls T01 & T02

*Follow-up and action:*

On July 7, 2004, the Department issued a NOCAPA in the amount of \$958,612.00 to Cedar Square Limited, Leico International II Corporation (the General Partner for Cedar Square Limited) and John G. Federico (a responsible corporate official of Leico International II Corporation). On July 30, 2004, the three respondents requested an Adjudicatory Hearing on the NOCAPA.

***Total Number of Violations: 86***

**4. E.I. duPont de Nemours and Company, Inc.**

**Chambers Works**

NJPDES No. NJ0005100

Route 130

Block 1, Lot 1; Block 185, Lot 1; Block 22, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10

Block 301, Lots 1, 2, 3, 4 and 5

Pennsville Township, Salem County

*Description and date of violations:*

The Department issued a NJPDES permit to discharge to surface water to E.I. duPont de Nemours and Company, Inc. ("duPont") on February 1, 1999. The DMR for the monitoring period of December 2002 indicated a violation for Acute Toxicity at outfall 662A and the DMRs for the monitoring periods of March 2002, July 2002, and September 2003 indicated violations for Total Suspended Solids at outfall 011A.

*Follow-up and action:*

On March 9, 2004, the Department issued an AO/NOCAPA to duPont in the amount of \$55,000.00. On November 16, 2004 the Department and duPont executed a SA/P in the amount of \$41,250.

***Total Number of Violations: 4***

III-A2

**5. Heights Equities, Incorporated**

NJPDES No. NJ0067610

Block 40, Lot 87.01, State Highway Route 57



Washington Township, Warren County

*Description and date of violations:*

The Department issued a NJPDES Permit renewal to discharge sanitary wastewater to ground water to Heights Equities, Incorporated for the Port Colden Mall on April 26, 2004. DMRs for the monitoring period of September 2004 through April 2005 were not submitted by Heights Equities, Incorporated to the Department. In addition, the Department has documented the periodic failure of the subsurface disposal beds at Heights Equities since 1996.

*Follow-up and action:*

On April 8, 2004, the Department issued an AO/P against Heights Equities, Incorporated in the amount of \$100,000. On April 29, 2004, the AO/P became final order in the absence of a request for an Adjudicatory Hearing by Heights Equities, Incorporated. On October 4, 2004, the Department and Heights Equities, Incorporated executed an ACO requiring the construction of a sewage line and force main from the existing sewage system at Port Colden Mall for connection into the Borough of Washington's sewage collection system.

**Total Number of Violations: 8**

**6. Hudson County Department of Public Works-**

Meadowview Hospital  
NJPDES No. NJ0023566  
Block 59, Lot 1.05, 595 County Avenue  
Secaucus Town, Hudson County

*Description and date of violations:*

The Department issued a NJPDES Permit to discharge to an unnamed tributary of the Hackensack River to Meadowview Hospital on June 19, 2000. DMRs for the monitoring periods of March 2003 through October 2003 indicated violations for Chlorine Produced Oxidants at outfall number 001A.

*Follow-up and action:*

On July 8, 2004, the Department and the Hudson County Department of Public Works executed a SA/P in the amount of \$52,000.

**Total Number of Violations: 12**

**7. J&J Snack Foods Corporation**

NJPDES No. NJ0136298  
Block 1602, Lot 20  
Logan Township, Gloucester County

*Description and date of violations:*

The Department issued a NJPDES SIU permit to discharge to Logan Township Municipal Utility Authority to J&J Snack Foods Corporation on April 1, 2001. DMRs for the monitoring periods of July 2002 through December 2002 indicated violations for five-day Biochemical Oxygen Demand and Oil and Grease.

*Follow-up action:*

On March 4, 2004, the Department and J&J Snack Foods Corporation executed a SA/P in the amount of \$60,000.00.

***Total Number of Violations: 12***

**8. LaBrea Bakery**

NJPDES No. NJ0139700  
Block 2803, Lot 30, 11 Technology Drive  
Logan Township, Gloucester County

*Description and date of violations:*

The Department issued a NJPDES SIU permit to discharge to Logan Township Municipal Utilities Authority to LaBrea Bakery on February 1, 2002. DMRs for the monitoring periods of November and December of 2003 indicated violations for five-day Biological Chemical Demand.

*Follow-up and action:*

On April 30, 2004, the Department and LaBrea Bakery executed an ACO/P in the amount of \$50,000.00, which also settled violations cited in an AO/NOCAPA that was issued to LaBrea Bakery on December 18, 2003. The ACO/P established interim effluent limitations and required compliance with a modified permit to be issued by the Department.

***Total Number of Violations: 2***

**9. Lamda Americas Inc**

**(former Lamda EMI)**

NJPDES No. NJ0132977

Block 128.03, Lot 1.01, 405 Essex Road

Neptune City, Monmouth County

*Description and date of violations:*

The Department issued a NJPDES Permit to discharge to the Jumping Brook to Lamda EMI on July 1, 2000. DMRs for the monitoring periods of August 2003 through February 2004 indicated violations for Chlorine Produced Oxidants.

*Follow-up and action:*

On August 30, 2004, the Department and Lamda Americas Inc executed a SA/P in the amount of \$11,000.

***Total Number of Violations: 3***

**10. Lawrence Township Board of Education**

**Myron Powell Elementary School**

NJPDES No. NJ0132667

Block 191, Lot 9, Main Street

Lawrence Township, Cumberland County

*Description and date of violations:*

The Department issued a NJPDES permit to discharge to ground water to Lawrence Township Board of Education (Lawrence BOE) on September 29, 2003. On September 3, 2004, the Department issued an AO/NOCAPA to Lawrence BOE in the amount of \$88,500 for Total Nitrogen violations during the December 2003 through June 2004 monitoring periods. The DMR for the monitoring period of February 2004 indicated a violation for Total Nitrogen, which caused Lawrence BOE to continue to be a significant noncomplier.

*Follow-up and action:*

On December 27, 2004, the Department and Lawrence BOE executed an ACO/P in the amount of \$36,000, which settled the violations cited in the September 3, 2004 AO/NOCAPA as well as the February 2004 violation noted above. The ACO/P required Lawrence BOE to install improvements to their treatment system to achieve compliance.

***Total Number of Violations: 9***

### **11. Medford Township STP**

NJPDES No. NJ0026832  
Block 303, Lot 2.02  
Medford Township, Burlington County

*Description and date of violations:*

The Department issued a NJPDES Permit to discharge to the South Branch of the Rancocas Creek to Medford Township on July 1, 2003. DMRs for the monitoring periods of December 2003, January 2004 and February 2004 indicated violations for five-day Biochemical Oxygen Demand.

*Follow-up and action:*

On August 24, 2004, the Department and Medford executed a SA/P in the amount of \$11,000.

***Total Number of Violations: 3***

### **12. Mendham Borough STP**

NJPDES No. NJ0021334  
Block 201, Lot 1, Ironia Road  
Mendham Borough, Morris County

*Description and date of violations:*

The Department issued a NJPDES Permit to discharge to India Brook to the Borough of Mendham on March 16, 2001. DMRs for the monitoring periods of April 2002 through October 2002 indicated violations for phosphorus or nitrate at outfall 001.

*Follow-up and action:*

On April 22, 2004 the Department and the Borough of Mendham executed an ACO/P in the amount of \$54,000. The ACO/P required the Borough of Mendham to upgrade its sewage treatment plant to meet permit effluent limits in accordance with a construction timetable.

***Total Number of Violations: 16***

### **13. New Jersey Department of Corrections (NJDOC)**

Albert C. Wagner Youth Correctional Facility  
NJPDES No. NJ0026719  
Chesterfield Township, Burlington County

*Description and date of violations:*

The Department issued a NJPDES permit to discharge to a tributary to Crosswicks Creek to the NJDOC on July 1, 1997 and issued a renewal of the permit on July 16, 2002. DMRs for the monitoring periods of June 2002 - August 2002 and October 2002 - April 2003 indicated violations for Fecal Coliform. In addition, DMRs for the monitoring periods of May 2002, September 2002 and October 2002 indicated violations for five-day Biochemical Oxygen Demand (BOD<sub>5</sub>), and DMRs for the monitoring periods of August 2002 - October 2002 indicated violations for Total Suspended Solids (TSS). NJDOC also failed to monitor for BOD<sub>5</sub> TSS, Ammonia Nitrogen, and Dissolved Oxygen during the monitoring period of August 2002.

III-A6

*Follow-up and action:*

On April 7, 2004, the Department and NJDOC executed an ACO/P in the amount of \$46,147.00. The

ACO/P required NJDOC to rehabilitate treatment units by August 15, 2004.

***Total Number of Violations: 26***

**14. New York Twist Drill**

NJPDES No. NJ0105511  
Block 4401, Lot 6, 25 Arrow Road  
Ramsey Borough, Bergen County

*Description and date of violations:*

The Department issued a NJPDES Permit to discharge to the Ramsey Brook to New York Twist Drill on March 30, 2001. DMRs for the monitoring periods of October 2002, January 2003, April 2003, July 2003, and January 2004 indicated violations for Chronic Toxicity at outfall number 001A.

*Follow-up and action:*

On September 29, 2004, the Department and New York Twist Drill executed a SA/P in the amount of \$17,000.

***Total Number of Violations: 5***

**15. Philadelphia Coca-Cola Bottling Company**

NJPDES No. NJ0137812  
Block 900, Lot 4  
1250 Glen Avenue  
Moorestown Township, Burlington County

*Description and date of violations:*

The Department issued a NJPDES SIU permit to discharge to the Moorestown Township Sewage Treatment Plant to Philadelphia Coca-Cola Bottling Company (Philly Coke) on July 27, 2001. The DMR for the monitoring period of March 2002 indicated a violation for pH, and DMRs for the monitoring periods of June 2003 and September 2003 indicated violations for Phosphorus.

*Follow-up and action:*

On November 25, 2004 the Department and Philly Coke executed a SA/P in the amount of \$7,250.

***Total Number of Violations: 3***

## **16. Winslow Township Board of Education**

School Number 5  
NJPDES Permit No. NJ0072354  
Lot 1, Block 4002  
Winslow Township, Camden County

### *Description and date of violations:*

The Department issued a NJPDES Permit to discharge to the ground water to Winslow Township Board of Education on October 3, 1994. DMRs for the monitoring periods of January 2001, December 2002 and February 2003 indicated violations for Ammonia-Nitrogen.

### *Follow-up and action:*

Winslow Township Board of Education connected School #5's sewage treatment plant to the public wastewater collection system and the Department revoked the Permit, effective September 30, 2003. On February 11, 2004 the Department and to Winslow Township Board of Education executed a SA/P in the amount of \$7,000.

***Total Number of Violations: 3***

## **17. Warren County District Landfill**

NJPDEP No. NJ0060763  
NJPDES No. NJ0102598  
NJPDES No. NJ0102211  
Block 32, Lots 12, 13, 14, 15, 22,  
Block 34, Lots 17,18, 18.01, 18.02, 500 Mt. Pisgah Ave.  
White Township, Warren County

The Department issued Warren County District Landfill a NJPDES Discharge to Surface Water Permit to discharge to the Pequest River on September 30, 1987. A NJPDES Discharge to Ground Water Permit was issued on September 30, 1987 and a NJPDES Significant Indirect User Permit was issued on July 1, 1994. DMRs for the monitoring periods of September 1993 through August 2003 indicated monitoring omissions and effluent violations for 20 NJPDES Permit parameters.

### *Follow-up and action:*

On February 4, 2004, the Department and Warren County District Landfill executed a SA/P in the amount of \$187,677.

***Total Number of Violations: 59***

**18. and 19. West Milford Township Municipal Utilities Authority**

NJPDES No. NJ0027669 - Awosting STP  
Block 3802, Lot 3, Awosting Road  
NJPDES No. NJ0026174 - Crescent Park STP  
Block 9711, Lot 17, Morris Avenue  
NJPDES No. NJ0027685 - Highview Acres STP  
Block 10202, Lot 15, Macopin Road  
NJPDES No. NJ0027677 - Olde Milford Estates STP  
Camelot Road  
West Milford Township, Passaic County

*Description and date of violations:*

The Department renewed NJPDES Permits NJ0027669, NJ0026174, NJ0027685, and NJ0027677 to discharge to the Wanaque River, Belcher Creek, Macopin River, and Belcher Creek to the West Milford Township Municipal Utilities Authority (“WMMUA”) effective February 4, 1993, September 30, 1993, August 31, 1993, and September 30, 1993, respectively. DMRs for the monitoring periods of December 1993 through April 2003 indicated violations for Flow, Total Suspended Solids, Nitrogenous Biochemical Oxygen Demand, Carbonaceous Biochemical Oxygen Demand, Ammonia, 5-Day Biochemical Oxygen Demand, and Chronic Toxicity. In addition, WMMUA did not sample for Chronic Toxicity during the monitoring period of December 1998 through November 1999.

*Follow-up and action:*

On April 13, 2004, the Department and WMMUA executed a SA/P in the amount of \$133,000.

***Total Number of Violations: 41***

**20. Imperial Oil Co., Inc.**

NJPDES No. NJ0035874  
Block 10, Lot 30  
Block 111, Lots 14, 15, 16, 33                      Block 122, Lots 24-27  
Marlboro Township, Monmouth County

*Description and date of violations*

The Department issued a NJPDES Permit to discharge to the Birch Swamp Brook to Imperial Oil Co., Inc. on January 31, 1985. The permit was effective March 1, 1985. The expiration date was February 28, 1990. A modification to the permit was issued on December 9, 1986. The effective date was February 1, 1987 and the expiration date was February 28, 1990. DMRs for the monitoring period January 2002 through February 2002 indicated violations for Petroleum Hydrocarbons and Chemical Oxygen Demand.

*Follow-up and action:*

On February 2, 2004, the Department and Imperial Oil Co., Inc. executed a SA/P in the amount of \$7,000.

***Total Number of Violations: 3***

**APPENDIX IV-A**  
**DLA**  
**SIGNIFICANT NONCOMPLIERS**



**DLA's REPORTING**  
**ZERO FACILITIES MEETING**  
**The SNC CRITERIA**

<b>1.</b> BAYSHORE REGIONAL SEWERAGE AUTHORITY
<b>2.</b> EWING-LAWRENCE SEWERAGE AUTHORITY
<b>3.</b> HANOVER SEWERAGE AUTHORITY
<b>4.</b> MOUNT HOLLY MUNICIPAL UTILITIES AUTHORITY
<b>5.</b> NORTH BERGEN MUNICIPAL UTILITIES AUTHORITY
<b>6.</b> PEQUANNOCK, LINCOLN PARK & FAIRFIELD SEWERAGE AUTHORITY
<b>7.</b> STONY BROOK REGIONAL SEWERAGE AUTHORITY
<b>8.</b> THE LINDEN ROSELLE SEWERAGE AUTHORITY
<b>9.</b> TOWNSHIP OF MORRIS
<b>10.</b> TRENTON SEWER UTILITY
<b>11.</b> WAYNE TOWNSHIP

**BERGEN COUNTY UTILITIES AUTHORITY**  
**2004 LIST OF SIGNIFICANT NONCOMPLIERS**

**Beacon Looms, Incorporated**  
411 Alfred Avenue  
Teaneck, NJ 07666

Industrial Wastewater Discharge Permit No: 0033

*General Description of Facility Operations:*

Beacon Looms, Incorporated is a non-categorical industrial user that manufactures and dyes textile products such as curtains. The average discharge from this facility is approximately 3,000 gallons per day.

*Violation(s):*

Beacon Looms had serious Oil or Grease (petroleum origin) violations on January 4, 2004 and February 11, 2004.

*Enforcement:*

Notices of Violation were issued on February 3, 2004 and March 4, 2004. Follow-up site visits were conducted on February 18, 2004 and March 24, 2004. A Civil Administrative Penalty Assessment for significant non-compliance in the amount of \$5,000.00 was issued on March 12, 2004.

*Date Resolved:*

Beacon Looms completed six (6) consecutive months of monitoring on September 14, 2004, demonstrating compliance with the oil or grease (petroleum origin) limitation.

*Number of Violations:*

2

**Cognati Cheese Company**  
205 Moonachie Road  
Moonachie, NJ 07601

Industrial Wastewater Discharge Permit No: 1022

*General Description of Facility Operations:*

Cognati Cheese Company is a non-categorical industrial user that manufactures mozzarella cheese and repackages hard and soft cheeses into consumer packages. The average discharge from this facility is approximately 8,000 gallons per day.

*Violation(s):*

Cognati Cheese had serious Oil or Grease (petroleum origin) violations on October 27, 2003, March 31, 2004, July 21, 2004, August 26, 2004, September 21, 2004 and October 8, 2004; and serious Oil or Grease

IV-A2

**BERGEN COUNTY UTILITIES AUTHORITY (cont.)**

(non-petroleum origin) violations on May 20, 2004, July 21, 2004, August 26, 2004, September 28, 2004,

October 8, 2004 and November 30, 2004.

Enforcement:

Notices of Violation were issued on April 9, 2004, May 19, 2004, May 26, 2004, August 19, 2004, September 15, 2004, October 27, 2004 and December 17, 2004. Follow-up site visits were conducted on May 4, 2004, June 25, 2004, September 24, 2004 and December 3, 2004. A Civil Administrative Penalty Assessment in the amount of \$5,000.00 was issued on October 21, 2004. A compliance meeting was held with facility representatives and the facility's environmental consultant on December 14, 2004. The facility was instructed to submit a compliance schedule to be incorporated into a Compliance Order to resolve the ongoing violations. Cognati Cheese is required to continue monthly monitoring for oil or grease (petroleum and non-petroleum origins) until six (6) consecutive months of monitoring demonstrates compliance with the local discharge limitations.

Date Resolved:

Cognati Cheese Company remains in Significant Non-Compliance Status

Number of Violations:

13

**Smurfit-Stone Container Corporation**

200 Hollister Road  
Teterboro, NJ 07608

Industrial Wastewater Discharge Permit

No: 0050

General Description of Facility Operations:

Smurfit-Stone Container Corporation is a non-categorical industrial user that manufactures corrugated containers. The average discharge from this facility is approximately 9,500 gallons per day.

Violation(s):

Smurfit-Stone Container Corporation had serious oil or grease (petroleum origin) violations on June 1, 2004 and September 27, 2004; and serious copper violations on June 1, 2004 and September 20, 2004.

IV-A3

**BERGEN COUNTY UTILITIES AUTHORITY (cont.)**

Enforcement:

Notices of Violation were issued on July 15, 2004 and October 27, 2004. Follow-up site visits were conducted on September 7, 2004 and December 13, 2004. Civil Administrative Penalty Assessment's were issued in the amounts of \$2,000 and \$5,000 on September 2, 2004 and November 17, 2004,

respectively.

Date Resolved:

Compliance monitoring during October and November demonstrate compliance with the discharge limitations. Facility will remain in SNC status until six (6) consecutive months of monitoring demonstrates compliance.

Number of Violations:

4

~ **Thumann Incorporated**  
Carlstadt, NJ 07072

Industrial Wastewater Discharge Permit No: 0199 670 Dell Road

General Description of Facility Operations:

Thumann Incorporated is a Significant Industrial User that processes, cooks and packages meat products. The average discharge from this facility is approximately 42,000 gallons per day.

Violation(s):

Thumann had serious p11 violations on December 4, 2003, February 10, 2004, June 24, 2004 and October 14, 2004.

Enforcement:

Notices of Violation were issued on February 9, 2004, March 4, 2004, July 28, 2004 and December 7, 2004. Follow-up site visits were conducted on April 5, 2004 and September 10, 2004.

Date Resolved:

The facility remains in Significant Non-compliance. Number of

Violations: 3

**CAMDEN COUNTY MUNICIPAL UTILITIES AUTHORITY**

INDUSTRY	CLASS- IFICATION	ADDRESS	PERMIT #	SAMPLE DATE	PARA- METER	SAMPLE RESULT	VIOLATION RESOLVED	TOTAL # VIO.	COMMENTS
Barry Callebaut, USA, Inc.	Cat/Sig/Maj	1500 Suckie Highway Pennsauken	2006- DIST II- 1	07/09/04	SULFIDE	1.52	Enforcement in Progress		
				09/24/04	SULFIDE	3.31	Enforcement in Progress		
TOTAL VIOLATIONS =								2	
The Classic Baking Co. D/B/A The Classic Cake Co.	Other	28 Springdale Road Cherry Hill	5461- SFCU- CRI-2	11/03	BOD	4620 mg/l	Enforcement in Progress		ACO Limits: BOD=3117, COD=5040, TSS=886 Effective 9/17/03
				11/03	TSS	1433 mg/l	Enforcement in Progress		
				01/04	Entire Report	Not Reported	Enforcement in Progress		
				02/04	Entire Report	Not Reported	Enforcement in Progress		
				03/04	COD	7260 mg/l	Enforcement in Progress		
				04/04	COD	7360 mg/l	Enforcement in Progress		
				04/04	TSS	1900 mg/l	Enforcement in Progress		
				04/04	BOD	4660 mg/l	Enforcement in Progress		
				05/04	COD	7849 mg/l	Enforcement in Progress		Facility went to zero discharge June 14, 2004
TOTAL VIOLATIONS =								9	
Hibert Puratex Co.	Other	7001 Westfield Ave. Pennsauken	2841- DB-1	01/04	COD	2810 mg/l	CAPA		Facility went to zero discharge in April 2004
				01/04	TTO	36.11 mg/l	CAPA		
				03/04	COD	3570 mg/l	CAPA		
				03/04	TTO	6.91 mg/l	CAPA		
TOTAL VIOLATIONS =								4	
J&J Snack Food- Bellmawr	Other	361 Benigno Blvd. Bellmawr	2052- BTCI-1	09/04/03	COD	2900	SETT		
				11/07/03	COD	1390	Enforcement in Progress		
				12/04/03	COD	1350	Enforcement in Progress		
				04/08/04	COD	1300	Enforcement in Progress		
TOTAL VIOLATIONS =								4	
Menu Foods, Inc.	Cat/Sig/Maj	9130 Griffith Morgan LN Pennsauken,	2047- DB-1	06/04 Avg.	TSS	1189 mg/l	Enforcement in Progress		ACO has been drafted & will be executed shortly.
				07/04 Avg.			Enforcement in Progress		
				08/04 Avg.			Enforcement in Progress		
				09/04 Avg.			Enforcement in Progress		
				10/04 Avg.			Enforcement in Progress		
				10/04 Avg.			Enforcement in Progress		
				11/04			Enforcement in Progress		
				11/04			Enforcement in Progress		
				11/04			Enforcement in Progress		
TOTAL VIOLATIONS =								9	

**CAMDEN COUNTY MUNICIPAL UTILITIES AUTHORITY (cont.)**

INDUSTRY	CLASS-IFICATIO N	ADDRESS	PERMIT #	SAMPLE DATE	PARA- METER	SAMPLE RESULT	VIOLATION RESOLVED	Total # Vio.	Comments
NJ Turnpike Authority – Service Area 3S	Other	NJ Turnpike, Cherry Hill	4789-CRI-1	06/04	Sulfide	1.78 mg/l	Enforcement in Progress		
				07/04	Sulfide	1.81 mg/l	Enforcement in Progress		
				10/04	Sulfide	6.95 mg/l	Enforcement in Progress		
				11/04	Sulfide	2.45 mg/l	Enforcement in Progress		
TOTAL VIOLATIONS =								4	
Pepsi Cola & National Brand Beverage, Ltd.	Cat/Sig/Ma j	8191 Rte 130 Pennsauken	2086-DIST II-1	01/26/04	COD	1700	SETT		
				02/24/04/	COD	2400	SETT		
				03/16/04	COD	1800	CAPA		
				04/27/04	COD	1600	CAPA		
				05/18/04	COD	1400	CAPA		
				06/04/04	COD	3418	CAPA		
				07/27/04	BOD	1700	CAPA		
				07/27/04	COD	2100	CAPA		
				08/30/04	COD	5400	Enforcement in Progress		
				08/30/04	BOD	3200	Enforcement in Progress		
TOTAL VIOLATIONS =								10	
Port Authority Transit Corp.- Lindenwold Maintenance Facility	Other	Meeting House LN Lindenwold	3743-CRI-1	09/04	Sulfide	2.23 mg/l	Enforcement in Progress		Facility is considering Chemical Addition to eliminate Sulfide
				10/04	Sulfide	11.90 mg/l	Enforcement in Progress		
TOTAL VIOLATIONS =								2	
Quikline Design Manufac. Co.	Cat/Sig/Ma j	85 Nicholson Rd. Gloucester City	3672- BTCl-1	02/04	Copper	1.69 mg/l	SETT		Facility completed the upgrade to its Pretreatment System in November 2004.
				06/04 Avg.	Copper	1.72 mg/l	Enforcement in Progress		

**CUMBERLAND COUNTY UTILITIES AUTHORITY**  
**2004 LIST OF SIGNIFICANT NONCOMPLIERS**

Martin Corporation  
171 North Pearl Street  
Bridgeton, NJ 08302

CCUA permit A-002

Violations of permit limits for pH in August and October, if confirmed as serious violations, may place the discharger in SNC status. This discharger also had minor violations for COD in March and October, and a minor violation for pH in March. Subsequent monitoring by both the industry and CCUA has been satisfactory. The facility utilized pH adjustment on the discharge, and there has been some discussion about the need to replace or upgrade the equipment. A notice of violation was issued and a penalty in the amount of \$500 was assessed and paid on the assumption that the violations were not serious, and this is under review.

**GLOUCESTER COUNTY UTILITIES AUTHORITY**  
**2004 LIST OF SIGNIFICANT NONCOMPLIERS**

Permittee: **Snow Ball Foods**, LLC Permittee  
Mailing Address: Sykes Lane  
Williamstown, NJ 08094  
Location Address: Sykes Lane  
Williamstown, NJ 08094  
GCUA Permit Number: 004  
Description of Violation: Oil & Grease violations  
Date(s) of Violation(s): 05/04 SY O&G  
07/04 SV SNC O&G  
Violation Resolution Date: PENDING  
1. Permittee contracted outside firm to n.m pretreatment facility.  
2. Permittee currently is doing additional monitoring for O&G until six months with no violations.  
3. Permittee assessed penalty.  
4. Permittee had SNC status published in December 2004 as required under GCUA's IPP Program.  
Total Number of Violations: 5



**HAMILTON TOWNSHIP DEPARTMENT OF WATER POLLUTION CONTROL**  
**2004 LIST OF SIGNIFICANT NONCOMPLIERS**

**Home Depot USA, Inc.**

750 Highway #130  
Robbinsville, New Jersey 08691  
Permit No. 2-020

The Home Depot met the criteria for significant non-compliance (SNC) during this reporting period. The violations committed by this IU were enforced via NOV and penalty assessment during the previous reporting period and are outlined in the previous report. The last NOV was dated January 26, 2004 and was therefore included in this reporting period. The summons for these violations, amounting to \$8,000 in fines, was issued during last reporting period. The Home Depot requested the court date be rescheduled in 2005. The fines were paid in March 2004. The Home Depot completed six months of compliance sampling within permitted limits in May 2004.

**JOINT MEETING OF ESSEX AND UNION COUNTIES**

<b>INDUSTRY</b>	<b>IU#</b>	<b>PARAMETER</b>	<b>DATE</b>	<b>RESOLVED</b>
Cintas 56 Woolsey Street Irvington, NJ 07111	2036	pH	6/04-8/04	Yes
		Reporting	4/04, 8/04-11/04	No
FRC- Electrical Industries 705 Central Avenue Murray Hill, NJ 07974	5021	Reporting	2/04, 3/04, 6/04, 9/04, 11/04	No
Hi-Speed Plating 460 Coit Street Irvington, NJ 07111	2030	Nickel	1/04-4/04, 6/04, 7/04	Yes
		Copper	2/04, 3/04	Yes
		Zinc	2/04, 3/04, 7/04	Yes
		Cyanide-T	4/04-6/04	Yes
		Reporting	2/04-6/04, 8/04-10/04	No
LORCO Petroleum Services 450 So. Front Street Elizabeth, NJ 07202	0070	pH	1/04, 4/04, 5/04, 8/04-11/04	No
Maplewood Beverage 44 Campton Road Maplewood, NJ 07204	3050	pH	4/04-6/04, 8/04-9/04	Yes
		Reporting	1/04, 4/04	Yes
Michaels Foods–North Ave. 847 North Avenue Elizabeth, NJ 07201	0100	pH	2/04, 5/04-11/04	No
		Reporting	1/04	Yes
Michaels Foods–Papetti Plaza 1 Papetti Plaza Elizabeth, NJ 07206	0105	pH	1/04, 2/04, 6/04-12/04	No
Organon 375 Mt. Pleasant Avenue West Orange, NJ 07052	5021	pH	1/04	Yes
Prince Donut 2345 E. Linden Avenue Linden, NJ 07036	0175	Oil/Grease	8/04, 10/04	No
		Reporting	10/04, 11/04	No
Purepac Pharmaceutical 200 Elmora Avenue Elizabeth, NJ 07207	0067	pH	3/04	Yes
		Acetone	4/04-9/04	Yes
		Reporting	1/04-4/04, 6/04-7/04, 8/04, 11/04	No
SS Studio 1023 Commerce Avenue Union, NJ 07083	7150	Reporting	1/04, 3/04, 5/04	Yes
US Filter Electrocatalytic 2 Milltown Court Union, NJ 07083	7077	pH	4/04-11/04	No
Wakefern 600 York Avenue Elizabeth, NJ 07207	0170	Reporting	2/04	Yes

**MIDDLESEX COUNTY UTILITIES AUTHORITY**  
**2004 LIST OF SIGNIFICANT NONCOMPLIERS**

COMPANY: **JFC Technologies/, Incorporated**  
 ADDRESS: 100 West Main Street  
 Bound Brook, NJ 08805

MCUA Permit No.: 01168

**VIOLATIONS:**

Brief Description	Date Sampled	Date Resolved
Toluene, Serious Violation	7/04	12/04
Chromium (Total), Serious Violation	9/04	
Chromium (Total), Serious Violation	10/04	
Chlorobenzene, Serious Violation	10/04	12/04
Toluene, Serious Violation	10/04	12/04
Chromium (Total), Monthly Average Violation	11/04	
Toluene, Serious Violation	11/04	12/04
Toluene, Serious Violation	12/04	12/04

Comments: The facility is contesting the Chromium violations and has made process changes to address the Chlorobenzene and Toluene violations. Specific details on file.

***TOTAL NUMBER OF VIOLATIONS: 8***

COMPANY: **Pepsi Cola Bottling Group**  
 ADDRESS: 2200 New Brunswick Avenue  
 Piscataway, NJ 08854

MCUA Permit No.: 18137

**VIOLATIONS:**

Brief Description	Date Sampled	Date Resolved
pH (Low), Violation	3/04	12/04
pH (High), Serious Violation	4/04	12/04
pH (Low), Violation	7/04	12/04
pH (High), Violation	7/04	12/04
pH (Low), Serious Violation	8/04	12/04
pH (High), Serious Violation	8/04	12/04
pH (High), Serious Violation	9/04	12/04
pH (High), Serious Violation	11/04	12/04

Comments: The facility has completed pretreatment upgrades. Specific details on file.

***TOTAL NUMBER OF VIOLATIONS: 8***

**MIDDLESEX COUNTY UTILITIES AUTHORITY (cont.)**

**COMPANY: Unitex / Med-Apparel Services**

ADDRESS: 35 Washington Street  
Perth Amber, NJ 08861

MCUA Permit No.: 31185

**VIOLATIONS:**

2 incomplete Self-Monitoring Report submittals. Now in compliance with the reporting requirements.

**COMPANY: Silgan Containers Corporation**

ADDRESS: 135 National Road  
Edison, NJ 08817

MCUA Permit No.: 05056

**VIOLATIONS:**

Brief	Date	Date
flescdp~nn	Sampled	Resolved
Oil & Grease, Monthly Average Violation	5/04	
Oil & Grease, Monthly Average Violation	7/04	
Total Phosphorous (as P), Monthly Average Violation	9/04	
Oil & Grease, Monthly Average Violation	11/04	
Total Phosphorous (as P), Serious Violation	11/04	
Total Phosphorous (as P), Serious Violation	12/04	

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

***TOTAL NUMBER OF VIOLATIONS: 6***

**NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY**  
**2004 LIST OF SIGNIFICANT NONCOMPLIERS**

1. **Hudson Transit Lines, Inc. (Shortline)** Permit # 87-00 1

4 Leisure Lane  
Mahwah, N.J. 07430

1<sup>st</sup> Violation:

July 2004 Oil & Grease Petroleum Based /232.5 mg/L  
Oil & Grease (Monthly Average)  
Exceeded Monthly Average Limit by 132.5%- Serious Violation

2<sup>nd</sup> Violation:

November 2004 Oil & Grease Petroleum Based /158.3 mg/L  
Oil & Grease (Monthly Average)  
Exceeded Monthly Average Limit by 58%- Serious Violation

**November 2004 — Second “Serious” violation of the same parameter in a six-month period — SNC determination.**

**2. Bentley Laboratories**

Permit # 02-002

200 Corporate Drive  
Mahwah, New Jersey 07430

1st Violations:

August 9, 2004 Oil & Grease Non Petroleum Based 2,153.85 ,mg/l  
Oil & Grease (Single Sample)  
Exceeded Single Sample Daily Maximum Limit by 1,076%- Serious Violation

August 10, 2004 Oil & Grease Non Petroleum Based 5,882.3 ,mg/l  
Oil & Grease (Single Sample)  
Exceeded Single Sample Daily Maximum Limit by 2,941%- Serious Violation

August 31, 2004 Oil & Grease Non Petroleum Based 235.64 mg/l  
Oil & Grease (Single Sample)  
Exceeded Single Sample Daily Maximum Limit by 17%- Non-Serious Violation

2nd Violation:

December 9, 2004 — Oil & Grease Non Petroleum Based 443.63 mg/L  
Oil & Grease (Single Sample)  
Exceeded Single Sample Daily Maximum Limit by 121.8% - Serious Violation

**December 2004 — Second “Serious” violation of the same parameter in a six-month period — SNC determination.**

**OCEAN COUNTY UTILITIES AUTHORITY**  
**2004 LIST OF SIGNIFICANT NONCOMPLIERS**

**Foodarama Supermarkets Inc.**

**OCUA Permit #: NM-35-2002-063**

922 Hwy 33  
Building 6, Suite 1  
Freehold, NJ

Facility Address:

201 Commerce Drive  
Freehold, NJ 07728

Since start up, 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. This facility has adhered to the conditions of the ACO and *is* no longer in SNC status.

June 2003	Serious Oil & Grease violation
July 2003	Serious Oil & Grease violation
August 2003	Serious Oil & Grease violation
September 2003	Serious Oil & Grease violation
October 2003	Serious Oil & Grease violation
November 2003	Serious Oil & Grease violation
December 2003	Serious Oil & Grease violation
January 2004	Serious Oil & Grease violation

**VIVUS Inc., NJ**

**OCUA Permit #: N-1S-2001-.058**

735 Airport Road  
Lakewood, NJ 08701

Facility Address:

**745 Airport Road**  
Lakewood, NJ 0772S

This facility is a pharmaceutical manufacturer covered by 40 CER 439.46. The combined waste stream formula is utilized to calculate alternative discharge limitations as an end-of process sampling location is not practical. They had serious acetone violations in October and December 2004. Since these violations are a recent occurrence the facility is still investigating the cause. Early indications are that Isopropyl alcohol, used in the quality control laboratory, is being discharged down the drain and converting to Acetone.

**PASSAIC VALLEY SEWERAGE COMMISSIONERS**  
**2004 LIST OF SIGNIFICANT NONCOMPLIERS**

**SNC Effluent Violations**

1. **Arol Chemical Products** -#20220122 **649 Ferry Street, Newark, NJ 07105** The company was not in compliance with the local total petroleum hydrocarbon limit. A Complaint was filed on 11/12/04. The matter is in the process of being settled, and the company will be fined. They have not yet achieved compliance.
2. **FlexoCraft Prints**— # **13220005** **1000 First Street, Harrison, NJ 07029** The company was not in compliance with the local limit for zinc. A Complaint was filed on 11/3/03. They entered into a Judicial Consent Order on 4/28/04, and were fined. Their compliance date was 11/30/04. They had interim limits to meet until they ultimately achieved full compliance.
3. **N.J. Transit**— #**20220033** **601 Doremus Avenue, Newark, NJ 07105**  
The company was not in compliance with the local limit for lead and zinc. They entered into a Judicial Consent Order on 8/16/04, and were fined. Their compliance date was 1/1/05. They had interim limits to meet until they ultimately achieved full compliance.
4. **Precise Plating** -#20200253 **139 Avenue L, Newark, NJ 07105** The company was not in compliance with the federal categorical metal finishing regulation for zinc and cyanide (T). A Complaint was filed on 4/12/04. The matter is in the process of being settled, and the company will be fined. They are no longer in business.
5. **Star Snacks, Inc.**— # **31220013** **105 Harbor Street Jersey City NJ 07305** The company was not in compliance with the local limit for zinc. A Complaint was filed on 3/31/03. They entered into a Judicial Consent Order on 11/19/03, and were fined. Their compliance date was 2/1/04. They are now in compliance.

**Reporting Violations**

1. **SK USA Cleaners, Inc.** **161 Building 31W 141 Lanza Avenue Garfield, NJ 07026**

The company was not in compliance with the Passaic Valley Sewerage Commissioners Rules and Regulations for failure to submit their Sewer Use Application and Baseline Monitoring Report for local limits. A Complaint was filed on 4/07/04. They entered into a Settlement Agreement on 10/21/04, and were fined. They are now in compliance.

**Note:** The company listed above was found not to be an SIU and thus was excluded in the answer for #13. It is being listed here as informational, due to the SNC designation.

**RAHWAY VALLEY SEWERAGE AUTHORITY**  
**2004 LIST OF SIGNIFICANT NONCOMPLIERS**

**Quala Systems.**

**Permit #: 014**

1045 East Hazelwood Avenue  
Rahway, NJ 07065

<b><u>DATE</u></b>	<b><u>PARAMETER</u></b>	<b><u>RESULT</u></b>
January 8, 2004	HEM Oil & Grease	152 mg/l
October 21, 2004	HEM Oil & Grease	479 mg/l
November 17, 2004	HEM Oil & Grease violation	256 mg/l

***Total Violations:***      **3**

**Comments:** Adjusting Treatment System to correct violations



**ROCKAWAY VALLEY REGIONAL SEWERAGE AUTHORITY**  
**2004 LIST OF SIGNIFICANT NONCOMPLIERS**

During this reporting period (2004), RVRSA has identified one Significant Non -Complier.

- Polyfil Corporation, which is located at 74 Green Pond Road, Township of Rockaway, New Jersey, violated the Benzene limitation contained in their Industrial Sewer Connection Permit (ISCP) on April 8, 2004, April 20, 2004 and July 20, 2004. Total number of violations was two (monthly average — serious violations).

A non-compliance notification was sent to Polyfil Corporation on both occasions and Polyfil Corporation was also issued a Notice of Accelerated Testing Frequency for the violations of both the Benzene and Toluene limits contained in their ISCP. As of the date of this report, Polyfil Corporation is near completion of this accelerated testing with out any further violations.

Polyfil Corporation was fined for the amount of \$7,000.00. Polyfil Corporation has requested an Administrative Hearing and Defense. The issue has yet to be settled as of this date.



**SOMERSET RARITAN VALLEY SEWERAGE AUTHORITY**  
**2004 LIST OF SIGNIFICANT NONCOMPLIERS**

Adesa-New Jersey is located at 200 North Main Street in Manville. They refurbish used cars and sell them at auction. They are a NonSIU/Other Regulated facility. Their discharge permit No. 32 requires monthly monitoring to establish compliance with a pH limit of 5.0 su to 9.0 su.

During self-monitoring on March 9, 2004 and April 15, 2004 Adesa detected pH readings of 3.7 su. On July 27, 2004 the SRVSA detected a pH of 3.4 su. Each violation is considered a “Serious Violation” as defined by N.J.A.C. 7:14A-1.2. Because of a history of pH exceedances, Adesa was issued Civil Administrative Penalties of \$4,125 and \$15,000 respectively for the March and April exceedances. The SRVSA and Adesa are presently pursuing a settlement agreement that would address all outstanding pH violations.

Adesa notified the SRVSA that it installed a pH adjustment system in August 2004 and has not had a violation since the July pH exceedance.

**APPENDIX 1V-B**  
**DLA SUMMARY OF RESPONSES**

<b>TOTAL NUMBER OF PERMITTED IN DLAs SERVICE AREAS</b>			
<b>Authority Name</b>	<b>CSM*</b>	<b>Other Reg.**</b>	<b>Item Total</b>
BAYSHORE REGIONAL SEWERAGE AUTHORITY	2	1	3
BERGEN COUNTY UTILITIES AUTHORITY	51	65	116
CAMDEN COUNTY MUNICIPAL UTILITIES AUTHORITY	47	41	88
CUMBERLAND COUNTY UTILITIES AUTHORITY	6	0	6
EWING-LAWRENCE SEWERAGE AUTHORITY	3	1	4
GLOUCESTER COUNTY UTILITIES AUTHORITY	14	4	18
HAMILTON TOWNSHIP DEPARTMENT OF WATER POLLUTION CONTROL	3	17	20
HANOVER SEWERAGE AUTHORITY	3	5	8
JOINT MEETING OF ESSEX AND UNION COUNTIES	43	18	61
MIDDLESEX COUNTY UTILITIES AUTHORITY	104	0	104
MOUNT HOLLY MUNICIPAL UTILITIES AUTHORITY	5	3	8
NORTH BERGEN MUNICIPAL UTILITIES AUTHORITY	4	0	4
NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY	8	37	45
PASSAIC VALLEY SEWERAGE COMMISSIONERS	151	114	265
PEQUANNOCK, LINCOLN PARK & FAIRFIELD SEWERAGE AUTHORITY	4	12	16
RAHWAY VALLEY SEWERAGE AUTHORITY	15	18	33
ROCKAWAY VALLEY REGIONAL SEWERAGE AUTHORITY	9	13	22
STONY BROOK REGIONAL SEWERAGE AUTHORITY	3	0	3
THE LINDEN ROSELLE SEWERAGE AUTHORITY	16	0	16
THE OCEAN COUNTY UTILITIES AUTHORITY	42	16	58
THE SOMERSET RARITAN VALLEY SEWERAGE AUTHORITY	18	9	27
TOWNSHIP OF MORRIS	2	1	3
TRENTON SEWER UTILITY	3	1	4
WAYNE TOWNSHIP	7	0	7
<b>TOTAL</b>	<b>563</b>	<b>376</b>	<b>939</b>

\* CSM means categorical/significant/major indirect user defined by DLA

\*\* Other Reg. means other regulated indirect users not qualifying as a CSM by DLA

<b>TOTAL NUMBER OF UNPERMITTED DISCHARGES IN DLAs SERVICE AREAS</b>			
<b>Authority Name</b>	<b>CSM*</b>	<b>Other Reg.**</b>	<b>Item Total</b>
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	2	2
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	1	1	2
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
<b>TOTAL</b>	<b>1</b>	<b>3</b>	<b>4</b>

\* CSM means categorical/significant/major indirect user defined by DLA

\*\* Other Reg. means other regulated indirect users not qualifying as a CSM by DLA

<b>TOTAL NUMBER OF NEW INDIRECT USER PERMITS ISSUED</b>			
<b>Authority Name</b>	<b>CSM*</b>	<b>Other Reg.**</b>	<b>Item Total</b>
BAYSHORE REGIONAL SEWERAGE AUTHORITY	0	0	0
BERGEN COUNTY UTILITIES AUTHORITY	4	2	6
CAMDEN COUNTY MUNICIPAL UTILITIES AUTHORITY	1	3	4
CUMBERLAND COUNTY UTILITIES AUTHORITY	0	0	0
EWING-LAWRENCE SEWERAGE AUTHORITY	0	0	0
GLOUCESTER COUNTY UTILITIES AUTHORITY	1	0	1
HAMILTON TOWNSHIP DEPARTMENT OF WATER POLLUTION CONTROL	1	0	1
HANOVER SEWERAGE AUTHORITY	0	0	0
JOINT MEETING OF ESSEX AND UNION COUNTIES	1	1	2
MIDDLESEX COUNTY UTILITIES AUTHORITY	3	0	3
MOUNT HOLLY MUNICIPAL UTILITIES AUTHORITY	1	0	1
NORTH BERGEN MUNICIPAL UTILITIES AUTHORITY	0	0	0
NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY	0	8	8
PASSAIC VALLEY SEWERAGE COMMISSIONERS	18	7	25
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	1	1
TOWNSHIP OF MORRIS	0	0	0
TRENTON SEWER UTILITY	0	1	1
WAYNE TOWNSHIP	0	0	0
<b>TOTAL</b>	<b>32</b>	<b>24</b>	<b>56</b>

\* CSM means categorical/significant/major indirect user defined by DLA

\*\* Other Reg. means other regulated indirect users not qualifying as a CSM by DLA

<b>TOTAL NUMBER OF RENEWED INDIRECT USER PERMITS ISSUED</b>			
<b>Authority Name</b>	<b>CSM*</b>	<b>Other Reg.**</b>	<b>Item Total</b>
BAYSHORE REGIONAL SEWERAGE AUTHORITY	0	0	0
BERGEN COUNTY UTILITIES AUTHORITY	47	63	110
CAMDEN COUNTY MUNICIPAL UTILITIES AUTHORITY	4	3	7
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	5	5
HANOVER SEWERAGE AUTHORITY	1	0	1
JOINT MEETING OF ESSEX AND UNION COUNTIES	11	7	18
MIDDLESEX COUNTY UTILITIES AUTHORITY	14	0	14
MOUNT HOLLY MUNICIPAL UTILITIES AUTHORITY	1	0	1
NORTH BERGEN MUNICIPAL UTILITIES AUTHORITY	4	0	4
NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY	8	37	45
PASSAIC VALLEY SEWERAGE COMMISSIONERS	21	14	35
PEQUANNOCK, LINCOLN PARK & FAIRFIELD SEWERAGE AUTHORITY	4	11	15
RAHWAY VALLEY SEWERAGE AUTHORITY	6	11	17
ROCKAWAY VALLEY REGIONAL SEWERAGE AUTHORITY	3	4	7
STONY BROOK REGIONAL SEWERAGE AUTHORITY	0	0	0
THE LINDEN ROSELLE SEWERAGE AUTHORITY	7	0	7
THE OCEAN COUNTY UTILITIES AUTHORITY	11	1	12
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
<b>TOTAL</b>	<b>144</b>	<b>156</b>	<b>300</b>

\* CSM means categorical/significant/major indirect user defined by DLA

\*\* Other Reg. means other regulated indirect users not qualifying as a CSM by DLA



<b>TOTAL NUMBER OF INDIRECT USER PERMIT MODIFICATIONS</b>			
<b>Authority Name</b>	<b>CSM*</b>	<b>Other Reg.**</b>	<b>Item Total</b>
BAYSHORE REGIONAL SEWERAGE AUTHORITY	0	0	0
BERGEN COUNTY UTILITIES AUTHORITY	0	1	1
CAMDEN COUNTY MUNICIPAL UTILITIES AUTHORITY	11	8	19
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	3	3	6
JOINT MEETING OF ESSEX AND UNION COUNTIES	10	2	12
MIDDLESEX COUNTY UTILITIES AUTHORITY	19	0	19
MOUNT HOLLY MUNICIPAL UTILITIES AUTHORITY	0	0	0
NORTH BERGEN MUNICIPAL UTILITIES AUTHORITY	0	0	0
NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY	1	4	5
PASSAIC VALLEY SEWERAGE COMMISSIONERS	12	9	21
PEQUANNOCK, LINCOLN PARK & FAIRFIELD SEWERAGE AUTHORITY	0	0	0
RAHWAY VALLEY SEWERAGE AUTHORITY	0	1	1
ROCKAWAY VALLEY REGIONAL SEWERAGE AUTHORITY	1	2	3
STONY BROOK REGIONAL SEWERAGE AUTHORITY	2	0	2
THE LINDEN ROSELLE SEWERAGE AUTHORITY	0	0	0
THE OCEAN COUNTY UTILITIES AUTHORITY	1	0	1
THE SOMERSET RARITAN VALLEY SEWERAGE AUTHORITY	5	1	6
TOWNSHIP OF MORRIS	1	0	1
TRENTON SEWER UTILITY	0	0	0
WAYNE TOWNSHIP	0	0	0
<b>TOTAL</b>	<b>67</b>	<b>31</b>	<b>98</b>

\* CSM means categorical/significant/major indirect user defined by DLA

\*\* Other Reg. means other regulated indirect users not qualifying as a CSM by DLA

<b>TOTAL NUMBER OF PERMITS CONTESTED BY INTERESTED PARTIES</b>			
<b>Authority Name</b>	<b>CSM*</b>	<b>Other Reg.**</b>	<b>Item Total</b>
BAYSHORE REGIONAL SEWERAGE AUTHORITY	0	0	0
BERGEN COUNTY UTILITIES AUTHORITY	0	0	0
CAMDEN COUNTY MUNICIPAL UTILITIES AUTHORITY	1	0	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	1	0	1
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	1	0	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
<b>TOTAL</b>	<b>3</b>	<b>0</b>	<b>3</b>

\* CSM means categorical/significant/major indirect user defined by DLA

\*\* Other Reg. means other regulated indirect users not qualifying as a CSM by DLA

<b>NUMBER OF AO/ACO COMPLIANCE SCHEDULES WITH INTERIM LIMITS RELAXING LOCAL LIMITS</b>			
<b>Authority Name</b>	<b>CSM*</b>	<b>Other Reg.**</b>	<b>Item Total</b>
BAYSHORE REGIONAL SEWERAGE AUTHORITY	1	1	2
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	2	0	2
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	1	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	1	0	1
THE SOMERSET RARITAN VALLEY SEWERAGE AUTHORITY	0	0	0
TOWNSHIP OF MORRIS	1	0	1
TRENTON SEWER UTILITY	0	0	0
WAYNE TOWNSHIP	0	0	0
<b>TOTAL</b>	<b>5</b>	<b>2</b>	<b>7</b>

\* CSM means categorical/significant/major indirect user defined by DLA

\*\* Other Reg. means other regulated indirect users not qualifying as a CSM by DLA

<b>TOTAL NUMBER OF FACILITIES INSPECTED AND SAMPLED AT LEAST ONCE</b>			
<b>Authority Name</b>	<b>CSM*</b>	<b>Other Reg.**</b>	<b>Item Total</b>
BAYSHORE REGIONAL SEWERAGE AUTHORITY	2	1	3
BERGEN COUNTY UTILITIES AUTHORITY	46	65	111
CAMDEN COUNTY MUNICIPAL UTILITIES AUTHORITY	43	38	81
CUMBERLAND COUNTY UTILITIES AUTHORITY	6	0	6
EWING-LAWRENCE SEWERAGE AUTHORITY	3	1	4
GLOUCESTER COUNTY UTILITIES AUTHORITY	14	4	18
HAMILTON TOWNSHIP DEPARTMENT OF WATER POLLUTION CONTROL	2	16	18
HANOVER SEWERAGE AUTHORITY	3	5	8
JOINT MEETING OF ESSEX AND UNION COUNTIES	41	24	65
MIDDLESEX COUNTY UTILITIES AUTHORITY	92	0	92
MOUNT HOLLY MUNICIPAL UTILITIES AUTHORITY	5	3	8
NORTH BERGEN MUNICIPAL UTILITIES AUTHORITY	4	0	4
NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY	8	37	45
PASSAIC VALLEY SEWERAGE COMMISSIONERS	151	114	265
PEQUANNOCK, LINCOLN PARK & FAIRFIELD SEWERAGE AUTHORITY	4	9	13
RAHWAY VALLEY SEWERAGE AUTHORITY	18	19	37
ROCKAWAY VALLEY REGIONAL SEWERAGE AUTHORITY	9	12	21
STONY BROOK REGIONAL SEWERAGE AUTHORITY	2	0	2
THE LINDEN ROSELLE SEWERAGE AUTHORITY	15	0	15
THE OCEAN COUNTY UTILITIES AUTHORITY	34	15	49
THE SOMERSET RARITAN VALLEY SEWERAGE AUTHORITY	17	7	24
TOWNSHIP OF MORRIS	2	1	3
TRENTON SEWER UTILITY	3	1	4
WAYNE TOWNSHIP	7	0	7
<b>TOTAL</b>	<b>531</b>	<b>372</b>	<b>903</b>

\* CSM means categorical/significant/major indirect user defined by DLA

\*\* Other Reg. means other regulated indirect users not qualifying as a CSM by DLA

**TOTAL NUMBER OF INDIRECT USER PERMIT VIOLATIONS**

<b>Authority Name</b>	<b>CSM* Effluent Violation Hazardous Pollutant</b>	<b>OR** Effluent Violation Hazardous Pollutant</b>	<b>Total</b>	<b>CSM* Effluent Violation Nonhazardous Pollutant</b>	<b>OR** Effluent Violation Nonhazardous Pollutant</b>	<b>Total</b>	<b>CSM* Reporting Violations</b>	<b>OR* Reporting Violations</b>	<b>Total</b>	<b>Total Violations Effluent and Reporting</b>
BAYSHORE REGIONAL SEWERAGE AUTHORITY	0	0	0	1	0	1	5	2	7	8
BERGEN COUNTY UTILITIES AUTHORITY	8	15	23	28	22	50	2	3	5	78
CAMDEN COUNTY MUNICIPAL UTILITIES AUTHORITY	18	16	34	65	39	104	1	5	6	144
CUMBERLAND COUNTY UTILITIES AUTHORITY	0	0	0	8	0	8	1	0	1	9
EWING-LAWRENCE SEWERAGE AUTHORITY	0	0	0	0	0	0	0	0	0	0
GLOUCESTER COUNTY UTILITIES AUTHORITY	1	0	1	7	0	7	0	0	0	8
HAMILTON TOWNSHIP DEPARTMENT OF WATER POLLUTION CONTROL	0	0	0	0	5	5	0	3	3	8
HANOVER SEWERAGE AUTHORITY	1	4	5	3	19	22	1	2	3	30
JOINT MEETING OF ESSEX AND UNION COUNTIES	65	18	83	68	15	83	46	9	55	221
MIDDLESEX COUNTY UTILITIES AUTHORITY	48	0	48	29	0	29	9	0	9	86
MOUNT HOLLY MUNICIPAL UTILITIES AUTHORITY	1	0	1	1	1	2	6	0	6	9
NORTH BERGEN MUNICIPAL UTILITIES AUTHORITY	0	0	0	0	0	0	0	0	0	0
NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY	0	0	0	7	2	9	0	3	3	12

**TOTAL NUMBER OF INDIRECT USER PERMIT VIOLATIONS (cont.)**

<b>Authority Name</b>	<b>CSM* Effluent Violation Hazardous Pollutant</b>	<b>OR** Effluent Violation Hazardous Pollutant</b>	<b>Total</b>	<b>CSM* Effluent Violation Nonhazardous Pollutant</b>	<b>OR** Effluent Violation Nonhazardous Pollutant</b>	<b>Total</b>	<b>CSM* Reporting Violations</b>	<b>OR* Reporting Violations</b>	<b>Total</b>	<b>Total Violations Effluent and Reporting</b>
PASSAIC VALLEY SEWERAGE COMMISSIONERS	153	126	279	0	0	0	109	41	150	429
PEQUANNOCK, LINCOLN PARK & FAIRFIELD SEWERAGE AUTHORITY	0	0	0	0	0	0	1	0	1	1
RAHWAY VALLEY SEWERAGE AUTHORITY	5	1	6	9	4	13	0	0	0	19
ROCKAWAY VALLEY REGIONAL SEWERAGE AUTHORITY	4	0	4	4	1	5	1	8	9	18
STONY BROOK REGIONAL SEWERAGE AUTHORITY	0	0	0	2	0	2	0	0	0	2
THE LINDEN ROSELLE SEWERAGE AUTHORITY	1	0	1	2	0	2	1	0	1	4
THE OCEAN COUNTY UTILITIES AUTHORITY	6	0	6	27	1	28	22	0	22	56
THE SOMERSET RARITAN VALLEY SEWERAGE AUTHORITY	3	0	3	2	4	6	2	1	3	12
TOWNSHIP OF MORRIS	0	0	0	0	0	0	0	0	0	0
TRENTON SEWER UTILITY	0	0	0	0	0	0	0	0	0	0
WAYNE TOWNSHIP	0	0	0	0	0	0	0	0	0	0
<b>TOTAL</b>	<b>313</b>	<b>181</b>	<b>494</b>	<b>267</b>	<b>113</b>	<b>380</b>	<b>207</b>	<b>77</b>	<b>284</b>	<b>1158</b>

\* CSM means categorical/significant/major indirect user defined by DLA

\*\* Other Reg. means other regulated indirect users not qualifying as a CSM by DLA

<b>EFFLUENT VIOLATIONS CONSTITUTING SERIOUS VIOLATIONS</b> (including those contested)			
<b>Authority Name</b>	<b>CSM*</b>	<b>Other Reg.**</b>	<b>Item Total</b>
BAYSHORE REGIONAL SEWERAGE AUTHORITY	0	0	0
BERGEN COUNTY UTILITIES AUTHORITY	20	23	43
CAMDEN COUNTY MUNICIPAL UTILITIES AUTHORITY	43	30	73
CUMBERLAND COUNTY UTILITIES AUTHORITY	2	0	2
EWING-LAWRENCE SEWERAGE AUTHORITY	0	0	0
GLOUCESTER COUNTY UTILITIES AUTHORITY	4	0	4
HAMILTON TOWNSHIP DEPARTMENT OF WATER POLLUTION CONTROL	0	1	1
HANOVER SEWERAGE AUTHORITY	0	4	4
JOINT MEETING OF ESSEX AND UNION COUNTIES	31	12	43
MIDDLESEX COUNTY UTILITIES AUTHORITY	47	0	47
MOUNT HOLLY MUNICIPAL UTILITIES AUTHORITY	0	0	0
NORTH BERGEN MUNICIPAL UTILITIES AUTHORITY	0	0	0
NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY	6	2	8
PASSAIC VALLEY SEWERAGE COMMISSIONERS	32	15	47
PEQUANNOCK, LINCOLN PARK & FAIRFIELD SEWERAGE AUTHORITY	0	0	0
RAHWAY VALLEY SEWERAGE AUTHORITY	10	5	15
ROCKAWAY VALLEY REGIONAL SEWERAGE AUTHORITY	4	2	6
STONY BROOK REGIONAL SEWERAGE AUTHORITY	0	0	0
THE LINDEN ROSELLE SEWERAGE AUTHORITY	1	0	1
THE OCEAN COUNTY UTILITIES AUTHORITY	7	0	7
THE SOMERSET RARITAN VALLEY SEWERAGE AUTHORITY	1	3	4
TOWNSHIP OF MORRIS	0	0	0
TRENTON SEWER UTILITY	0	0	0
WAYNE TOWNSHIP	0	0	0
<b>TOTAL</b>	<b>208</b>	<b>97</b>	<b>305</b>

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**AFFIRMATIVE DEFENSES GRANTED**  
(for bypasses, etc.)  
**INVOLVING SERIOUS VIOLATIONS**

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	4	7	11
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	10	0	10
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	1	0	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	0	0	0
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
<b>TOTAL</b>	<b>19</b>	<b>8</b>	<b>27</b>

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<b>TOTAL NUMBER OF INDIRECT USERS QUALIFYING AS SIGNIFICANT NONCOMPLIERS</b>			
<b>Authority Name</b>	<b>CSM*</b>	<b>Other Reg.**</b>	<b>Item Total</b>
BAYSHORE REGIONAL SEWERAGE AUTHORITY	0	0	0
BERGEN COUNTY UTILITIES AUTHORITY	1	3	4
CAMDEN COUNTY MUNICIPAL UTILITIES AUTHORITY	4	5	9
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	1	1
HANOVER SEWERAGE AUTHORITY	0	0	0
JOINT MEETING OF ESSEX AND UNION COUNTIES	11	2	13
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	1	1	2
PASSAIC VALLEY SEWERAGE COMMISSIONERS	1	5	6
PEQUANNOCK, LINCOLN PARK & FAIRFIELD SEWERAGE AUTHORITY	0	0	0
RAHWAY VALLEY SEWERAGE AUTHORITY	1	0	1
ROCKAWAY VALLEY REGIONAL SEWERAGE AUTHORITY	1	0	1
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	1	1
TOWNSHIP OF MORRIS	0	0	0
TRENTON SEWER UTILITY	0	0	0
WAYNE TOWNSHIP	0	0	0
<b>TOTAL</b>	<b>28</b>	<b>18</b>	<b>46</b>

\* CSM means categorical/significant/major indirect user defined by DLA

\*\* Other Reg. means other regulated indirect users not qualifying as a CSM by DLA

<b>TOTAL NUMBER OF VIOLATIONS OF AO/ACOs</b>			
<b>Authority Name</b>	<b>CSM*</b>	<b>Other Reg.**</b>	<b>Item Total</b>
BAYSHORE REGIONAL SEWERAGE AUTHORITY	0	0	0
BERGEN COUNTY UTILITIES AUTHORITY	0	0	0
CAMDEN COUNTY MUNICIPAL UTILITIES AUTHORITY	1	4	5
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	2	0	2
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
<b>TOTAL</b>	<b>3</b>	<b>4</b>	<b>7</b>

\* CSM means categorical/significant/major indirect user defined by DLA

\*\* Other Reg. means other regulated indirect users not qualifying as a CSM by DLA

<b>TOTAL NUMBER OF COMPLIANCE MILESTONES OUT BY 90 DAYS OR MORE</b>			
<b>Authority Name</b>	<b>CSM*</b>	<b>Other Reg.**</b>	<b>Item Total</b>
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	1	0	1
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
<b>TOTAL</b>	<b>1</b>	<b>0</b>	<b>1</b>

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\*\* Other Reg. means other regulated indirect users not qualifying as a CSM by DLA

<b>INDIRECT USERS IDENTIFIED AS SNC IN 2004 WHICH HAVE ACHIEVED COMPLIANCE BY 12/31/2004</b>			
<b>Authority Name</b>	<b>CSM*</b>	<b>Other Reg.**</b>	<b>Item Total</b>
BAYSHORE REGIONAL SEWERAGE AUTHORITY	0	0	0
BERGEN COUNTY UTILITIES AUTHORITY	1	2	3
CAMDEN COUNTY MUNICIPAL UTILITIES AUTHORITY	1	3	4
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	1	1
HANOVER SEWERAGE AUTHORITY	0	0	0
JOINT MEETING OF ESSEX AND UNION COUNTIES	3	1	4
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	1	4	5
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	1	1
TOWNSHIP OF MORRIS	0	0	0
TRENTON SEWER UTILITY	0	0	0
WAYNE TOWNSHIP	0	0	0
<b>TOTAL</b>	<b>8</b>	<b>12</b>	<b>20</b>

\* CSM means categorical/significant/major indirect user defined by DLA

\*\* Other Reg. means other regulated indirect users not qualifying as a CSM by DLA

<b>INDIRECT USERS IDENTIFIED AS SNC IN 2003 WHICH HAVE ACHIEVED COMPLIANCE DURING 2004</b>			
<b>Authority Name</b>	<b>CSM*</b>	<b>Other Reg.**</b>	<b>Item Total</b>
BAYSHORE REGIONAL SEWERAGE AUTHORITY	0	0	0
BERGEN COUNTY UTILITIES AUTHORITY	0	1	1
CAMDEN COUNTY MUNICIPAL UTILITIES AUTHORITY	1	3	4
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	1	1
HANOVER SEWERAGE AUTHORITY	0	0	0
JOINT MEETING OF ESSEX AND UNION COUNTIES	6	3	9
MIDDLESEX COUNTY UTILITIES AUTHORITY	0	0	0
MOUNT HOLLY MUNICIPAL UTILITIES AUTHORITY	6	0	6
NORTH BERGEN MUNICIPAL UTILITIES AUTHORITY	0	0	0
NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY	0	0	0
PASSAIC VALLEY SEWERAGE COMMISSIONERS	11	7	18
PEQUANNOCK, LINCOLN PARK & FAIRFIELD SEWERAGE AUTHORITY	0	0	0
RAHWAY VALLEY SEWERAGE AUTHORITY	0	0	0
ROCKAWAY VALLEY REGIONAL SEWERAGE AUTHORITY	1	0	1
STONY BROOK REGIONAL SEWERAGE AUTHORITY	0	0	0
THE LINDEN ROSELLE SEWERAGE AUTHORITY	0	0	0
THE OCEAN COUNTY UTILITIES AUTHORITY	0	1	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
<b>TOTAL</b>	<b>27</b>	<b>16</b>	<b>43</b>

\* CSM means categorical/significant/major indirect user defined by DLA

\*\* Other Reg. means other regulated indirect users not qualifying as a CSM by DLA

<b>TOTAL NUMBER OF ENFORCEMENT ACTIONS RESULTING FROM DLA INSPECTIONS/SAMPLING</b>			
<b>Authority Name</b>	<b>CSM*</b>	<b>Other Reg.**</b>	<b>Item Total</b>
BAYSHORE REGIONAL SEWERAGE AUTHORITY	0	0	0
BERGEN COUNTY UTILITIES AUTHORITY	10	11	21
CAMDEN COUNTY MUNICIPAL UTILITIES AUTHORITY	13	7	20
CUMBERLAND COUNTY UTILITIES AUTHORITY	5	0	5
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	2	8	10
JOINT MEETING OF ESSEX AND UNION COUNTIES	67	30	97
MIDDLESEX COUNTY UTILITIES AUTHORITY	2	0	2
MOUNT HOLLY MUNICIPAL UTILITIES AUTHORITY	1	0	1
NORTH BERGEN MUNICIPAL UTILITIES AUTHORITY	0	0	0
NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY	0	0	0
PASSAIC VALLEY SEWERAGE COMMISSIONERS	60	67	127
PEQUANNOCK, LINCOLN PARK & FAIRFIELD SEWERAGE AUTHORITY	0	0	0
RAHWAY VALLEY SEWERAGE AUTHORITY	18	9	27
ROCKAWAY VALLEY REGIONAL SEWERAGE AUTHORITY	3	0	3
STONY BROOK REGIONAL SEWERAGE AUTHORITY	0	0	0
THE LINDEN ROSELLE SEWERAGE AUTHORITY	0	0	0
THE OCEAN COUNTY UTILITIES AUTHORITY	17	0	17
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
<b>TOTAL</b>	<b>200</b>	<b>135</b>	<b>335</b>

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\*\* Other Reg. means other regulated indirect users not qualifying as a CSM  
by DLA

<b>TOTAL NUMBER OF VIOLATIONS FOR WHICH PENALTIES HAVE BEEN ASSESSED</b>			
<b>Authority Name</b>	<b>CSM*</b>	<b>Other Reg.**</b>	<b>Item Total</b>
BAYSHORE REGIONAL SEWERAGE AUTHORITY	0	0	0
BERGEN COUNTY UTILITIES AUTHORITY	4	11	15
CAMDEN COUNTY MUNICIPAL UTILITIES AUTHORITY	36	46	82
CUMBERLAND COUNTY UTILITIES AUTHORITY	9	0	9
EWING-LAWRENCE SEWERAGE AUTHORITY	0	0	0
GLOUCESTER COUNTY UTILITIES AUTHORITY	5	0	5
HAMILTON TOWNSHIP DEPARTMENT OF WATER POLLUTION CONTROL	0	5	5
HANOVER SEWERAGE AUTHORITY	0	12	12
JOINT MEETING OF ESSEX AND UNION COUNTIES	154	39	193
MIDDLESEX COUNTY UTILITIES AUTHORITY	120	0	120
MOUNT HOLLY MUNICIPAL UTILITIES AUTHORITY	1	1	2
NORTH BERGEN MUNICIPAL UTILITIES AUTHORITY	0	0	0
NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY	7	3	10
PASSAIC VALLEY SEWERAGE COMMISSIONERS	73	109	182
PEQUANNOCK, LINCOLN PARK & FAIRFIELD SEWERAGE AUTHORITY	0	0	0
RAHWAY VALLEY SEWERAGE AUTHORITY	4	5	9
ROCKAWAY VALLEY REGIONAL SEWERAGE AUTHORITY	4	2	6
STONY BROOK REGIONAL SEWERAGE AUTHORITY	0	0	0
THE LINDEN ROSELLE SEWERAGE AUTHORITY	3	0	3
THE OCEAN COUNTY UTILITIES AUTHORITY	13	0	13
THE SOMERSET RARITAN VALLEY SEWERAGE AUTHORITY	1	2	3
TOWNSHIP OF MORRIS	0	0	0
TRENTON SEWER UTILITY	0	0	0
WAYNE TOWNSHIP	0	0	0
<b>TOTAL</b>	<b>434</b>	<b>235</b>	<b>669</b>

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<b>TOTAL AMOUNT OF ALL ASSESSED PENALTIES</b>			
<b>Authority Name</b>	<b>CSM*</b>	<b>Other Reg.**</b>	<b>Item Total</b>
BAYSHORE REGIONAL SEWERAGE AUTHORITY	\$0	\$0	\$0
BERGEN COUNTY UTILITIES AUTHORITY	\$4,000	\$20,000	\$24,000
CAMDEN COUNTY MUNICIPAL UTILITIES AUTHORITY	\$120,475	\$126,250	\$246,725
CUMBERLAND COUNTY UTILITIES AUTHORITY	\$6,250	\$0	\$6,250
EWING-LAWRENCE SEWERAGE AUTHORITY	\$0	\$0	\$0
GLOUCESTER COUNTY UTILITIES AUTHORITY	\$21,000	\$0	\$21,000
HAMILTON TOWNSHIP DEPARTMENT OF WATER POLLUTION CONTROL	\$0	\$5,000	\$5,000
HANOVER SEWERAGE AUTHORITY	\$0	\$2,000	\$2,000
JOINT MEETING OF ESSEX AND UNION COUNTIES	\$608,197	\$128,625	\$736,822
MIDDLESEX COUNTY UTILITIES AUTHORITY	\$110,000	\$0	\$110,000
MOUNT HOLLY MUNICIPAL UTILITIES AUTHORITY	\$1,000	\$338	\$1,338
NORTH BERGEN MUNICIPAL UTILITIES AUTHORITY	\$0	\$0	\$0
NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY	\$46,750	\$12,400	\$59,150
PASSAIC VALLEY SEWERAGE COMMISSIONERS	\$296,700	\$227,500	\$524,200
PEQUANNOCK, LINCOLN PARK & FAIRFIELD SEWERAGE AUTHORITY	\$0	\$0	\$0
RAHWAY VALLEY SEWERAGE AUTHORITY	\$4,000	\$9,000	\$13,000
ROCKAWAY VALLEY REGIONAL SEWERAGE AUTHORITY	\$10,000	\$2,000	\$12,000
STONY BROOK REGIONAL SEWERAGE AUTHORITY	\$0	\$0	\$0
THE LINDEN ROSELLE SEWERAGE AUTHORITY	\$11,000	\$0	\$11,000
THE OCEAN COUNTY UTILITIES AUTHORITY	\$47,825	\$0	\$47,825
THE SOMERSET RARITAN VALLEY SEWERAGE AUTHORITY	\$1,000	\$19,125	\$20,125
TOWNSHIP OF MORRIS	\$0	\$0	\$0
TRENTON SEWER UTILITY	\$0	\$0	\$0
WAYNE TOWNSHIP	\$0	\$0	\$0
<b>TOTAL</b>	<b>\$1,288,797</b>	<b>\$552,238</b>	<b>\$1,841,035</b>

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<b>TOTAL AMOUNT OF PENALTIES COLLECTED</b>			
<b>Authority Name</b>	<b>CSM*</b>	<b>Other Reg.**</b>	<b>Item Total</b>
BAYSHORE REGIONAL SEWERAGE AUTHORITY	\$0	\$0	\$0
BERGEN COUNTY UTILITIES AUTHORITY	\$4,000	\$19,500	\$23,500
CAMDEN COUNTY MUNICIPAL UTILITIES AUTHORITY	\$115,250	\$84,500	\$199,750
CUMBERLAND COUNTY UTILITIES AUTHORITY	\$6,250	\$0	\$6,250
EWING-LAWRENCE SEWERAGE AUTHORITY	\$0	\$0	\$0
GLOUCESTER COUNTY UTILITIES AUTHORITY	\$8,000	\$0	\$8,000
HAMILTON TOWNSHIP DEPARTMENT OF WATER POLLUTION CONTROL	\$0	\$13,000	\$13,000
HANOVER SEWERAGE AUTHORITY	\$0	\$2,000	\$2,000
JOINT MEETING OF ESSEX AND UNION COUNTIES	\$309,225	\$49,900	\$359,125
MIDDLESEX COUNTY UTILITIES AUTHORITY	\$87,900	\$0	\$87,900
MOUNT HOLLY MUNICIPAL UTILITIES AUTHORITY	\$1,000	\$338	\$1,338
NORTH BERGEN MUNICIPAL UTILITIES AUTHORITY	\$0	\$0	\$0
NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY	\$11,150	\$7,000	\$18,150
PASSAIC VALLEY SEWERAGE COMMISSIONERS	\$223,000	\$235,200	\$458,200
PEQUANNOCK, LINCOLN PARK & FAIRFIELD SEWERAGE AUTHORITY	\$0	\$0	\$0
RAHWAY VALLEY SEWERAGE AUTHORITY	\$4,000	\$9,000	\$13,000
ROCKAWAY VALLEY REGIONAL SEWERAGE AUTHORITY	\$3,000	\$2,000	\$5,000
STONY BROOK REGIONAL SEWERAGE AUTHORITY	\$0	\$0	\$0
THE LINDEN ROSELLE SEWERAGE AUTHORITY	\$9,500	\$0	\$9,500
THE OCEAN COUNTY UTILITIES AUTHORITY	\$55,325	\$1,750	\$57,075
THE SOMERSET RARITAN VALLEY SEWERAGE AUTHORITY	\$1,000	\$0	\$1,000
TOWNSHIP OF MORRIS	\$0	\$0	\$0
TRENTON SEWER UTILITY	\$0	\$0	\$0
WAYNE TOWNSHIP	\$0	\$0	\$0
<b>TOTAL</b>	<b>\$838,600</b>	<b>\$424,188</b>	<b>\$1,262,788</b>

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<b>ENFORCEMENT COSTS RECOVERED FROM VIOLATORS IN AN ENFORCEMENT ACTION</b>			
<b>Authority Name</b>	<b>CSM*</b>	<b>Other Reg.**</b>	<b>Item Total</b>
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	\$19,500	\$2,500	\$22,000
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
<b>TOTAL</b>	<b>\$19,500</b>	<b>\$2,500</b>	<b>\$22,000</b>

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<b>CRIMINAL ACTIONS FILED BY ATTORNEY GENERAL OR COUNTY PROSECUTORS</b>			
<b>Authority Name</b>	<b>CSM*</b>	<b>Other Reg.**</b>	<b>Item Total</b>
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	1	0	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
<b>TOTAL</b>	<b>1</b>	<b>0</b>	<b>1</b>

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**APPENDIX IV-C**  
**SPECIFIC PURPOSES FOR WHICH PENALTY MONIES COLLECTED**  
**BY THE DLAs HAVE BEEN SPENT**

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

The following are 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.

**1. Bayshore Regional Sewerage Authority**

None Spent

**2. Bergen County Utilities Authority**

LIST OF PENALTY MONIES EXPENDED DURING 2004-

<u>AMOUNT</u>	<u>USE</u>
\$ 900.00	NJDEP Operator Training Fund
\$ 450.00	AMSA/EPA Pretreatment Coordinators Workshop
\$ 185.15	NJWEA Annual Conference
\$ 115.00	Radius Update Class -Rutgers
\$ 166.46	Volunteer Monitoring Summit
\$ 30.00	NJ Project WET
\$ 1,747.20	Can the Grease Program

### 3. 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
Patricia M. Wright	Industrial Pretreatment Supervisor
Barclay Conrad	Sr. Environmental Health Specialist Industrial Pretreatment
Samuel M. Loperfido	Sr. Environmental Health Specialist Industrial Pretreatment
Trudy N. Okonkwo	Sr. Environmental Health Specialist Industrial Pretreatment
Robert S. Downes <b>Industrial Pretreatment</b>	Environmental Health Specialist
Coleen Noble	Principal Clerk Typist Industrial Pretreatment
Edward Wharton	Environmental Health Aide Industrial Pretreatment
<u>LEGAL DEPARTMENT STAFF NAME</u>	<u>TITLE</u>
Larry Rosoff	Esquire
Katherine Wade-Battle	Esquire

**4. Cumberland County Utilities Authority**

Penalty monies collected (\$ 6,250.00 less 10% to the state) have been used in Support of the following line items:

a) Lab analysis, IPP testing	\$ 3,00
b) Computer software & support	\$ 4,000
c) Supplies & equipment, IPP	\$ 3,000
d) Vehicle operation & maintenance	\$ 2,000
(proportionate amount for 1 vehicle out of a fleet of 20)	
e) Personnel -IPP technician	\$45,000

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

**5. Ewing-Lawrence Sewerage Authority**

None Spent

**6. Gloucester County Utilities Authority**

None Spent

**7. 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.

**8. Hanover Sewerage Authority**

Estimated enforcement costs incurred reviewing, issuing and collecting mandatory penalties.	\$ 500
Transferred to capital fund for upgrading and treatment works	\$ 1,300
Sent to the Wastewater Operator's Trust Fund:	\$ 200

**9. Joint Meeting of Essex and Union Counties**

Expenditure of monies from the industrial pretreatment account:  
\$257,270.00 Salaries (4 positions: IPP Coordinator and Pretreatment Officers  
\$ 40,484.47 Legal Expenses  
\$ 25,812.50 State of NJ -Operator's Training Fund  
  
\$323,566.97 **Total**

**10. 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.

**11. Middlesex County Utilities Authority**

In 2004, the Middlesex County Utilities Authority collected \$ 87,900.00 in penalties which includes assessments for calendar year 2004 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. 58:1 1-55(b).

**12. Morris Township**

None Spent.

**13. 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.

**14. North Bergen Municipal Utilities Authority**

None Spent



### **15. Northwest Bergen County Utilities Authority**

Penalty Monies collected during the calendar year of 2004 have been utilized in the following manner:

- a) Offset costs of funding for the contract laboratory analysis by Garden State Laboratories, Inc. for samples collected as part of the NBCUA Industrial Pretreatment Program.
- b) Offset legal costs associated with the implementation of the Industrial Pretreatment Program

### **16. Ocean County Utilities Authority**

Twelve penalties were assessed during the year 2004 totaling \$47,825.00. All twelve penalties from the year 2004 were collected for a total of \$57,075.00.

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.

### **17. Passaic Valley Sewerage Commissioners**

The PVSC User Charge System was approved by DEP and EPA in 1979 and implemented in 1980. That system collects the funds to operate all cost centers at PVSC including the Industrial and Pollution Control Department. Penalty monies such as fines are designated as miscellaneous income and reduce the overall amount of money to be collected from the user charge system. We do not attempt to collect fines and penalties and dedicate their use to fund specific Industrial Departmental functions. We would hope that a successful pretreatment program would result in lower levels of fines in time. Thus, we do not try to recover all our department costs from penalties.

Although we have not taken penalty monies collected and allocated them for specific department purposes, we can list the cost centers and line items associated with the various department functions. The items are as follows.

<b><u>MANAGER</u></b>	<b><u>COST CENTER 81050</u></b>
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

**Passaic Valley Sewerage Commissioners (cont.)**

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

**Passaic Valley Sewerage Commissioners(cont.)**

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
Salaries-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
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

**Passaic Valley Sewerage Commissioners(cont.)**

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

## **Passaic Valley Sewerage Commissioners(cont.)**

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

### **18. Rahway Valley Sewerage Authority**

During the 2004 reporting year, Rahway Valley Sewerage Authority collected \$13,000.00 in penalties, and in January 2005 ten percent (10%) of \$13,000.00 (\$1,300.00) 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.

### **19. 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.

### **20. Somerset Raritan Valley Sewerage Authority**

The penalty monies collected in 2004 have been expended in this way:

The SRVSA will submit 10% of the \$1,000.00 to the NJDEP.

The rest of the penalty monies will be appropriated to the IPP Budget line item 01-700-673 8-5 (Professional Services)

**21. Stony Brook Regional Sewerage Authority**

None Spent

**22. City of Trenton**

None Spent

**23. The Pequannock, Lincoln Park and Fairfield Sewerage Authority**

None Spent

**24. Wayne Township**

None Spent.