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NEW JERSEY DEPARTMENT OF  
 ENVIRONMENTAL PROTECTION and  
 SHAWN M. LATOURETTE,  
 COMMISSIONER OF THE NEW JERSEY  
 DEPARTMENT OF ENVIRONMENTAL  
 PROTECTION,

Plaintiffs,

v.

HAWK'S AUTO AND TRUCK RECYCLING  
 INC., SHARLIN PROPERTIES LLC, and  
 BRIAN HAWKINS SENIOR,

Defendant.

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SUPERIOR COURT OF NEW JERSEY  
 CHANCERY DIVISION – MERCER COUNTY  
 DOCKET NO.

CIVIL ACTION

**VERIFIED COMPLAINT TO ENFORCE FINAL  
 AGENCY ORDERS AND RECOVER CIVIL  
 PENALTIES IN A SUMMARY PROCEEDING  
 PURSUANT TO R. 4:67-6 AND R. 4:70**

Plaintiffs New Jersey Department of Environmental Protection (“Department”), and Shawn M. LaTourette, Commissioner of the New Jersey Department of Environmental Protection (“Commissioner”) (collectively, “Department”), by and through their attorney, bring this verified complaint against Defendants Hawk’s Auto and Truck Recycling, Inc. (“Hawk’s”), Sharlin Properties LLC (“Sharlin”), and Brian Hawkins Senior (collectively, “Defendants”), and allege as follows:

### **STATEMENT OF THE CASE**

1. The Department brings this summary action to compel Defendants to remove and dispose of contaminated soil and an approximately 1,650 cubic yard pile of solid waste located on property located at 65 Muirhead Ave., Trenton, New Jersey ("Site"), at which Defendant Hawk's Auto and Truck Recycling Inc. ("Hawk's") operates an automobile salvage business. The Department also seeks to compel Hawk's to comply with its stormwater permit, designed to prevent water pollution.

2. Hawk's failed and continues to fail to follow best management practices ("BMPs") to prevent the discharge of oil and other vehicle fluids to the waters and soils of the State, in violation of its New Jersey Pollution Discharge Elimination System ("NJPDES") Vehicle Recycling Stormwater Discharge Permit ("Stormwater Permit"), the Solid Waste Management Act ("SWMA"), and the Water Pollution Control Act ("WPCA"). In addition, Defendants stored and continue to store vehicle parts, tires, construction debris and other solid waste on the Site in violation of the SWMA, WPCA and Hawk's NJPDES permit.

3. The Department issued two Administrative Orders and Notices of Civil Administrative Penalty Assessment ("AONOCAPAs") to some or all of the Defendants for their violations. The first AONOCAPA, issued on November 3, 2022, required Hawk's to remedy its violations of Hawk's Stormwater Permit and assesses a civil administrative penalty. The second AONOCAPA, issued on August 29, 2023, required all three Defendants to cease operating a solid waste facility in violation of the SWMA, and assessed civil administrative penalties. Both are now Final Agency Orders ("Stormwater FAO" and "Solid Waste FAO," respectively).

4. To date, Hawk's has failed to comply with the Stormwater Permit, and has failed to pay the \$20,000 penalty assessed in the Stormwater FAO. All three Defendants have also

failed to comply with the Solid Waste FAO, and have failed to pay the \$4,500 penalty assessed in the Solid Waste FAO.

5. The vehicle fluids discharged at the Site include gasoline, engine oil, coolants, brake fluid, power steering fluid, transmission fluid and wiper fluid drained from vehicles when they are dismantled for recycling. The fluids threaten the environment and public health when discharged to soil, stormwater or groundwater. For example, human exposure to gasoline components, including through ingestion or inhalation of vapors, can cause dizziness, headaches, lung irritation, nervous system disruptions and damage to the liver, kidneys, central nervous system, and eyes. These contaminants also persist in soil for long periods of time, impeding plant growth and threatening birds and mammals with irritation and toxicity.

6. Defendants' violations of environmental laws and regulations pose an ongoing risk to public health, safety, and the environment in the Trenton community. The community surrounding the Site has a significant minority and low-income population such that it is considered an "overburdened community" within the meaning of N.J.S.A. 13:1D-158.<sup>1</sup> Historically, across New Jersey, such communities have been disproportionally exposed to high-polluting facilities and to the resultant threats of high levels of air, water, soil, and noise pollution, and accompanying increased negative public health impacts.

7. Residents of all communities should receive fair and equitable treatment in matters affecting their environment, community, homes, and health without regard to race,

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<sup>1</sup> "Overburdened community means any census block group, as determined in accordance with the most recent United States Census, in which: (1) at least 35 percent of the households qualify as low-income households; (2) at least 40 percent of the residents identify as minority or as members of a State recognized tribal community; or (3) at least 40 percent of the households have limited English proficiency." N.J.S.A. 13:1D-158. The Site is located within an area of Trenton that is listed as an overburdened community on the Department's website, pursuant to N.J.S.A. 13:1D-159.

language or income. See, e.g., Exec. Order No. 23 (April 20, 2018), 50 N.J.R. 1241(b) (May 21, 2018); Environmental Justice Law, N.J.S.A. 13:1D-157 to -161.

8. The Department seeks through this summary proceeding to require Defendants to comply with both FAOs. The Department also seeks an order requiring Hawk's to implement vehicle parts storage area BMPs in accordance with its Stormwater Permit and requiring all three Defendants to comply with the SWMA by delineating and removing any contaminated soils and removing the stockpiled tires and other solid waste from the Site. Finally, the Department seeks civil penalties against all three Defendants for their violation of the Solid Waste FAO, and additional civil penalties against Hawk's for its violation of the Stormwater FAO.

#### **THE PARTIES**

9. The Department is a principal department within the Executive Branch of the State government, with its principal offices at 401 East State Street, Trenton, Mercer County, New Jersey.

10. The Department's enabling legislation, N.J.S.A. 13:D-1 to -19, vests it with the authority to conserve and protect natural resources, protect the environment, prevent pollution, and protect the public health and safety. The Department's enabling legislation, the WPCA, N.J.S.A. 58:10A-1 through -73, and the SWMA, N.J.S.A. 13:1E-1 through -48, empower the Department to institute legal proceedings seeking injunctive relief, including compelling remediation, and pursuing civil penalties in Superior Court.

11. Shawn M. LaTourette is the Commissioner of the Department. In this capacity, the Commissioner is vested by law with various powers and authority, including those conferred by DEP's enabling legislation, the SWMA, and the WPCA. N.J.S.A. 13:1E-9(b); N.J.S.A. 58:10A-10.



12. Defendant Sharlin Properties LLC is a New Jersey corporation with a principal place of business at 103 Argonne Ave., Yardville, New Jersey. Sharlin owns the Site, which is located at 65 Muirhead Ave., Trenton City, Mercer County, also known as Block 7700 and Lots 1,2,3,4,5,6,7,8,9,10,11 and 12, on the tax map of Trenton City.

13. Defendant Hawk's Auto and Truck Recycling Inc., formerly Trenton Auto Recyclers, is a New Jersey corporation with a principal place of business at 65 Muirhead Ave., Trenton City, Mercer County. Hawk's operates an automobile salvage business on the Site at 65 Muirhead Ave.

14. Defendant Brian Hawkins Senior is the owner and operator of Hawk's.

#### **FACTUAL ALLEGATIONS**

15. Sharlin owns the Site, which is located at 65 Muirhead Ave. in Trenton. Upon information and belief, Sharlin leases the Site to Brian Hawkins Senior or Hawk's.

16. The Department has designated the Site as Solid Waste Program Interest Number U2920 and Water Program Interest Number 130208

17. Hawk's operates a vehicle dismantling facility on the Site.

18. Brian Hawkins Senior is the owner and operator of Hawk's.

19. The Department issued the Stormwater Permit, NJPDES Vehicle Recycling Stormwater Discharge Permit No. NJG0140279, to Trenton Auto Recyclers effective October 1, 2012. Certification of Bryan Barrett ("Barrett Cert."), Exhibit A.

20. Trenton Auto Recyclers transferred the Stormwater Permit to Hawk's effective June 1, 2014. Barrett Cert., Exhibit B.

21. Pursuant to the WPCA, no person may discharge any pollutant to the waters of the State except in conformity with a valid NJPDES permit. N.J.S.A. 58:10A-6(a). Vehicle Recycling Stormwater Discharge Permits require the holder to follow prescribed BMPs,

including practices that prevent discharge of fuel, engine oil, and other vehicle fluids to stormwater.

22. On January 30 and February 1, 2019 the Department's Bureau of Solid Waste Compliance and Enforcement ("BSWCE") observed solid waste on the Site. The waste included tires and construction and demolition debris. The waste was uncovered and thus exposed to rain, and was therefore a source of runoff. Pollutants in such runoff can contaminate soil and water. Certification of Mike Lee ("Lee Cert."), ¶2.

23. Neither Hawk's nor Sharlin has the required Solid Waste Facility Permit ("SWF Permit") to dispose of solid waste, operate a solid waste facility, or store scrap tires for longer than six months. Lee Cert., ¶3.

24. BSWCE issued a Notice of Violation ("NOV") to Hawk's on February 1, 2019 for failure to obtain a SWF Permit prior to disposal of tires and debris on the Site, to which Hawk's did not respond. Lee Cert., Exh. A.

25. The Department's Central Bureau of Water Compliance and Enforcement ("CBWCE") inspected the Site on January 30, 2020 and observed numerous failures to comply with the Stormwater Permit. Specifically, vehicle parts were stored uncovered, the stormwater from the storage area was not discharged into an oil/water separator, fluid draining took place in an uncovered area, the stormwater from the drainage area was not discharged into an oil/water separator, and drained fluid was not stored in a designated area that was either indoors or on an impervious surface that was contained and under cover. Barrett Cert., ¶6.

26. During the inspection, CBWCE found Hawk's in violation of the Stormwater Permit and issued Hawk's a second NOV. Barrett Cert., Exh. C. The NOV cited Hawk's failure to implement vehicle parts storage area BMPs as required by the Stormwater Permit; failure to drain and dismantle parts as required by the Stormwater Permit; failure to store drained

fluids as required by the Stormwater Permit; and failure to eliminate uncontrolled fluid discharges as required by the Stormwater Permit. Id. Hawk's did not respond to the second NOV. Barrett Cert., ¶7.

27. CBWCE conducted another inspection of the Site on June 8, 2021 and again observed violations of the Stormwater Permit. Specifically, Hawk's failed to drain fluids from vehicles in a designated area, and stored vehicle parts in a pile of solid waste on the Site that was exposed to stormwater. Barrett Cert., ¶8.

28. As a result of this inspection, CBWCE issued Hawk's a third NOV on July 20, 2021 specifically requiring Hawk's to remove the vehicle parts pile from contact with stormwater within 90 calendar days. Barrett Cert., Exhibit D. Hawk's did not respond to the third NOV. Barrett Cert., ¶9. The pile was observed in subsequent inspections by both CBWCE and BSWCE.

29. CBWCE conducted another inspection of the Site on June 1, 2022. In addition to the vehicle parts pile, CBWCE observed engines, transmissions and axles stored in a manner and location where they would come into contact with stormwater. CBWCE also observed engines and a hydraulic excavator that had leaked fluids onto the soil, where they could either soak into the soil or contaminate stormwater. Barrett Cert., ¶10. These activities violate the Stormwater Permit.

30. As a result of the additional permit violations identified in the June 1, 2022 inspection, CBWCE issued a fourth NOV to Hawk's on July 29, 2022. Barrett Cert., Exh. E. The NOV required Hawk's to comply with BMPs related to vehicle parts storage and fluid draining, comply with BMPs related to hydraulic equipment, remove and properly dispose of all leaked fluids and address areas where fluids leaked onto the ground, and immediately cease storing

batteries in a location exposed to stormwater. Id. Hawk's did not respond to the fourth NOV. Barrett Cert., ¶11.

31. During inspections on September 8, 2022 and January 23, 2023, BSWCE again observed a stockpile of solid waste on the Site consisting of tires, wood, metal, plastics, paper, cardboard, concrete, brick, asphalt and soil materials. Lee Cert. ¶¶ 5, 8. A field measurement of the pile on September 8, 2022 showed that the volume of the stockpile was approximately 1,650 cubic yards. Lee Cert., ¶5.

32. Hawk's lacks the SWF Permit required to store solid waste on the Site. The stockpile of solid waste is also exposed to stormwater and is a source of runoff. BSWCE issued a fifth NOV for improper storage of solid waste and failure to obtain a SWF Permit to Hawk's on September 15, 2022. Lee Cert., Exh. B. To date, the Department has not received a response from Hawk's to this fifth NOV. Lee Cert., ¶7.

33. At the January 23, 2023 inspection, BSWCE also observed that tires had been stored on the Site in the solid waste pile for longer than one year. Lee Cert., ¶9. BSWCE thus issued a sixth NOV to Hawk's on January 26, 2023 for Hawk's improper storage of tires and failure to obtain an SWF Permit. Lee Cert., Exh. C. To date, the Department has not received a response from Hawk's to this sixth NOV. Lee Cert., ¶10.

34. On November 3, 2022, CBWCE issued an AONOCAPA to Hawk's identifying the following violations of the Stormwater Permit:

- a. The Fluid Storage Area was not indoors or on an impervious surface that was contained and under cover, in violation of BMPs;
- b. Vehicle parts and other oily materials were not stored indoors, in containers under cover, on a bermed impervious surface under cover, or in an area where stormwater drained to an oil/water separator, in violation of BMPs;

- c. Fluid draining and dismantling of parts containing fluids did not take place indoors, on a bermed impervious surface under cover, or in an area where stormwater drained to an oil/water separator, in violation of BMPs;
- d. Fluids were not drained in a designated area, in violation of BMPs; and
- e. Fluids were not stored in a designated area, in violation of BMPs.

35. The November 3, 2022 AONOCAPA directed Hawk's to comply with the Stormwater Permit and pay a civil administrative penalty of \$20,000. Barrett Cert, Exh. F.

36. The November 3, 2022 AONOCAPA also ordered Hawk's to implement Vehicle Parts Storage Area BMPs, Hydraulic Equipment BMPs, and Spill Prevention and Response BMPs as defined in the Stormwater Permit, including but not limited to storing vehicle parts and batteries in a location not exposed to stormwater and addressing fluids leaking from vehicles stored on the Site. The November 3, 2022 AONOCAPA also ordered Hawk's to begin draining fluids and dismantling parts either indoors, on an impervious surface, or in an area that drains to an oil/water separator. Barrett Cert., Exh. F.

37. Hawk's purported to submit a hearing request for the November 3, 2022 AONOCAPA on December 14, 2022, but the request was untimely and missing required items. The Department sent letters on May 19 and July 20, 2023 informing Hawk's that the request was deficient and requesting additional information. Hawk's failed to respond, and the Department denied the hearing request on November 28, 2023. Accordingly, the AONOCAPA became a FAO (the Stormwater FAO) on that date. Barrett Cert., Exh. G.

38. The Department issued a second AONOCAPA to Hawk's, Sharlin, and Brian Hawkins Senior on August 29, 2023 for the following SWMA violations:

- a. Failing to obtain a SWF Permit before engaging in the disposal of solid waste, in violation of N.J.A.C. 7:26-2.8(e);

- b. Failing to obtain a SWF Permit before constructing or operating a solid waste facility, in violation of N.J.A.C. 7:26-2.8(f); and
- c. Storing tires on-site for longer than six months, in violation of N.J.A.C. 7:26A-1.4(a)(5).

39. The August 29, 2023 AONOCAPA directed Defendants to remove improperly stored solid waste, including vehicle parts and tires, from the Site, conduct soil sampling, and pay a civil administrative penalty of \$4,500. Lee Cert., Ex. D.

40. Defendants had twenty days from receipt of the AONOCAPA to request a hearing. None of the three Defendants requested a hearing, and this AONOCAPA became a FAO (the Solid Waste FAO) on September 18, 2023. Lee Cert., ¶14.

41. The uncovered stockpile of tires and other solid waste, including contaminated soils, remains on the Site and exposed to stormwater. Certification of Anthony Shorrock, ¶7; Lee Cert., ¶16.

**COUNT I**  
**(as to Hawk's)**

**ENFORCEMENT OF THE STORMWATER FAO ON A SUMMARY BASIS**

42. The Commissioner repeats and incorporates each of the foregoing paragraphs as if set forth in their entirety herein.

43. The WPCA states that no person shall discharge any pollutant except in conformity with a valid NJPDES permit. N.J.S.A. 58:10A-6(a). Vehicle fluids and solid waste are “pollutants” as defined by N.J.A.C. 7:14A-1.2.

44. On November 3, 2022, the Department issued an AONOCAPA to Defendant Hawk's for failing to comply with the Stormwater Permit. Specifically, Hawk's stored vehicle parts and batteries in locations exposed to stormwater, including in a pile on the northwest

portion of the Site, and allowed vehicles and vehicle components to leak and fluids to be exposed to stormwater.

45. The November 3, 2022 AONOCAPA was not challenged and became the Stormwater FAO on November 28, 2023.

46. The Stormwater FAO required Defendant Hawk's to:

- a. Implement vehicle parts storage area best management practices in accordance with the Stormwater Permit within 30 calendar days;
- b. Implement facility hydraulic equipment best management practices in accordance with the Stormwater Permit within 5 calendar days;
- c. Drain and dismantle parts that contain fluids in a designated area that is either indoors or on an impervious surface that is contained and under cover, or collect or drain stormwater in a manner that prevents it from discharging to surface water or ground water;
- d. Store batteries in a location not exposed to stormwater;
- e. Implement Spill Protection and Response BMPs within 30 calendar days; and
- f. Pay a civil administrative penalty of \$20,000.

47. As of July 30, 2024, Defendant Hawk's has not removed the stockpile of vehicle parts from the Site, and has therefore not complied with the Stormwater FAO's requirement to implement vehicle parts storage BMPs. Defendant Hawk's has also not paid the civil administrative penalty.

48. Pursuant to Rule 4:67-6 and Rule 4:70, the Commissioner is entitled to summary enforcement of the Stormwater FAO.

**WHEREFORE**, the Commissioner demands judgment against Defendant Hawk's:

- a. Finding Defendant Hawk's in violation of the Stormwater FAO;

- b. Ordering Defendant Hawk's to comply with the terms of the Stormwater FAO including implementing Vehicle Parts Storage Area BMPs in accordance with the Stormwater Permit;
- c. Ordering Defendant Hawk's to pay the \$20,000 civil administrative penalty;
- d. Awarding the Department all costs and fees incurred in relation to this action; and
- e. Awarding such other relief as the Court deems just and proper.

**COUNT II**  
**(as to Hawk's)**

**CIVIL PENALTY FOR VIOLATION OF THE STORMWATER FAO**

49. The Commissioner repeats each allegation of the foregoing paragraphs as if fully set forth herein.

50. Any person who violates the WPCA or an order issued pursuant thereto, or who fails to pay a civil administrative penalty in full, shall be subject upon order of a court to a civil penalty not to exceed \$50,000 per day for such violation, and each day's continuance of the violation shall constitute a separate violation of the Act. N.J.S.A. 58:10A-10(e).

51. The Commissioner may bring an action in Superior Court seeking the imposition of these penalties, which, along with costs, may be recovered in a summary proceeding pursuant to the Penalty Enforcement Law of 1999, N.J.S.A. 2A:58-10 to -12. N.J.S.A. 58:10A-10(a), (e).

52. As set forth above, Defendant Hawk's has failed to comply with the Stormwater FAO.

**WHEREFORE**, the Commissioner demands judgment against Hawk's:

- a. Finding Hawk's in violation of the Stormwater FAO;



- b. Ordering Hawk's to pay a civil penalty pursuant to N.J.S.A. 58:10A-10(e) in an amount the Court deems just and proper;
- c. For such other relief as this Court deems just and proper; and
- d. Reserving the right to bring a claim in the future for natural resource damages arising out of any discharge of hazardous substances at the Site.

**COUNT III**  
**(as to all Defendants)**

**ENFORCEMENT OF THE SOLID WASTE FAO ON A SUMMARY BASIS**

53. The Department repeats and incorporates each of the foregoing paragraphs as if set forth in their entirety herein.

54. The SWMA defines solid waste as garbage, refuse, and other discarded materials resulting from industrial, commercial and agricultural operations, and from domestic and community activities. N.J.S.A. 13:1E-3. The vehicle parts, construction debris, soil stockpiled, and soils contaminated by oil and other fluid spills on the Site are all solid waste.

55. The SWMA prohibits any person from engaging in the disposal of solid waste or operating a solid waste facility without a SWF Permit. N.J.S.A. 13:1E-5; N.J.A.C. 7:26-2.8(e), (f).

56. A solid waste facility is any system, site, equipment or building which is used for the storage, collection, processing, transfer, separation, recycling, recovering or disposal of solid waste. N.J.A.C. 7:26-1.4.

57. The SWMA prohibits any person from engaging in the disposal of solid waste in excess of 0.148 cubic yards of solids except at an authorized solid waste facility. N.J.S.A. 13:1E-9.3(a); N.J.A.C. 7:26-3.4(b).

58. The SWMA defines a “person” as “an individual, trust, firm, joint stock company, Federal Agency, corporation (including a government corporation), corporate official, partnership, association, State, municipality, commission, political subdivision of a State, or any interstate body.” N.J.A.C. 7:26-1.4. Hawk’s, Sharlin, and Brian Hawkins Senior are all “persons” under SWMA. N.J.A.C. 7:26-1.4.

59. The storage of tires, wood, metal, plastics, paper, cardboard, concrete, block, brick and asphalt materials on the Site qualifies it as a solid waste facility under N.J.A.C. 7:26-1.4. Defendants therefore require a SWF Permit to operate, and cannot dispose of solid waste on the Site without such a permit. None of the Defendants possess the required SWF Permit.

60. Brian Hawkins Senior is the owner and operator of Hawk’s. Hawk’s vehicle dismantling business produces solid waste, specifically vehicle parts and tires, which it disposes of on the Site, and drained vehicle fluids which have contaminated soils on the Site.

61. Sharlin is the owner of the Site, and therefore the owner of a solid waste facility.

62. On January 30 and February 1, 2019, September 8, 2022, and January 23, 2023, the Department observed unpermitted storage of solid waste on the Site. On January 23, 2023, the Department also calculated that scrap tires had been stored on the Site for longer than six months in violation of N.J.A.C. 7:26A-1.4(a)(5).

63. Despite multiple NOVs, Defendants failed to address the unpermitted storage of solid waste. The Department issued an AONOCAPA on August 29, 2023, which no Defendant challenged. The AONOCAPA became the Solid Waste FAO on September 18, 2023.

64. The Solid Waste FAO required Defendants to:

- a. Cease the unpermitted disposal of solid waste and unpermitted operation of a solid waste facility on the Site;

- b. Within 30 days, submit a Corrective Action Plan containing a soil sampling and analysis plan to the Department for approval prior to the proper removal and disposal of all illegal solid waste on the Site;
- c. Within 90 days of approval of the Corrective Action Plan, remove from the Site all solid waste consisting of contaminated soil and transport it to an approved facility;
- d. Within 30 days of site cleanup, provide proof of disposal, treatment or re-use of all solid waste, including any contaminated soils which were removed from the Site; and
- e. Pay a civil administrative penalty of \$4,500.

65. As of July 30, 2024, no Defendant has complied with the Solid Waste FAO. Soil contaminated by oil and fluid spills remains on the Site, and scrap tires and other solid waste remains stockpiled in an uncovered pile on the Site.

66. Pursuant to Rule 4:67-6 and Rule 4:70, the Department is entitled to summary enforcement of the Solid Waste FAO.

**WHEREFORE**, the Department demands judgment against Defendants:

- a. Finding Defendants in violation of the Solid Waste FAO;
- b. Ordering Defendants to comply with the terms of the Solid Waste FAO including:
  - 1. Ceasing the unpermitted disposal of solid waste and unpermitted operation of a solid waste facility at the Site;
  - 2. Within 30 days, submitting a Corrective Action Plan containing a soil sampling and analysis plan to the Department for approval prior to the proper removal and disposal of all illegal solid waste on the Site;

3. Within 90 days of approval of the Corrective Action Plan, removing from the Site all solid waste consisting of contaminated soil and transport it to an approved facility; and
  4. Within 30 days of site cleanup, providing proof of disposal, treatment or re-use of all solid waste, including any contaminated soils which were removed from the Site.
- c. Ordering Defendants to pay the \$4,500 civil administrative penalty assessed in the Solid Waste FAO;
  - d. Awarding the Department all costs and fees incurred in relation to this action; and
  - e. Awarding such other relief as the Court deems just and proper.

**COUNT IV**  
**(as to all Defendants)**

**CIVIL PENALTY FOR VIOLATION OF THE SOLID WASTE FAO**

67. The Department repeats each allegation of the foregoing paragraphs as if fully set forth herein.

68. Any person who violates an administrative order issued pursuant to SWMA, or who fails to pay a civil administrative penalty in full, shall be subject upon order of a court to a civil penalty not to exceed \$100,000 per day of such violation. N.J.S.A. 13:1E-9(f).

69. The Department may bring an action in Superior Court seeking the imposition of these penalties, which, along with costs, may be recovered in a summary proceeding pursuant to the Penalty Enforcement Law of 1999, N.J.S.A. 2A:58-10 to -12. N.J.S.A. 13:1E-9(f).

70. As set forth above, Defendants have failed to comply with the Solid Waste FAO.

**WHEREFORE**, the Department demands judgment against Defendants:

- a. Finding Defendants in violation of the Solid Waste FAO;
- b. Ordering Defendants to pay a civil penalty pursuant to N.J.S.A. 13:1E-9(f) in an amount the court deems just and proper;
- c. For such other relief as the Court deems just and proper; and
- d. Reserving the right to bring a claim in the future for natural resource damages arising out of any discharge of hazardous substances at the Site.

MATTHEW J. PLATKIN  
ATTORNEY GENERAL OF NEW JERSEY

By: s/Nell Hryshko  
Nell M. Hryshko  
Deputy Attorney General

DATED: October 22, 2024

**DESIGNATION OF TRIAL COUNSEL**

Pursuant to Rule 4:25-4, the Court is advised that Nell M. Hryshko, Deputy Attorney General, is hereby designated as trial counsel for the Plaintiffs in this action.

**CERTIFICATION REGARDING OTHER PROCEEDINGS AND PARTIES**

Undersigned counsel hereby certifies, in accordance with Rule 4:5-1(b)(2), that the matters in controversy in this action are not the subject of any other pending or contemplated action in any court or arbitration proceeding known to the Plaintiff at this time, nor is any non-party known to the Plaintiff at this time who should be joined in this action pursuant to Rule 4:28, or who is subject to joinder pursuant to Rule 4:29-1. If, however, any such non-party later becomes known to the Plaintiff, an amended certification shall be filed and served on all other parties and with this Court in accordance with Rule 4:5-1(b)(2).

MATTHEW J. PLATKIN  
ATTORNEY GENERAL OF NEW JERSEY

By: s/Nell Hryshko  
Nell M. Hryshko  
Deputy Attorney General

DATED: October 22, 2024

**CERTIFICATION OF COMPLIANCE WITH R. 1:38-7(c)**

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with Rule 1:38-7(b).

MATTHEW J. PLATKIN  
ATTORNEY GENERAL OF NEW JERSEY

By: s/Nell Hryshko  
Nell M. Hryshko  
Deputy Attorney General

DATED: October 22, 2024

**VERIFICATION**

I, Bryan Barrett, by way of certification, state that:

1. I am the Bureau Chief of the Southern Bureau of Water Compliance and Enforcement in the New Jersey Department of Environmental Protection.
2. I have read the Verified Complaint.
3. I certify that the factual allegations contained in paragraphs 1 – 21, 25 – 30, 34 – 37, and 42 – 70 of the Verified Complaint are true and correct.
4. I am aware that if the foregoing statements made by me are willfully false, I may be subject to punishment.

s/ Bryan Barrett

DATED: October 21, 2024

**VERIFICATION**

I, Anthony Shorrock, by way of certification, state that:

1. I am an Environmental Specialist II in the Southern Bureau of Water Compliance and Enforcement in the New Jersey Department of Environmental Protection.
2. I have read the Verified Complaint.
3. I certify that the factual allegations contained in paragraph 41 of the Verified Complaint are true and correct.
4. I am aware that if the foregoing statements made by me are willfully false, I may be subject to punishment.

/s/ Anthony Shorrock\_\_\_\_\_

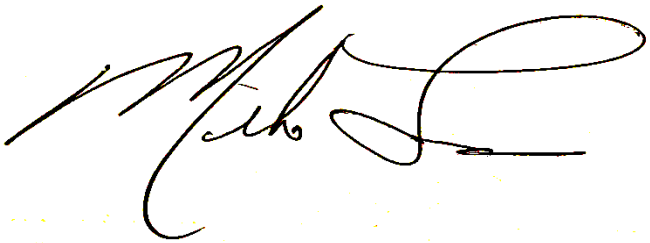
DATED: October 18, 2024



**VERIFICATION**

I, Mike Lee, by way of certification, state that:

1. I am an Environmental Specialist 2 in the Bureau of Solid Waste Compliance and Enforcement in the New Jersey Department of Environmental Protection.
2. I have read the Verified Complaint.
3. I certify that the factual allegations contained in paragraphs 1 - 18, 22 - 24, 31 - 33, and 38 - 70 of the Verified Complaint are true and correct.
4. I am aware that if the foregoing statements made by me are willfully false, I may be subject to punishment.



A handwritten signature in black ink, appearing to read "Mike Lee", is written over a large, faint yellow rectangular stamp. The stamp contains illegible text and a circular emblem.

DATED: October 18, 2024

MATTHEW J. PLATKIN  
 ATTORNEY GENERAL OF NEW JERSEY  
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 P.O. BOX 093  
 Trenton, New Jersey 08625-0093  
 Attorney for Plaintiff

By: Nell M. Hryshko  
 Deputy Attorney General  
 Attorney ID No. 372522021  
 Nell.Hryshko@law.njoag.gov  
 (609) 376-2735

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION	:	SUPERIOR COURT OF NEW JERSEY
and SHAWN M. LATOURETTE,	:	CHANCERY DIVISION – MERCER
COMMISSIONER OF THE NEW	:	COUNTY
JERSEY DEPARTMENT OF	:	DOCKET NO.
ENVIRONMENTAL PROTECTION,	:	
	:	<u>CIVIL ACTION</u>
Plaintiffs,	:	<b>ORDER TO SHOW CAUSE</b>
v.	:	
	:	
HAWK'S AUTO AND TRUCK	:	
RECYCLING INC., SHARLIN	:	
PROPERTIES LLC, and BRIAN	:	
HAWKINS SR.,	:	
Defendants.	:	

This summary action having been opened to the Court by Matthew J. Platkin, Attorney General of New Jersey, by Nell M. Hryshko, Deputy Attorney General appearing, attorney for Plaintiffs New Jersey Department of Environmental Protection (the "Department"), and Shawn M. LaTourette, Commissioner of the New Jersey Department of Environmental Protection ("Commissioner"), seeking relief on the return date by way of summary proceeding, pursuant to R. 4:67 and R. 4:70, based upon the facts set forth in the verified complaint filed herewith; and for good cause being shown;

IT IS on this \_\_\_\_\_ day of \_\_\_\_\_, 2024;

**ORDERED** that Defendants appear and show cause before the Honorable \_\_\_\_\_, Superior Court of New Jersey, Chancery Division, at the Mercer County Court House, 175 South Broad Street, Trenton, New Jersey 08650, on the \_\_\_ day of \_\_\_\_\_, 20\_\_, at \_\_\_\_ o'clock in the \_\_\_\_\_ noon, or as soon thereafter as counsel may be heard, why an order should not be entered:

1. Enforcing the Final Agency Order entered against Defendant Hawk's Auto and Truck Recycling Inc. on November 28, 2023, wherein Defendant Hawk's Auto and Truck Recycling Inc. must:
  - a. Implement vehicle parts storage area best management practices in accordance with the Stormwater Permit within 30 calendar days of the effective date of the order;
  - b. Implement facility hydraulic equipment best management practices in accordance with the Stormwater Permit within 5 calendar days of the effective date of the order;
  - c. Drain and dismantle parts that contain fluids in a designated area that is either indoors or on an impervious surface that is contained and under cover, or collect or drain stormwater in a manner that prevents it from discharging to surface water or ground water;
  - d. Store batteries in a location not exposed to stormwater;
  - e. Implement Spill Protection and Response best management practices within 30 calendar days of the order;
  - f. Pay a civil administrative penalty of \$20,000;

2. Ordering Defendant Hawk's Auto and Truck Recycling Inc. to pay a civil penalty for its violation of the November 28, 2023 Final Agency Order in an amount the court deems just and proper;
3. Enforcing the Final Agency Order entered against Defendants Hawk's Auto and Truck Recycling Inc., Sharlin Properties LLC, and Brian Hawkins Senior on September 18, 2023, wherein Defendants Hawk's Auto and Truck Recycling Inc., Sharlin Properties LLC, and Brian Hawkins Senior must:
  - a. Cease the unpermitted disposal of solid waste and unpermitted operation of a solid waste facility on the Site;
  - b. Within 30 days of the effective date of the order, submit a Corrective Action Plan containing a soil sampling and analysis plan to the Department for approval prior to the proper removal and disposal of all illegal solid waste on the Site;
  - c. Within 90 days of approval of the Corrective Action Plan, remove from the Site all solid waste consisting of contaminated soil and transport it to an approved facility;
  - d. Within 30 days of site cleanup, provide proof of disposal, treatment or re-use of all solid waste, including any contaminated soils which were removed from the Site;
  - e. Pay a civil administrative penalty of \$4,500;
4. Ordering Defendants Hawk's Auto and Truck Recycling Inc., Sharlin Properties LLC, and Brian Hawkins Senior to pay a civil penalty for their

violations of the September 18, 2023 Final Agency Order in an amount the court deems just and proper; and

5. Granting Plaintiffs such other relief as this Court deems just and proper.

**IT IS FURTHER ORDERED** that within \_\_\_\_\_ days of this date, Plaintiffs' attorney shall serve Defendants with true and correct copies of this Order to Show Cause, Verified Complaint, supporting certifications and supporting brief by regular and certified mail, return receipt requested; and

**IT IS FURTHER ORDERED** that Plaintiffs must file with the court its proof of service of the pleadings on Defendants no later than three days before the return date; and

**IT IS FURTHER ORDERED** that Defendants shall file a written answer, an answering affidavit or a motion returnable on the return date of this Order to Show Cause, and shall serve copies of the same upon Plaintiffs' attorney by \_\_\_\_\_, 20\_\_\_. The answer, answering affidavit or motion, as the case may be, must be filed with the Clerk of the Superior Court in the county listed above and a copy of the opposition papers must also be sent directly to the chambers of Judge \_\_\_\_\_; and

**IT IS FURTHER ORDERED** that Plaintiffs must file and serve any written reply to the Defendants' opposition by \_\_\_\_\_, 20\_\_\_. The reply papers must be filed with the Clerk of the Superior Court in the county listed above and a copy of the reply papers must be sent directly to the chambers of Judge \_\_\_\_\_; and

**IT IS FURTHER ORDERED** that if Defendants do not file and serve opposition to this order to show cause, the application will be decided on the papers on the return date,

and the relief may be granted by default, provided that Plaintiffs filed their proof of service and a proposed form of order at least three days prior to the return date; and

**IT IS FURTHER ORDERED** that if Plaintiffs have not already done so, Plaintiffs shall submit a proposed form of order addressing the relief sought on the return date no later than three days before the return date; and

**IT IS FURTHER ORDERED** that Defendants take notice that Plaintiffs have filed a lawsuit against you in the Superior Court of New Jersey. The verified complaint attached to this order to show cause states the basis of the lawsuit. If you dispute this complaint, you, or your attorney, must file a written answer, an answering affidavit or a motion returnable on the return date of the order to show cause and proof of service within 35 days from the date of service of this order to show cause.

If Defendants are unable to obtain an attorney, Defendants may contact a Lawyer Referral Service or, if Defendants cannot afford to pay for an attorney, contact a Legal Services Office. The telephone numbers for these services in the county in which this action is pending are: (856) 696-5550 (Lawyer Referral Service) and (856) 691-0494 (Legal Services Office).

**IT IS FURTHER ORDERED** that the Court will entertain argument, but not testimony, on the return date of the order to show cause, unless the parties are advised by the Court to the contrary no later than \_\_\_\_\_ days before the return date.

\_\_\_\_\_

\_\_\_\_\_  
Hon.

MATTHEW J. PLATKIN  
 ATTORNEY GENERAL OF NEW JERSEY  
 R.J. Hughes Justice Complex  
 25 Market Street  
 P.O. BOX 093  
 Trenton, New Jersey 08625-0093  
 Attorney for Plaintiff

By: Nell M. Hryshko  
 Deputy Attorney General  
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 (609) 376-2735

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION	:	SUPERIOR COURT OF NEW JERSEY
and SHAWN M. LATOURETTE,	:	CHANCERY DIVISION – MERCER
COMMISSIONER OF THE NEW	:	COUNTY
JERSEY DEPARTMENT OF	:	DOCKET NO.
ENVIRONMENTAL PROTECTION,	:	
	:	<u>CIVIL ACTION</u>
Plaintiffs,	:	<b>PROPOSED ORDER</b>
v.	:	
	:	
HAWK'S AUTO AND TRUCK	:	
RECYCLING INC., SHARLIN	:	
PROPERTIES LLC, and BRIAN	:	
HAWKINS SR.,	:	
Defendants.	:	

This matter having been opened to the Court by Matthew J. Platkin, Attorney General of New Jersey, by Nell M. Hryshko, Deputy Attorney General appearing, attorney for Plaintiffs New Jersey Department of Environmental Protection (the "Department") and Shawn M. LaTourette, Commissioner of the New Jersey Department of Environmental Protection ("Commissioner"), with notice having been given to Defendants; and the Court having considered the Order to Show Cause and supporting brief; and for good cause shown;

IT IS on this \_\_\_\_\_ day of \_\_\_\_\_, 2024:

ORDERED that the Final Agency Order (“FAO”) entered against Defendant Hawk’s Auto and Truck Recycling Inc. on November 28, 2023 is hereby enforced, wherein Defendant Hawk’s Auto and Truck Recycling Inc. must:

- a. Implement vehicle parts storage area best management practices in accordance with the Stormwater Permit within 30 calendar days of the effective date of this Order;
- b. Implement facility hydraulic equipment best management practices in accordance with the Stormwater Permit within 5 calendar days of the effective date of this Order;
- c. Drain and dismantle parts that contain fluids in a designated area that is either indoors or on an impervious surface that is contained and under cover, or collect or drain stormwater in a manner that prevents it from discharging to surface water or ground water;
- d. Store batteries in a location not exposed to stormwater;
- e. Implement Spill Protection and Response best management practices within 30 calendar days of this Order; and
- f. Pay a civil administrative penalty of \$20,000.

ORDERED that the FAO entered against Defendant Hawk’s Auto and Truck Recycling Inc. on September 18, 2023 is hereby enforced, wherein Defendants Hawk’s Auto and Truck Recycling Inc., Sharlin Properties LLC, and Brian Hawkins Senior must:



- a. Cease the unpermitted disposal of solid waste and unpermitted operation of a solid waste facility on the Site;
- b. Within 30 days of the effective date of this Order, submit a Corrective Action Plan containing a soil sampling and analysis plan to the Department for approval prior to the proper removal and disposal of all illegal solid waste on the Site;
- c. Within 90 days of approval of the Corrective Action Plan, remove from the Site all solid waste consisting of contaminated soil and transport it to an approved facility;
- d. Within 30 days of site cleanup, provide proof of disposal, treatment or re-use of all solid waste, including any contaminated soils which were removed from the Site; and
- e. Pay a civil administrative penalty of \$4,500.

ORDERED that Defendant Hawk's Auto and Truck Recycling Inc. pay a civil penalty of \$\_\_\_\_\_.

ORDERED that Defendant Sharlin Properties LLC. pay a civil penalty of \$\_\_\_\_\_.

ORDERED that Defendant Brian Hawkins Senior pay a civil penalty of \$\_\_\_\_\_.

ORDERED that this judgement is without prejudice to Plaintiffs' right to bring a claim in the future for natural resource damages arising out of the discharge of hazardous substances at the Site.

ORDERED that a copy of this signed Order be served upon all parties within seven (7) days of its receipt by counsel for the Department.

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Hon.

In accordance with the required statement to R. 1:6-2(a), this motion was:

\_\_\_\_\_ opposed

\_\_\_\_\_ unopposed.

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NEW JERSEY DEPARTMENT OF  
ENVIRONMENTAL PROTECTION and THE  
COMMISSIONER OF THE NEW JERSEY  
DEPARTMENT OF ENVIRONMENTAL  
PROTECTION,

Plaintiff,

v.

HAWK'S AUTO AND TRUCK RECYCLING  
INC., SHARLIN PROPERTIES LLC, and  
BRIAN HAWKINS SR.,

Defendant.

---

SUPERIOR COURT OF NEW JERSEY  
CHANCERY DIVISION –  
MERCER COUNTY  
DOCKET NO.

CIVIL ACTION

---

BRIEF IN SUPPORT OF PLAINTIFFS' VERIFIED COMPLAINT AND ORDER TO SHOW CAUSE

---

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### **PRELIMINARY STATEMENT**

Defendant Hawk's Auto and Truck Recycling, Inc. ("Hawk's") has failed to comply with its stormwater permit, designed to prevent water pollution, and to remove and dispose of contaminated soil and an approximately 1,650 cubic yard pile of solid waste located at 65 Muirhead Ave., Trenton, New Jersey ("Site"). The New Jersey Department of Environmental Protection ("Department") issued Hawk's a final agency order under the Water Pollution Control Act ("WPCA") directing it to comply with its permit, including by removing the solid waste pile (the "Stormwater FAO"). The Department also issued Hawk's, its owner Brian Hawkins Senior, and the owner of the Site Sharlin Properties LLC a final agency order under the Solid Waste Management Act ("SWMA") directing it to remove the solid waste pile (the "Solid Waste FAO"). To date, the pile remains on the Site.

The Department and the Commissioner of the New Jersey Department of Environmental Protection ("Commissioner") now seek to enforce the FAOs pursuant to R. 4:67-6, and seek imposition of additional civil penalties pursuant to N.J.S.A. 58:10A-10(e) and R. 4:70 for Defendants' failure to comply with the underlying FAOs. These rules permit this Court to conduct the adjudication of this case in a summary proceeding. These rules are applicable, respectively, to all actions brought by a New Jersey administrative agency to enforce a written order or determination and to actions seeking to impose a civil penalty.

The purpose of this proceeding is to enforce the terms of the FAO to bring the Site into compliance with the environmental laws of the State of New Jersey and assess appropriate civil penalties. Hawk's should be required to comply with its obligations under both FAOs, and

Sharlin and Hawkins should be required to comply with their obligations under the solid waste FAO. All three defendants should be required to pay penalties for their past noncompliance.

### **STATEMENT OF FACTS**

The property that is the subject of this Complaint is located at 65 Muirhead Ave, Trenton, Mercer County, also known as Block 7700 and Lots 1,2,3,4,5,6,7,8,9,10,11 and 12, on the tax map of Trenton (“Site”). Verified Complaint at ¶12. The Department has designated the Site as Solid Waste Program Interest Number U2920 and Water Program Interest Number 130208. Verified Complaint at ¶16.

Hawk’s operates a vehicle salvage business on the Site, which is located in an “overburdened community” within the meaning of N.J.S.A. 13:1D-158. Verified Complaint at ¶13, 6. Either Hawk’s or its owner, Hawkins, leases the Site from Sharlin. Verified Complaint ¶15. The Department issued New Jersey Pollutant Discharge Elimination System Vehicle Recycling Stormwater Discharge Permit No. NJG0140279 to Trenton Auto Recyclers effective October 1, 2012 (the “Stormwater Permit”). Verified Complaint at ¶19. Trenton Auto Recyclers transferred the Stormwater Permit to Hawk’s effective June 1, 2014. Verified Complaint at ¶20.

On January 30 and February 1, 2019, the Department’s Bureau of Solid Waste Compliance and Enforcement (“BSWCE”) observed vehicle parts, construction debris, and soil disposed of on the Site. Verified Complaint at ¶22-23. These materials are all considered solid waste pursuant to the Solid Waste Management Act (“SWMA”), N.J.S.A. 13:1E-3, and none of the Defendants possess the Solid Waste Facility Permit required to store more than 0.148 cubic yards of solid waste on the Site. As a result, BSWCE issued a Notice of Violation

(“NOV”). Verified Complaint at ¶¶24. Hawk’s did not remove the solid waste from the Site after the 2019 NOV, or after subsequent NOVs issued in September 2022 and January 2023. Verified Complaint at ¶¶24, 32, 33. BSWCE measured the pile to be approximately 1,650 cubic yards in September 2022. Verified Complaint ¶31.

On August 29, 2023, BSWCE issued an Administrative Order and Notice of Civil Administrative Penalty Assessment (“AONOCAPA”) to all three Defendants directing them to remove improperly stored solid waste, including vehicle parts and tires, from the Site, conduct soil sampling, and pay a civil administrative penalty of \$4,500. Verified Complaint at ¶¶38-39. None of the three Defendants requested a hearing, and this AONOCAPA therefore became a FAO on September 18, 2023 (the “Solid Waste FAO”). Verified Complaint at 40. None of the three Defendants complied with the Solid Waste FAO, and the uncovered stockpile of tires and other solid waste, including contaminated soils, remain on the Site. Verified Complaint at ¶41; Certification of Anthony Shorrock (“Shorrock Cert.”), ¶7.

The Site has also been inspected regularly by the Department’s Central Bureau of Water Compliance and Enforcement (“CBWCE”), now called the Southern Bureau of Water Compliance and Enforcement, to determine compliance with the Stormwater Permit. Certification of Bryan Barrett (“Barrett Cert.”), ¶2. The Stormwater Permit requires Hawk’s to follow prescribed best management practices (BMPs), including practices that prevent discharge of fuel, engine oil and other vehicle fluids to stormwater. Barrett Cert., ¶4. These BMPs are designed to minimize discharges that could imperil public health and the environment. Id. CBWCE inspected the Site in January 2020, observed numerous permit violations and issued Hawk’s an NOV. Verified Complaint, ¶¶25-26. CBWCE again observed

violations of the Stormwater Permit in June 2021 and June 2022. Verified Complaint at ¶¶27, 29. Specifically, in the 2021 and 2022 inspections, CBWCE observed vehicle parts stored in the same solid waste pile that was the subject of BSWCE's NOV's. Id. In 2022, CBWCE also observed areas where vehicle fluids had leaked onto the soil. Verified Complaint at ¶29. As a result of these inspections CBWCE issued additional NOV's, to which Hawk's did not respond. Verified Complaint at ¶¶28, 30.

On November 3, 2022, CBWCE issued an AONOCAPA to Hawk's directing it to implement Vehicle Parts Storage Area BMPs, Hydraulic Equipment BMPs, and Spill Prevention and Response BMPs as defined in the Stormwater Permit. Verified Complaint at ¶34-35. Vehicle Parts Storage Area BMPs require that Hawk's store vehicle parts and batteries either in a location not exposed to stormwater or in an area where stormwater is discharged into an oil/water separator. Barrett Cert., Exhibit A. Compliance with this provision of the AONOCAPA requires Hawk's to remove the solid waste pile, which contains vehicle parts. Hawk's was also ordered to address any fluid leaking from vehicles on the Site and begin draining fluids and dismantling parts either indoors, on an impervious surface that is contained and under cover, or in an area where stormwater is collected or drains in a manner that does not discharge to surface water or ground water. Barrett Cert., Exhibit F. The AONOCAPA also assessed a \$20,000 civil penalty. Id. Hawk's submitted an incomplete hearing request challenging this AONOCAPA, but failed to respond to the Department's requests for additional information. Verified Complaint at ¶37.

The Department denied the hearing request and the AONOCAPA became an FAO on November 28, 2023 (the "Stormwater FAO"). Verified Complaint at ¶37. Although Hawk's has



complied with the terms of the FAO regarding fluid leaks and drainage and dismantling of parts, it has not paid the \$20,000 penalty and has not removed the solid waste pile from the Site. Shorrock Cert., ¶¶4-7.

## LEGAL ARGUMENT

### POINT I:

#### DEFENDANTS ARE REQUIRED TO COMPLY WITH THE TERMS OF THE FINAL AGENCY ORDERS

The Department seeks enforcement of the Stormwater FAO and Solid Waste FAO pursuant to R. 4:67. R. 4:67-6 applies to "all actions by a state administrative agency . . . brought to enforce a written order or determination made by it, whether final or interlocutory, and whether the order to be enforced requires the payment of money or imposes a non-monetary requirement or includes a combination of monetary and non-monetary remedies."

In a summary action to enforce an agency's written order or determination, R. 4:67-6 does not permit any review of the validity of the underlying agency order. New Jersey Dep't of Env't Prot. v. River Lookout Assocs., LLC, No. A-2463-19, 2021 WL 4851286 (N.J. Super. Ct. App. Div. Oct 19, 2021) ("[T]he validity of an agency order shall not be justiciable in an enforcement proceeding" (quoting R. 4.67-6(c)3.)). Rather, pursuant to Rule 2:2-3(a)(2), the Appellate Division has exclusive jurisdiction to review the merits of final state agency determinations. Dep't of Env'tl. Prot. v. Mazza & Sons, Inc., 406 N.J. Super. 13, 23 (App. Div. 2009)) (A "party cannot simply disregard the final agency action, wait for the agency to bring an enforcement action under Rule 4:67-6 in a trial court, and then challenge the agency action in defense of the enforcement action").

The Department need only show that Hawk's has failed to comply with the Stormwater FAO, and that Hawk's, Sharlin and Hawkins have failed to comply with the Solid Waste FAO. There is no pending or available administrative or appellate review of either FAO or the Department's findings therein that would preclude this court's enforcement of those FAOs. See R. 4:67-6(c)(1). Defendants may only challenge the interpretation or application of the terms of the FAOs. The terms here are unambiguous and require defendants to remove the solid waste pile to comply with the Stormwater Permit (in the Stormwater FAO) and with the SWMA (in the Solid Waste FAO).

Hawk's has not complied with the terms of either the Stormwater FAO or the Solid Waste FAO. Lee Cert. at ¶16; Shorrock Cert. at ¶7. As of July 2024, the solid waste pile – which includes vehicle parts – remained on the Site. The pile is exposed to stormwater and is a source of runoff, which can contaminate soil, surface water and groundwater. No defendant has conducted soil sampling as the Solid Waste FAO requires, so the extent of contamination is unknown. Lee Cert. at ¶16. This presents an ongoing risk to the environment and surrounding community. Hawk's has also not paid the civil penalty assessed in either FAO. Lee Cert. at ¶17; Shorrock Cert. at ¶7. Accordingly, this Court should enforce both the Stormwater FAO and Solid Waste FAO and require full compliance from Hawk's.

Sharlin and Hawkins have not complied with the terms of the Solid Waste FAO. As explained above, the solid waste pile remained on the site past the Solid Waste FAO's deadline to remove it, and no soil testing has been conducted. This Court should enforce that FAO and require full compliance with the Solid Waste FAO from Sharlin and Hawkins.

**POINT II:**  
**THIS COURT SHOULD ASSESS CIVIL PENALTIES AGAINST EACH DEFENDANT BECAUSE THEY**  
**FAILED TO COMPLY WITH FINAL AGENCY ORDERS**

As discussed above, the Stormwater FAO requires Hawk's to comply with the Stormwater Permit by implementing predefined best management practices, including by removing the solid waste pile from exposure to stormwater. However, Hawk's has failed to satisfy its obligations under the Stormwater FAO. A person violating the provisions of the WPCA or an administrative order issued pursuant to the WPCA, such as the Stormwater FAO, is subject to a civil penalty not to exceed \$50,000 per day per violation. N.J.S.A. 58:10A-10(e). Each day that Hawk's fails to comply with the Stormwater FAO constitutes an additional, separate and distinct violation of the Stormwater FAO and the WPCA.

The Solid Waste FAO requires all three Defendants to comply with SWMA by ceasing the unpermitted disposal of solid waste and unpermitted operation of a solid waste facility on the Site, conduct soil sampling, and remove all solid waste – including all contaminated soil - from the Site. No Defendant has complied with the Solid Waste FAO. Any person who violates an administrative order issued pursuant to SWMA, or who fails to pay a civil administrative penalty in full, shall be subject upon order of a court to a civil penalty not to exceed \$100,000 per day of such violation. N.J.S.A. 13:1E-9(f).

R. 4:70 provides for summary proceedings to collect statutory penalties. These summary proceedings are to be brought in accordance with R. 4:67-6, unless the applicable statute requires a plenary action. R. 4:70-l(a). SWMA and WPCA assess penalties for violations and do not require a plenary hearing. Both statutes allow plaintiffs to recover penalties in a

summary proceeding pursuant to the Penalty Enforcement Law of 1999, N.J.S.A. 2A:58-10 to -12. N.J.S.A. 58:10A-10(e); N.J.S.A. 13:1E-9(f).

Hawk's has consistently failed to comply with its obligations under the Stormwater FAO and Solid Waste FAO to remove the solid waste pile, and its obligation under the Solid Waste FAO to conduct soil sampling. Sharlin and Hawkins have likewise consistently failed to comply with their obligations under the Solid Waste FAO to do the same. Soil contaminated by oil and fluid spills remains on the Site, and vehicle parts, scrap tires and other solid waste materials remain stockpiled in an uncovered pile. Mere compliance with the underlying FAOs and payment of the previously ordered civil administrative penalties provides no deterrence to parties who flout their obligations further risking harm to the surrounding community and the environment. As such, additional civil penalties are appropriate to account for the delay in addressing the present hazards and to encourage these and others to comply with administrative orders.

Thus, in accordance with N.J.S.A. 58:10A-10(e) and -32, and R. 4:70, the Commissioner requests this Court assess a civil penalty against Hawk's proportionate to its repeated and continuing failure to comply with the Stormwater FAO. In accordance with N.J.S.A. 13:1E-9(f) and R. 4:70, the Commissioner requests that this Court assess civil penalties against Hawk's, Sharlin and Hawkins proportionate to their repeated and continuing failures to comply with the Solid Waste FAO. These additional civil penalties will serve as an appropriate deterrent to such conduct in the future.

**CONCLUSION**

For the foregoing reasons, DEP respectfully requests this Court enter an order granting the relief sought in the Verified Complaint, and such other relief as this Court deems appropriate.

Respectfully submitted,

MATTHEW J. PLATKIN  
ATTORNEY GENERAL OF NEW JERSEY  
Attorney for Plaintiff  
State of New Jersey, Department  
of Environmental Protection

BY: s/Nell Hryshko  
Nell M. Hryshko  
Deputy Attorney General

DATE: October 22, 2022

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#### **Cases**

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#### **Statutes**

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 Attorney for Plaintiff

By: Nell M. Hryshko  
 Deputy Attorney General  
 Attorney ID No. 372522021  
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NEW JERSEY DEPARTMENT OF  
 ENVIRONMENTAL PROTECTION and  
 SHAWN M. LATOURETTE,  
 COMMISSIONER OF THE NEW JERSEY  
 DEPARTMENT OF ENVIRONMENTAL  
 PROTECTION,

Plaintiffs,

v.

HAWK'S AUTO AND TRUCK RECYCLING  
 INC., SHARLIN PROPERTIES LLC, and  
 BRIAN HAWKINS SENIOR,

Defendant.

---

SUPERIOR COURT OF NEW JERSEY  
 CHANCERY DIVISION – MERCER COUNTY  
 DOCKET NO.

CIVIL ACTION

**CERTIFICATION OF MIKE LEE IN SUPPORT  
 OF PLAINTIFFS' ORDER TO SHOW CAUSE**

I, Mike Lee, do hereby certify as follows:

1. I am an Environmental Specialist 2 in the New Jersey Department of Environmental Protection's Bureau of Solid Waste Compliance and Enforcement ("BSWCE").

I submit this certification in support of Plaintiffs' Order to Show Cause.

2. On January 30 and February 1, 2019, I inspected the property located at 65 Muirhead Ave., Trenton, New Jersey ("Site"). I observed solid waste, including tires and construction debris, stored on the Site. The solid waste was uncovered and therefore exposed to rain. Runoff from such waste can contaminate soil and water.

3. Hawk's Auto and Truck Recycling, Inc. ("Hawk's"), the operator of the business located at the Site, and Sharlin Properties LLC ("Sharlin"), the owner of the Site, do not have the permit required to dispose of solid waste, operate a solid waste facility, or store scrap tires for more than six months (a "SWF Permit"). I therefore issued a Notice of Violation ("NOV") to Hawk's on February 1, 2019, a true and correct copy of which is attached hereto as Exhibit A.

4. Hawk's did not respond to the February 1, 2019 NOV.

5. On September 8, 2022, I conducted a second investigation of the Site. BSWCE again observed a stockpile of solid waste on the Site consisting of tires, wood, metal, plastics, paper, cardboard, concrete, brick, asphalt and soil materials. A field measurement of the pile showed that the volume of the stockpile was approximately 1,650 cubic yards.

6. Hawk's did not possess a SWF Permit at this time. I therefore issued a NOV to Hawk's for improper storage of solid waste and failure to obtain a SWF Permit on September 15, 2022, a true and correct copy of which is attached hereto as Exhibit B.

7. Hawk's did not respond to the September 15, 2022 NOV.

8. On January 23, 2023, I conducted a third inspection of the Site. BSWCE again observed a stockpile of solid waste. I also observed that tires had been stored on the Site in the solid waste pile for longer than one year.

9. Hawk's did not possess a SWF Permit at this time. I therefore issued a NOV to Hawk's for improper storage of tires and failure to obtain a SWF Permit on January 26, 2023, a true and correct copy of which is attached hereto as Exhibit C.

10. Hawk's did not respond to the January 26, 2023 NOV.

11. On June 21, 2023, I inspected the Site and observed that the stockpile of tires was still present. He estimated approximately 2,000 tires in the pile. The stockpile of solid waste was also still present, and still measured approximately 1,650 cubic yards.



12. On August 29, 2023, BSWCE issued an Administrative Order and Notice of Civil Penalty Assessment ("AONOCAPA") to Hawk's, its owner Brian Hawkins Senior, and its landlord Sharlin Properties LLC. The AONOCAPA cited the three respondents for failing to obtain a SWF Permit before engaging in the disposal of solid waste, failing to obtain a SWF Permit before constructing or operating a solid waste facility, and storing tires on site for longer than six months. A true and correct copy is attached hereto as Exhibit D.

13. The August 29, 2023 AONOCAPA directed Hawk's, Brian Hawkins Senior, and Sharlin Properties LLC to remove improperly stored solid waste, including vehicle parts and tires, from the Site, conduct soil sampling, and pay a civil administrative penalty of \$4,500.

14. None of the three respondents challenged the AONOCAPA. It therefore became a Final Agency Order ("FAO") on September 30, 2023.

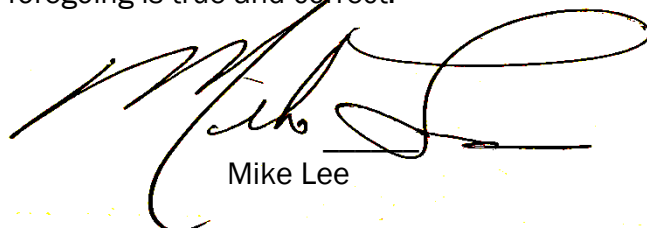
15. The respondents have made some progress in removing the solid waste from the Site. On June 5, 2024, I conducted a follow-up inspection and observed that both the tire pile and solid waste pile had been reduced in size. However, improperly stored solid waste remained on the site and the respondents were therefore out of compliance with the FAO.

16. As of July 30, 2024, a stockpile of tires and solid waste remains on the Site. Hawk's has not submitted the Corrective Action Plan and soil sampling that the FAO requires, and the pile remains uncovered and therefore a source of runoff.

17. The civil administrative penalty assessed in the FAO has not been paid.

I certify under penalty of perjury that the foregoing is true and correct.

Dated: 10/15/24



Mike Lee

# Exhibit A

**New Jersey Department of Environmental Protection  
Bureau of Solid Waste Compliance and Enforcement  
NOTICE OF VIOLATION**

File # _____
PI # _____

Program Interest: 02920 Site Address: 65 Merivale Ave  
 Municipality: Trenton County: Mercer Zip: 08638  
 Person Interviewed: Brian Hawkins Title: owner / operator

On 2-1-19 a representative from the NJDEP Bureau of Hazardous Waste Compliance and Enforcement (BHWCE) conducted a compliance evaluation of the above Program Interest. This **NOTICE** is issued based on facts observed by or known to the Department's representative issuing this **NOTICE**, to warn you that a violation(s) of the Statutes and Rules checked below has been found:

- ☒ Solid Waste Management Act N.J.S.A. 13:1E-1 et seq. and rules at N.J.A.C. 7:26 - 1 et seq. and/or N.J.A.C. 7:26A-1 et seq. and/or N.J.A.C. 7:26G-1 et seq.  
☐ Spill Compensation and Control Act N.J.S.A. 58:10-23.11 et seq. and rules at N.J.A.C. 7:1E-1 et seq.

**EXPLANATION OF THIS NOTICE** - Violations with citation(s) to the specific Rules issued under the above checked Statutes:

7:26-2.8(e) No person shall engage or continue to engage in the disposal of solid waste in this state without first having filed a completed application for and received approval of a solid waste facility permit.

☐ Violation above corrected at time of issuance ☐ See additional \_\_\_\_\_ (#) pages of **EXPLANATION OF THIS NOTICE**

**PURPOSE OF THIS NOTICE** - This is intended to serve as a **NOTICE** to you, to warn you of the above violations, in order to 1) provide you with an opportunity to voluntarily investigate the matter and, voluntarily take corrective action to address the identified violation(s) and 2) identify those violations, and time periods, pursuant to the Grace Period Law, N.J.S.A. 13:1D-125 et seq. where your voluntary action can prevent formal enforcement orders and penalties issued by the Department (see violations marked with an asterisk above \*). This **NOTICE** does not constitute a formal enforcement order, a final agency action or a final legal determination that a violation has occurred. Therefore, this **NOTICE** may not be appealed or contested.

Neither the issuance of this **NOTICE** nor any corrective actions taken by you to address the violation(s) cited, precludes the State of New Jersey or any of its agencies from initiating future enforcement action (including issuance of a formal enforcement order and the assessment of penalties) with respect to the violations listed above or for any other violations. In the event the Department determines to pursue future formal enforcement action, you will then be provided with an opportunity to appeal or contest such action.

**RESPONDING TO THIS NOTICE** - Voluntary corrective actions taken in response to this **NOTICE** can affect the Department's determination on the need for or severity of any potential future enforcement action in this matter. In accordance with the Grace Period Law, the Department will not assess a penalty against you for the violations marked with an asterisk \* above, if you take voluntary action to address and correct these violations at the time of issuance, or within the time periods indicated in this **NOTICE**. For violations identified in this **NOTICE** that are not subject to the Grace Period Law, the Department may consider any voluntary actions you take in response to this **NOTICE** as part of its determination 1) on whether to initiate future formal enforcement action for this site/matter and, 2) on the amount of any penalty that may be assessed in future enforcement actions. Please see items checked below regarding actions you may voluntarily undertake to address violations identified in this **NOTICE**:

**CORRECTIVE ACTION PAGE(S)** - The Corrective Action Page(s) outlines the timeframes pursuant to the Grace Period Law during which you may voluntarily take action to come into compliance. Depending on the nature of violations cited in this **NOTICE**, corrective action or compliance assistance recommendations for violations that are not subject to the Grace Period Law may also be outlined on this form

- ☐ Not Provided for this Notice  
☐ See additional \_\_\_\_\_ (#) attached pages

**COMPLIANCE RESPONSE FORM** - Submission of a Compliance Response Form if checked below is voluntary. Completed forms should be sent to the Department contact indicated at the bottom of this **NOTICE**.

- ☐ Not Applicable  
☐ If received within \_\_\_\_\_ days of receipt it will preserve your protection from penalty under Grace Period Law.  
☒ If received within 15 days of receipt, it will be considered in potential future Department action regarding the violations cited

**FOR QUESTIONS REGARDING THIS NOTICE**, please contact the Department representative issuing this **NOTICE** at the location indicated::

Mail Code 09-01,  
 P.O. Box 420, Trenton, NJ 08625-0420  
 Tel: (609) 292-6305 Fax: (609) 292-4539

Issued by: Mike Lee Date: 2-1-19 Signature: [Signature]  
 Received by (print): Brian Hawkins Date: 2-1-19 Signature (receipt only): [Signature]

New Jersey Department of Environmental Protection  
Bureau of Solid Waste Compliance and EnforcementNOTICE OF VIOLATION Attachment  
CORRECTIVE ACTION PAGE ( \_\_\_ of \_\_\_ )Site Name Hank's Auto Truck Recycling Date 2-1-19Corrective Action: Remediate compliance by Applying for A  
received approval of a Solid Waste Permit before  
engage in the disposal of Solid Waste  
by \_\_\_\_\_ (date) OR 30 calendar day(s) from 2-1-19

Corrective Action: \_\_\_\_\_

by \_\_\_\_\_ (date) OR \_\_\_\_\_ calendar day(s) from \_\_\_\_\_

Corrective Action: \_\_\_\_\_

by \_\_\_\_\_ (date) OR \_\_\_\_\_ calendar day(s) from \_\_\_\_\_

Corrective Action: \_\_\_\_\_

by \_\_\_\_\_ (date) OR \_\_\_\_\_ calendar day(s) from \_\_\_\_\_

Additional recommendations or compliance assistance information:

issuer's initials ML rec'd by initials BH

## Exhibit B



## State of New Jersey

Department of Environmental Protection  
Division of Waste & UST Compliance & Enforcement  
Bureau of Solid Waste Compliance & Enforcement  
9 Ewing Street  
P.O. Box 420, Mail-Code 09-01  
Trenton, NJ 08625-0420  
Tel.: (609) 292-6305 Fax: (609) 292-4539

PHILIP D. MURPHY  
*Governor*

SHEILA Y. OLIVER  
*Lt. Governor*

SHAWN M. LATOURETTE  
*Commissioner*

**CERTIFIED MAIL/RRR**  
7021 1970 0000 1679 1182

### NOTICE OF VIOLATION EA ID #: PEA220001 - U2920

HAWKINS BRIAN  
**HAWKS AUTO AND TRUCK RECYCLING**  
65 Muirhead Avenue  
Trenton, NJ 08638

Location: 65 Muirhead Ave,  
Trenton City, Mercer County

Identifying #: U2920

Person interviewed and title: **MR. BRIAN HAWKINS**, Owner/Operator

On January 30, 2019, a representative from the New Jersey Department of Environmental Protection (the "Department" or "NJDEP") conducted a compliance evaluation of your facility. This **NOTICE** is issued based on facts observed by or known to the Department's representative issuing this **NOTICE**, to inform you that violation(s) of the Solid Waste Management Act, (N.J.S.A. 13:1E-1 et seq.) and the regulations promulgated thereunder (N.J.A.C. 7:26-1 et seq. and/or N.J.A.C. 7:26A-1 et seq.) and/or the Solid Waste Utility Control Act, N.J.S.A. 48:13A-1 et seq. and the regulations promulgated thereunder (N.J.A.C. 7:26H-1 et seq.) has been found.

DESCRIPTION OF VIOLATIONS – Violations with citation(s) to the specific Rules issued under the above Statutes:

Requirement: Pursuant to N.J.A.C. 7:26- 2.8(f), No person shall begin construction or operation of a solid waste facility without obtaining a SWF Permit unless exempt pursuant to N.J.A.C. 7:26-1.1, 1.7 or 1.8.

Description of Noncompliance: Failure to apply for and received a solid waste permit before constructing and operating a solid waste facility.

**PURPOSE OF THIS NOTICE** - This is intended to serve as a **NOTICE** to you, to warn you of the above violations, in order to:

- 1) provide you with an opportunity to voluntarily investigate the matter and, take corrective action to address the identified violation(s) and;
- 2) identify those violations, and time periods, pursuant to the Grace Period Law, N.J.S.A. 13:1D-125 et seq. where your voluntary action can prevent formal enforcement orders and penalties issued by the Department (see violations marked with an asterisk above \*). This **NOTICE does not** constitute a formal enforcement order, a final agency action or a final legal determination that a violation has occurred. Therefore, this **NOTICE** may not be appealed or contested.

Neither the issuance of this **NOTICE** nor any corrective actions taken by you to address the violation(s) cited, precludes the State of New Jersey or any of its agencies from initiating future enforcement action (including issuance of a formal enforcement order and the assessment of penalties) with respect to the violations listed above

HAWKINS BRIAN  
PEA220001 - U2920  
Page 2 of 3

or for any other violations. In the event the Department determines to pursue future formal enforcement action, you will then be provided with an opportunity to appeal or contest such action.

**RESPONDING TO THIS NOTICE** – Voluntary corrective actions taken in response to this **NOTICE** can affect the Department's determination on the need for or severity of any potential future enforcement action in this matter. In accordance with the Grace Period Law, the Department will not assess a penalty against you for the violations marked with an asterisk \* above, if you take voluntary action to address and correct these violations at the time of issuance, or within the time periods indicated in this **NOTICE**. For violations identified in this **NOTICE** that **are not** subject to the Grace Period Law, the Department may consider any voluntary actions you take in response to this **NOTICE** as part of its determination 1) on whether to initiate future formal enforcement action for this site/matter and, 2) on the amount of any penalty that may be assessed in future enforcement actions. Please see items checked below regarding actions you may voluntarily undertake to address violations identified in this **NOTICE**:

**CORRECTIVE ACTION(S)** -The below Corrective Action(s) outline the timeframes pursuant to the Grace Period Law during which you may voluntarily take action to come into compliance. Depending on the nature of violations cited in this **NOTICE**, corrective action or compliance assistance recommendations for violations that are not subject to the Grace Period Law may also be listed below:

1. Demonstrate compliance within thirty (30) days of receipt of this document by submitting and received a Solid Waste Permit before constructing and operating a solid waste facility.  
[N.J.A.C. 7:26- 2.8(f)]

**COMPLIANCE RESPONSE FORM** - Submission of a Compliance Response Form (attached) is voluntary. Completed forms should be sent to the Department contact indicated at the bottom of this **NOTICE**.

- ☐ If received within \_\_\_\_ days of receipt it will preserve your protection from penalty under Grace Period Law.  
☒ If received within thirty (30) days of receipt, it will be considered in potential future Department action regarding the violations.

**IF YOU HAVE QUESTIONS REGARDING THIS NOTICE**, the actions recommended, or if you would like to describe actions taken to address the identified violations, please contact the Department representative issuing this **NOTICE**:

Issued by: Mike Lee

Date: 9/15/22

Signature:

  
\_\_\_\_\_  
Sign Name

Telephone: \_\_\_\_\_



## Exhibit C



## State of New Jersey

**PHILIP D. MURPHY**  
*Governor*

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
Division of Waste & UST Compliance & Enforcement  
Bureau of Solid Waste Compliance & Enforcement  
9 Ewing Street  
P.O. Box 420, Mail-Code 09-01  
Trenton, NJ 08625-0420  
Tel.: (609) 292-6305 Fax: (609) 292-4539

**SHAWN M. LATOURETTE**  
*Commissioner*

**SHEILA Y. OLIVER**  
*Lt. Governor*

**CERTIFIED MAIL/RRR**  
7021 0350 0000 5548 6723

January 26, 2023

### **NOTICE OF VIOLATION** EA ID #: PEA230001 - U2920

Mr. Brian Hawkins Sr.  
**HAWKS AUTO TRUCK AND RECYCLING**  
65 Muirhead Ave.  
Trenton, NJ 08638

Location: 65 Muirhead Ave,  
Trenton City, Mercer County  
Identifying #: U2920  
Person interviewed and title: Mr. Brian Hawkins Jr.

On January 23, 2023, a representative from the New Jersey Department of Environmental Protection (the "Department" or "NJDEP") conducted a compliance evaluation of your facility. This **NOTICE** is issued based on facts observed by or known to the Department's representative issuing this **NOTICE**, to inform you that violation(s) of the Solid Waste Management Act, (N.J.S.A. 13:1E-1 et seq.) and the regulations promulgated thereunder (N.J.A.C. 7:26-1 et seq. and/or N.J.A.C. 7:26A-1 et seq.) and/or the Solid Waste Utility Control Act, N.J.S.A. 48:13A-1 et seq. and the regulations promulgated thereunder (N.J.A.C. 7:26H-1 et seq.) has been found.

**DESCRIPTION OF VIOLATIONS** – Violations with citation(s) to the specific Rules issued under the above Statutes:

**Requirement:** Pursuant to N.J.A.C. 7:26- 2.8(f), no person shall begin construction or operation of a solid waste facility without obtaining a SWF Permit unless exempt pursuant to N.J.A.C. 7:26-1.1, 1.7 or 1.8. [N.J.A.C. 7:26-2.8(f)]

**Description of Noncompliance:** Failing to obtain a SWF permit prior to constructing or operating a solid waste facility. Stockpile of solid waste was located on the southwest area of the yard. This stockpile consisted of tires, wood, metal, plastics, paper, cardboard, concrete, brick, asphalt and dirt. Dimensions were the following:

75 ft. (L) x 60 ft. (W) x 15 ft. (H) = 67,500 ft.<sup>3</sup> (0.66) = 44,550 ft.<sup>3</sup> / 27 = 1,650 Yds<sup>3</sup>

**Requirement:** Pursuant to N.J.A.C. 7:26A- 1.4(a)5, any person or recycling center which receives less than 5,000 scrap tires per month and which does not process the scrap tires is not required to obtain a general or limited approval provided that: i. Storage of tires on-site shall not exceed six months; ii. Tires shall only be stored in a totally enclosed structure or in roll-off containers or trailers dedicated to scrap tire storage; iii. The provisions of N.J.A.C. 7:26A-3.8(b) and (c) are met; and iv. The tires are transferred to an end-market or to a recycling center approved to receive, store, process, or transfer scrap tires, or to a tire facility herein exempted.

HAWKINS BRIAN  
PEA230001 - U2920  
Page 2 of 4

**Description of Noncompliance:** Recycling facility accepting less than 5,000 scrap tires per month stored tires onsite for more than six months. Previous inspections indicated tires has been on site longer than one (1) year.

**PURPOSE OF THIS NOTICE** - This is intended to serve as a **NOTICE** to you, to warn you of the above violations, in order to:

- 1) provide you with an opportunity to voluntarily investigate the matter and, take corrective action to address the identified violation(s) and;
- 2) identify those violations, and time periods, pursuant to the Grace Period Law, N.J.S.A. 13:1D-125 et seq. where your voluntary action can prevent formal enforcement orders and penalties issued by the Department (see violations marked with an asterisk above \*). This **NOTICE does not** constitute a formal enforcement order, a final agency action or a final legal determination that a violation has occurred. Therefore, this **NOTICE** may not be appealed or contested.

Neither the issuance of this **NOTICE** nor any corrective actions taken by you to address the violation(s) cited, precludes the State of New Jersey or any of its agencies from initiating future enforcement action (including issuance of a formal enforcement order and the assessment of penalties) with respect to the violations listed above or for any other violations. In the event the Department determines to pursue future formal enforcement action, you will then be provided with an opportunity to appeal or contest such action.

**RESPONDING TO THIS NOTICE** – Voluntary corrective actions taken in response to this **NOTICE** can affect the Department's determination on the need for or severity of any potential future enforcement action in this matter. In accordance with the Grace Period Law, the Department will not assess a penalty against you for the violations marked with an asterisk \* above, if you take voluntary action to address and correct these violations at the time of issuance, or within the time periods indicated in this **NOTICE**. For violations identified in this **NOTICE** that **are not** subject to the Grace Period Law, the Department may consider any voluntary actions you take in response to this **NOTICE** as part of its determination 1) on whether to initiate future formal enforcement action for this site/matter and, 2) on the amount of any penalty that may be assessed in future enforcement actions. Please see items checked below regarding actions you may voluntarily undertake to address violations identified in this **NOTICE**:

**CORRECTIVE ACTION(S)** -The below Corrective Action(s) outline the timeframes pursuant to the Grace Period Law during which you may voluntarily take action to come into compliance. Depending on the nature of violations cited in this **NOTICE**, corrective action or compliance assistance recommendations for violations that are not subject to the Grace Period Law may also be listed below:

1. Demonstrate compliance within thirty (30) days of receipt of this document by transporting solid waste to an approved New Jersey Department of Environmental Protection Solid Waste Facility for disposal. [N.J.A.C. 7:26- 2.8(f)]
2. Demonstrate compliance within thirty (30) days of receipt of this document by storing tires in a totally enclosed structure or in roll-off containers or trailers dedicated to scrap tires storage. In addition, tires must be transported to an approved Class B Recycling Center or End Market within thirty days of receipt. [N.J.A.C. 7:26A- 1.4(a)5]

HAWKINS BRIAN  
PEA230001 - U2920  
Page 3 of 4

**COMPLIANCE RESPONSE FORM** - Submission of a Compliance Response Form (attached) is voluntary. Completed forms should be sent to the Department contact indicated at the bottom of this **NOTICE**.

- ☐ If received within \_\_\_\_ days of receipt it will preserve your protection from penalty under Grace Period Law.  
☒ If received within thirty (30) days of receipt, it will be considered in potential future Department action regarding the violations.

**IF YOU HAVE QUESTIONS REGARDING THIS NOTICE**, the actions recommended, or if you would like to describe actions taken to address the identified violations, please contact the Department representative issuing this **NOTICE**:

Issued by: Mike Lee

Date: 1/26/2023

Signature:



\_\_\_\_\_  
Sign Name

**For NOTICE issued to HAWKINS BRIAN on JANUARY 26, 2023.**

[illegible]

Telephone: \_\_\_\_\_

## Exhibit D



**State of New Jersey**

**PHILIP D. MURPHY**  
*Governor*

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
Division of Waste & UST Compliance & Enforcement  
Bureau of Solid Waste Compliance & Enforcement  
9 Ewing Street  
P.O. Box 420, Mail-Code 09-01  
Trenton, NJ 08625-0420  
Tel.: (609) 292-6305 Fax: (609) 292-4539

**SHAWN M. LATOURETTE**  
*Commissioner*

**SHEILA Y. OLIVER**  
*Lt. Governor*

**CERTIFIED MAIL/RRR**  
7022 3330 0001 3350 1962

August 29, 2023

Mr. Brian Hawkins Sr.  
**HAWKS AUTO TRUCK AND RECYCLING**  
65 Muirhead Ave.  
Trenton, New Jersey 08638

**RE: ADMINISTRATIVE ORDER AND NOTICE OF CIVIL ADMINISTRATIVE PENALTY  
ASSESSMENT  
HAWKS AUTO TRUCK AND RECYCLING  
65 Muirhead Ave.  
Trenton, NJ 08638  
EA ID #: PEA230002 - U2920**

Dear Mr. Hawkins:

Enclosed for service upon you is an Administrative Order and Notice of Civil Administrative Penalty Assessment ("AONOCAPA") issued by the Department pursuant to the provisions of the Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq.

The Department may be available to meet informally with the principals of the case to discuss the enclosed enforcement action. Please contact **Mr. Mike Lee** of my staff within 30 days upon receipt of this AONOCAPA to arrange for such a meeting or with any questions at **(609) 439-9668**. If you prefer, you may wish to consider requesting alternative dispute resolution through the Department's Office of Dispute Resolution. For Information on the alternative dispute resolution process, visit [www.nj.gov/dep/odr](http://www.nj.gov/dep/odr).

Should such a meeting(s) be requested and granted, be advised this does not affect the time frame within which you may request an administrative hearing under the **NOTICE OF RIGHT TO A HEARING** provision in the enclosed document.

Sincerely,

Tom Farrell, Chief  
Bureau of Solid Waste Compliance & Enforcement

c: Director Linda Taylor, NJDEP Office of Admin Hearing Req., and Dispute Resolution  
Director NJDEP Office of Legal Affairs

Enclosure





# State of New Jersey

**PHILIP D. MURPHY**  
Governor

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
Division of Waste & UST Compliance & Enforcement  
Bureau of Solid Waste Compliance & Enforcement  
9 Ewing Street  
P.O. Box 420, Mail-Code 09-01  
Trenton, NJ 08625-0420  
Tel.: (609) 292-6305 Fax: (609) 292-4539

**SHAWN M. LATOURETTE**  
Commissioner

**SHEILA Y. OLIVER**  
Lt. Governor

**CERTIFIED MAIL/RRR**  
7022 3330 0001 3350 1955

August 29, 2023

Ms. Rosetta L. Muccie, Registered Agent  
**SHARLIN PROPERTIES, LLC**  
103 Argonne Ave.  
Yardville, New Jersey 08620

**RE: ADMINISTRATIVE ORDER AND NOTICE OF CIVIL ADMINISTRATIVE  
PENALTY ASSESSMENT  
HAWKS AUTO TRUCK AND RECYCLING  
65 Muirhead Ave.  
Trenton, NJ 08638  
EA ID #: PEA230002 - U2920**

Dear Ms. Muccie:

Enclosed for service upon you is an Administrative Order and Notice of Civil Administrative Penalty Assessment ("AONOCAPA") issued by the Department pursuant to the provisions of the Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq.

The Department may be available to meet informally with the principals of the case to discuss the enclosed enforcement action. Please contact **Mr. Mike Lee** of my staff within 30 days upon receipt of this AONOCAPA to arrange for such a meeting or with any questions at **(609) 439-9668**. Should such a meeting be requested and granted, be advised this does not affect the time frame within which you may request an administrative hearing under the **NOTICE OF RIGHT TO A HEARING** provision in the enclosed document.

Sincerely,

Tom Farrell, Chief  
Bureau of Solid Waste Compliance & Enforcement

c: Director Linda Taylor, NJDEP Office of Admin Hearing Req., and Dispute Resolution  
Director NJDEP Office of Legal Affairs

Enclosure





## State of New Jersey

**PHILIP D. MURPHY**  
*Governor*

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
Division of Waste & UST Compliance & Enforcement  
Bureau of Solid Waste Compliance & Enforcement  
9 Ewing Street  
P.O. Box 420, Mail-Code 09-01  
Trenton, NJ 08625-0420  
Tel.: (609) 292-6305 Fax: (609) 292-4539

**SHAWN M. LATOURETTE**  
*Commissioner*

**SHEILA Y. OLIVER**  
*Lt. Governor*

### IN THE MATTER OF

**HAWKS AUTO TRUCK AND RECYCLING**

**SHARLIN PROPERTIES, LLC**

**BRIAN HAWKINS Sr., Individually**

:  
:  
:  
:  
:

**ADMINISTRATIVE ORDER**

**AND**

**NOTICE OF CIVIL ADMINISTRATIVE  
PENALTY ASSESSMENT**

**"Jointly and severally, hereinafter referred to  
as "Respondents"**

### **EA ID # PEA230002 - U2920**

This Administrative Order and Notice of Civil Administrative Penalty Assessment (hereinafter "AONOCAPA") is issued pursuant to the authority vested in the Commissioner of the New Jersey Department of Environmental Protection (hereinafter "NJDEP" or the "Department") by N.J.S.A. 13:1D-1 et seq., and the Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq., and duly delegated to the Chief Bureau of Solid Waste Compliance and Enforcement, pursuant to N.J.S.A. 13:1B-4. This notice shall be effective upon receipt by Respondents or someone on the Respondents' behalf authorized to accept service.

### **A. FINDINGS**

1. Sharlin Properties, LLC owns the property and Hawk's Auto Truck and Recycling operates an automobile salvage business located at 65 Muirhead Ave, Block 7700 and Lots 1,2,3,4,5,6,7,8,9,10,11 and 12, Trenton City, Mercer County, New Jersey. Mr. Brian Hawkins Sr. is the owner and operator Hawk's Auto Truck & Recycling. These three (3) parties – Sharlin Properties, LLC, Hawk's Auto Truck and Recycling, and Brian Hawkins Sr. shall hereinafter be referred to as Respondents (NJDEP Program Interest ID# U2920).
2. Pursuant to N.J.A.C. 7:26-1.4, a "solid waste facility" (SWF) means any system, site, equipment or building which is utilized for the storage, collection, processing, transfer, transportation, separation, recycling, recovering or disposal of solid waste.
3. As the result of compliance evaluations conducted on January 30, 2019, February 1, 2019, September 8, 2022, and January 23, 2023, the Department has determined that Respondent failed to comply with applicable requirements as follows:
  - a) **Requirement:** Pursuant to N.J.A.C. 7:26- 2.8(e), no person shall engage or continue to engage, unless exempt by N.J.A.C. 7:26-1.1, 1.7, or 1.8 in the disposal of solid waste in this State without first having filed a completed application for and received approval of a SWF Permit [N.J.A.C. 7:26-2.8(e)].

**Description of Noncompliance:** Failing to obtain a SWF permit prior to the disposal of solid waste on this property. Unpermitted solid waste disposal on this property which includes tires and construction and demolition debris. (Field NOV, PEA190001, Effective 2/1/19)

- b) **Requirement:** Pursuant to N.J.A.C. 7:26- 2.8(f), no person shall begin construction or operation of a solid waste facility without obtaining a SWF Permit unless exempt pursuant to N.J.A.C. 7:26-1.1, 1.7 or 1.8. [N.J.A.C. 7:26-2.8(f)]  
**Description of Noncompliance:** Failing to obtain a SWF permit prior to constructing or operating a solid waste facility. A stockpile of solid waste was located on the southwest area of the yard. This stockpile consisted of tires, wood, metal, plastics, paper, cardboard, concrete, block, brick, asphalt, and soil materials. NJDEP field measurements of the solid waste on this property was approximately 1,650 cubic yards. (NOV PEA220001, Effective 9/22/22)
- c) **Requirement:** Pursuant to N.J.A.C. 7:26- 2.8(f), no person shall begin construction or operation of a solid waste facility without obtaining a SWF Permit unless exempt pursuant to N.J.A.C. 7:26-1.1, 1.7 or 1.8. [N.J.A.C. 7:26-2.8(f)]  
**Description of Noncompliance:** Failing to obtain a SWF permit prior to constructing or operating a solid waste facility. Stockpile of solid waste was located on the southwest area of the yard. This stockpile consisted of tires, wood, metal, plastics, paper, cardboard, concrete, brick, asphalt, and soil materials. NJDEP field measurements of the solid waste on this property was approximately 1,650 cubic yards. (NOV, PEA230001 Effective 1/30/23)
- d) **Requirement:** Pursuant to N.J.A.C. 7:26A- 1.4(a)5, any person or recycling center which receives less than 5,000 scrap tires per month, and which does not process the scrap tires is not required to obtain a general or limited approval provided that: i. Storage of tires on-site shall not exceed six months; ii. Tires shall only be stored in a totally enclosed structure or in roll-off containers or trailers dedicated to scrap tire storage; iii. The provisions of N.J.A.C. 7:26A-3.8(b) and (c) are met; and iv. The tires are transferred to an end-market or to a recycling center approved to receive, store, process, or transfer scrap tires, or to a tire facility herein exempted.  
**Description of Noncompliance:** Recycling facility accepting less than 5,000 scrap tires per month stored tires onsite for more than six months. Previous inspections indicated tires has been on site longer than one (1) year. (NOV, PEA230001 Effective 1/23/23).
4. On February 1, 2019, the Department issued a Notice of Violation ("NOV") to Respondents (Hawk Auto & Truck Recycling) for the violation cited in paragraph 3(a). Additional NOV's were issued on September 22, 2022 for the violation cited in paragraph 3(b), and January 30, 2023 for the violations cited in paragraphs 3(c) and 3(d). The Department afforded Respondents a period of time to correct the violations before a penalty would be assessed. The Department conducted a follow-up compliance evaluation on June 21, 2023 and determined that these violations had not been corrected.
5. Based on the facts set forth in these FINDINGS, the Department has determined that Respondents have violated the Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq., and the regulations promulgated pursuant thereto, specifically, N.J.A.C. 7:26- 2.8(f), N.J.A.C. 7:26-2.8(e), N.J.A.C. 7:26A- 1.4(a)5.

**B. ORDER**

**NOW, THEREFORE, IT IS HEREBY ORDERED THAT:**

6. Respondents shall comply with the following:

- a. Upon receipt of this AONOCAPA, cease the unpermitted disposal of solid waste and unpermitted operation of a solid waste facility on the property located at 65 Muirhead Ave, Block 7700 and Lots 1,2,3,4,5,6,7,8,9,10,11 and 12, Trenton City, Mercer County, New Jersey.
- b. Within thirty (30) days from receipt of this AONOCAPA, submit a Corrective Action Plan to the NJDEP BSWC&E for approval prior to the proper removal and disposal of all illegal solid waste on this property which includes stockpiles of tires, wood, metal, plastics, paper, cardboard, concrete, cinder block, brick, asphalt and soil materials commingled with solid waste.  
  
(If applicable) The Corrective Action Plan should include a soil sampling and analyses plan which properly characterizes all imported soil materials, for either their continued use on this property (if they do not trigger the definition of solid wastes and are allowed pursuant to local ordinances) or for removal to a facility authorized to accept same by the NJDEP. Please be advised, all soils that exceed the limits of the NJDEP Residential Ingestion - Dermal and Inhalation Pathways Remediation Standards in N.J.A.C. 7:26D, will need to be properly addressed (see 6.c below). In addition, all sampling shall be proposed within the Corrective Action Plan and shall conform to the Technical Requirements for Site Remediation at N.J.A.C. 7:26E as well as the most recent version of the Department's Field Sampling Procedures Manual.
- c. Within ninety (90) days upon approval of the Corrective Action Plan from the BSWC&E, remove from the property all solid waste consisting of contaminated soil that does not meet the NJDEP Residential Ingestion – Dermal and Inhalation Pathways Remediation Standards in N.J.A.C. 7:26D (if applicable). Arrange to transport all contaminated soil, to an approved solid waste disposal facility, a facility authorized to treat petroleum contaminated soils (if the contamination is documented to be from a release of a petroleum product such as fuel oil), or, a facility undergoing remediation wherein such materials are approved for re-use as part of the remedial action as approved by a Licensed Site Remediation Professional (LSRP) who is documented to be retained for the site pursuant to the Administrative Requirements for Site Remediation (N.J.A.C. 7:26C).
- d. Within thirty (30) days of site cleanup, provide proof of disposal, treatment, or re-use of the subject materials to the BSWC&E for all solid waste including any soils that exceed the NJDEP Residential Ingestion – Dermal and Inhalation Pathways Remediation Standards in N.J.A.C. 7:26D, which were removed from the property.

**C. NOTICE OF CIVIL ADMINISTRATIVE PENALTY ASSESSMENT  
 AND  
 NOTICE OF RIGHT TO A HEARING**

7. Pursuant to N.J.S.A. 13:1E-9e and/or N.J.S.A. 14:13A-12(b), and based upon the above FINDINGS, the Department has determined that a civil administrative penalty is hereby assessed against Respondents: Sharlin Properties, LLC, Hawk's Auto and Truck Recycling, Brian Hawkins Sr. - jointly and severally, in the amount of **\$4,500.00**. The Department's rationale for the civil administrative penalty is set forth in the enclosed PENALTY ASSESSMENT WORKSHEETS and incorporated herein.
8. Pursuant to N.J.S.A. 13:1E-1 et seq., the Department may, in addition to any other civil administrative penalty assessed, include as a civil administrative penalty the economic benefit (in dollars) which a violator has realized as a result of not complying with, or by delaying compliance with, the requirements

**HAWKS AUTO TRUCK AND RECYCLING**

AONOCAPA - PEA230002 - U2920

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of the Act.

9. Pursuant to N.J.S.A. 52:14B-1 et seq., and N.J.S.A. 13:1E-9(e), Respondents are entitled to request a hearing. Respondents shall, in requesting a hearing, complete and submit the enclosed ADMINISTRATIVE HEARING REQUEST AND CHECKLIST TRACKING FORM along with all required information. Submittal or granting of a hearing request does not automatically stay the terms or effect of this AONOCAPA.
10. If no request for a hearing is received within twenty (20) calendar days following receipt of this AONOCAPA, it shall become a Final Order upon the twenty-first (21st) calendar day following its receipt, and the penalty shall be due and payable. Where multiple respondents are listed, each individual respondent must submit a hearing request pursuant to the above paragraph or be listed specifically in a joint hearing request. In the event that a listed Respondent fails to request a hearing in accordance with the above, this AONOCAPA shall become a Final Order with respect to that Respondent.
11. If a timely request for a hearing is received, payment of the penalty is due when Respondents receive a notice of the denial of the request, or, if the hearing request is granted, when Respondents withdraw the request or abandon the hearing, or, if the hearing is conducted, when Respondents receive a final decision from the Commissioner in this matter.
12. Payment shall be made by check payable to Treasurer, State of New Jersey and shall be submitted along with the enclosed Enforcement Invoice to:

Department of Treasury  
Division of Revenue  
P.O. Box 417  
Trenton, NJ 08646-0417

#### **D. GENERAL PROVISIONS**

13. This AONOCAPA is binding on Respondents, their principals, directors, officers, agents, successors, assigns, employees, tenants, any trustee in bankruptcy or other trustee, and any receiver appointed pursuant to a proceeding in law or equity.
14. No obligations imposed by this AONOCAPA are intended to constitute a debt which should be limited or discharged in a bankruptcy proceeding. All obligations are imposed pursuant to the police powers of the State of New Jersey, intended to protect the public health, safety, welfare, and the environment.
15. This AONOCAPA is issued only for the violation(s) identified in the FINDINGS hereinabove and that violations of any statutes, rules or permits other than those herein cited may be cause for additional enforcement actions, either administrative or judicial, being instituted. By issuing this AONOCAPA, NJDEP does not waive its rights to initiate additional enforcement actions.
16. Neither the issuance of this AONOCAPA nor anything contained herein shall relieve Respondents of the obligation to comply with all applicable laws, including but not limited to the statutes and regulations cited herein.
17. Pursuant to N.J.S.A. 13:1E-9e, NJDEP is authorized to assess a civil administrative penalty of not more than \$50,000 for each violation, and each day during which the violation continues shall constitute an additional, separate, and distinct offense.

**HAWKS AUTO TRUCK AND RECYCLING**

AONOCAPA - PEA230002 - U2920

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18. Pursuant to N.J.S.A. 13:1E-9f, any person who violates the provisions of N.J.S.A. 13:1E-1 et seq. or any code, rule, or regulation promulgated pursuant thereto shall be liable to a penalty of not more than \$50,000 per day to be collected in a civil action, and any person who violates an Administrative Order issued pursuant to N.J.S.A. 13:1E-9c, including this Administrative Order, or a Court Order issued pursuant to N.J.S.A. 13:1E-9d, or who fails to pay a civil administrative penalty assessed pursuant to N.J.S.A. 13:1E-9e in full after it is due is subject upon order of a court to a civil penalty not to exceed \$100,000 per day of such violations. Each day during which the violation continues constitutes an additional, separate, and distinct offense.

DATE:

8/29/23  
Tom Farrell, Chief  
Bureau of Solid Waste Compliance & Enforcement

HAWKS AUTO TRUCK AND RECYCLING

AONOCAPA - PEA230002 - U2920

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**SOLID WASTE MANAGEMENT ACT**  
**BASE PENALTY ASSESSMENT WORKSHEET**

**Respondents:** SHARLIN PROPERTIES, LLC; HAWKS AUTO TRUCK AND RECYCLING; and BRIAN HAWKINS SR., Individually - "jointly and severally"

**Dates Violations Observed:** 1/30/19, 9/8/22, 1/23/2023

**Rule violated as listed in N.J.A.C. 7:26-5.4(g):** N.J.A.C. 7:26-2.8(f) – Addressing the unpermitted operation of a solid waste facility on the property located at 65 Muirhead Ave, Block 7700 and Lots 1,2,3,4,5,6,7,8,9,10,11 and 12, Trenton City, Mercer County, New Jersey.

**Separate and distinct occurrences of this violation:** 1

**Base penalty for rule violated:** \$4,500.00

**Severity Factors:**

**N.J.A.C. 7:26-5.4(f)3i:**

Violator had violated the same rule less than 12 months prior to the violation.

**Add 100% of Base Penalty = \$0**

**N.J.A.C. 7:26-5.4(f)3ii:**

Violator had violated a different rule less than 12 months prior to the violation.

**Add 50% of Base Penalty = \$0**

**N.J.A.C. 7:26-5.4(f)3iii:**

Violator had violated the same rule during the period which began 24 months prior to the violation and ended 12 months prior to the violation.

**Add 50% of Base Penalty = \$0**

**N.J.A.C. 7:26-5.4(f)3iv:**

Violator had violated a different rule during the period which began 24 months prior to the violation and ended 12 months prior to the violation.

**Add 25% of Base Penalty = \$0**

**Total Civil Administrative Penalty = \$4,500.00**

**Comments:** The Department considers these violations to be continuing violations, and therefore will assess only one (1) single penalty.



**HAWKS AUTO TRUCK AND RECYCLING**

AONOCAPA - PEA230002 - U2920

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**VIOLATIONS CITED WITHOUT PENALTY ASSESSMENT**

The following is a list of violations that were cited in this document but did not result in a penalty assessment. In most cases, a penalty was not assessed because the violation qualified for a grace period in accordance with P.L. 1995, c.296 (N.J.S.A. 13:1D-125 et seq.) "Fast Track Compliance Law". If any of these violations are repeated within twelve months, the facility will be assessed a penalty for those violations in accordance with N.J.A.C. 7:26-5.4 or N.J.A.C. 7:26H-5.18.

*N.J.A.C. 7:26-2.8(e)*

*N.J.A.C. 7:26A- 1.4(a)5*

**HAWKS AUTO TRUCK AND RECYCLING**

AONOCAPA - PEA230002 - U2920

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**Administrative Hearing Request Checklist  
and Tracking Form**

I. Document Being Appealed: EA ID # PEA230002 - U2920

---

Date Document Issued

---

II. Respondent Requesting Hearing:

**HAWKS AUTO TRUCK AND  
RECYCLING; jointly and severally**

Name/Company

Name of Attorney (if applicable)

Address

Address

Telephone #

Telephone #

III. Include the Following Information As Part of Your Request:

- A. The date the alleged violator received the Enforcement Document;
- B. A copy of the Enforcement Document and a list of all issues being appealed;
- C. An admission or denial of each of the findings of fact, or a statement of insufficient knowledge;
- D. The defenses to each of the findings of fact in the enforcement document;
- E. Information supporting the request;
- F. An estimate of the time required for the hearing;
- G. A request, if necessary, for a barrier-free hearing location for physically disabled persons;
- H. **A clear indication of any willingness to negotiate a settlement with the Department prior to the Department's processing of your hearing request to the Office of Administrative Law.**

IV. Each listed Respondent shall submit this form, completed, signed, and dated with all of the information listed above, including attachments, to:

- 1. New Jersey Department of Environmental Protection  
Office of Legal Affairs  
401 E. State Street, P.O. Box 402  
Trenton, New Jersey 08625  
Attention: Adjudicatory Hearing Requests
- 2. Department of Environmental Protection  
Bureau of Solid Waste Compliance & Enforcement  
9 Ewing Street, Mail Code 09-01  
P.O. Box 420  
Trenton NJ 08625-0420  
Attention: Supervisor, Southern Region
- 3. All co-permittees (w/attachments)

V. Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
 Job No: 35660000 Billing Code: \_\_\_\_\_ Case Manager: Mike Lee



**HAWKS AUTO TRUCK AND RECYCLING**

AONOCAPA - PEA230002 - U2920

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**Administrative Hearing Request Checklist  
and Tracking Form**

I. Document Being Appealed: EA ID # PEA230002 - U2920

**Date Document Issued**

II. Respondent Requesting Hearing:

**BRIAN HAWKINS SR., Individually -  
"jointly and severally"**

Name/Company

Name of Attorney (if applicable)

Address

Address

Telephone #

Telephone #

III. Include the Following Information As Part of Your Request:

- A. The date the alleged violator received the Enforcement Document;
- B. A copy of the Enforcement Document and a list of all issues being appealed;
- C. An admission or denial of each of the findings of fact, or a statement of insufficient knowledge;
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- 2. Department of Environmental Protection  
Bureau of Solid Waste Compliance & Enforcement  
9 Ewing Street, Mail Code 09-01  
P.O. Box 420  
Trenton NJ 08625-0420  
Attention: Supervisor, Southern Region
- 3. All co-permittees (w/attachments)

V. Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
 Job No: 35660000 Billing Code: \_\_\_\_\_ Case Manager: Mike Lee

I. Document Being Appealed: EA ID # PEA230002 - U2920

## II. Respondent Requesting Hearing:

**SHARLIN PROPERTIES, LLC; jointly  
and severally**

Name/Company

Name of Attorney (if applicable)

## Address

## Address

Telephone #

Telephone #

III. Include the Following Information As Part of Your Request:

- A. The date the alleged violator received the Enforcement Document;
- B. A copy of the Enforcement Document and a list of all issues being appealed;
- C. An admission or denial of each of the findings of fact, or a statement of insufficient knowledge;
- D. The defenses to each of the findings of fact in the enforcement document;
- E. Information supporting the request;
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9 Ewing Street, Mail Code 09-01  
P.O. Box 420  
Trenton NJ 08625-0420  
Attention: Supervisor, Southern Region
3. All co-permittees (w/attachments)

V. Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Job No: 35660000 Billing Code: \_\_\_\_\_ Case Manager: Mike Lee

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## NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

INVOICE NO.

231289880

# SOLID WASTE COMPLIANCE AND ENFORCEMENT

<b>Program Interest</b>	<b>Type of Notice</b>	<b>Amount Due</b>
HAWKS AUTO TRUCK AND RECYCLING	ORIGINAL (NON-INITIAL)	\$ 4,500.00
65 MUIRHEAD AVE		
Trenton, NJ. 08638	<b>Billing Date</b>	<b>Due Date</b>
U2920	08/28/23	09/28/23
		<b>NJEMS Bill ID</b>
		000000260746900

Summary	
Total Amount Assessed	4,500.00
Amount Received Before Creating Installment Plan (if installment plans is allowed)	0.00
Amount Transferred To Installment Plan	4,500.00
Installment Amount	0.00
Total Amount Credited	0.00
Total Amount Debited (Other Than Amounts Assessed)	0.00
<b>Total Amount Due</b>	<b>4,500.00</b>

**REMINDER:**  
 YOU CAN PAY THIS BILL ONLINE WITH A CREDIT CARD OR E-CHECK.  
 GO TO [HTTP://WWW.NJ.GOV/DEP/ONLINE](http://WWW.NJ.GOV/DEP/ONLINE) AND CLICK PAY A PAPER INVOICE.  
 THE SYSTEM WILL ASK FOR THE INVOICE NUMBER THAT IS FOUND AT THE TOP-RIGHT CORNER OF THIS BILL.  
 THERE IS NO FEE FOR PAYING VIA E-CHECK; FOR CREDIT CARD USE, 1.9% OF THE TOTAL + \$1 IS CHARGED.  
 TO PAY BILL BY MAIL SEND A CHECK PAYABLE TO TREASURER-STATE OF NEW JERSEY.  
 WRITE INVOICE NUMBER AND PROGRAM INTEREST NUMBER ON CHECK.  
 RETURN CHECK WITH BOTTOM PORTION OF THIS INVOICE TO THE NJ DEPARTMENT OF TREASURY.  
 IF YOU HAVE QUESTIONS SEE BACK OF INVOICE FOR CONTACT INFORMATION.

See Back Of Page for Billing Inquiries

INVOICE NO.

231289880

D9901F (R 3/14/02)

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## NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

INVOICE NO.

231289880

# SOLID WASTE COMPLIANCE AND ENFORCEMENT

<b>Program Interest ID</b>	<b>Type of Notice</b>	<b>Billing Date</b>	<b>Due Date</b>	<b>NJEMS Bill ID</b>
U2920	ORIGINAL (NON-INITIAL)	08/28/23	09/28/23	000000260746900
				<b>Amount Due</b>
				\$ 4,500.00

For name and/or address  
change, check box and write  
corrections on the back of this  
invoice.

**DO NOT FOLD, BEND OR MARK**Enter the Amount  
of your payment → \$**RETURN THIS PORTION**

with your check made payable to:

**HAWKS AUTO TRUCK AND RECYCLING****ATTN: Mr. Brian Hawkins Sr.**

65 Muirhead Ave.

Trenton, New Jersey 08638

PEA230002 - U2920

TREASURER - STATE OF NEW JERSEY  
and mail to:

NJ DEPARTMENT OF TREASURY

DIVISION OF REVENUE

PO BOX 417

TRENTON, NJ 08646-0417

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## NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

INVOICE NO.

231289880

# SOLID WASTE

## COMPLIANCE AND ENFORCEMENT

## Program Interest

HAWKS AUTO TRUCK AND RECYCLING  
65 MUIRHEAD AVE  
Trenton, NJ. 08638  
U2920

## Type of Notice

ORIGINAL (NON-INITIAL)

## Amount Due

\$ 4,500.00

## Billing Date

08/28/23

## Due Date

09/28/23

## NJEMS Bill ID

000000260746900

## AONOCAPA

Prescribed Enforcement Action

This bill was created by the Assessments Trigger.

## ASSESSMENTS

Start-End Date: 08/28/2023-09/28/2023 Activity: PEA230002

Assessment Type: PENALTY

Regulatory Basis:

Status: Open (Pending Payment)

Amount: \$ 4500.00

Total Amount Assessed: \$ 4,500.00

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## NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

INVOICE NO.

231289880

# SOLID WASTE COMPLIANCE AND ENFORCEMENT

Program Interest
HAWKS AUTO TRUCK AND RECYCLING
65 MUIRHEAD AVE
Trenton, NJ. 08638
U2920

Type of Notice
ORIGINAL (NON-INITIAL)

Amount Due
\$ 4,500.00

Billing Date
08/28/23

Due Date
09/28/23

NJEMS Bill ID
000000260746900

Summary	
Total Amount Assessed	4,500.00
Amount Received Before Creating Installment Plan (if installment plans is allowed)	0.00
Amount Transferred To Installment Plan	4,500.00
Installment Amount	0.00
Total Amount Credited	0.00
Total Amount Debited (Other Than Amounts Assessed)	0.00
<b>Total Amount Due</b>	<b>4,500.00</b>

**REMINDER:**  
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 GO TO [HTTP://WWW.NJ.GOV/DEP/ONLINE](http://WWW.NJ.GOV/DEP/ONLINE) AND CLICK PAY A PAPER INVOICE.  
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 THERE IS NO FEE FOR PAYING VIA E-CHECK; FOR CREDIT CARD USE, 1.9% OF THE TOTAL + \$1 IS CHARGED.  
 TO PAY BILL BY MAIL SEND A CHECK PAYABLE TO TREASURER-STATE OF NEW JERSEY.  
 WRITE INVOICE NUMBER AND PROGRAM INTEREST NUMBER ON CHECK.  
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See Back Of Page for Billing Inquiries

INVOICE NO.

231289880

D9901F (R 3/14/02)

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## NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

INVOICE NO.

231289880

# SOLID WASTE COMPLIANCE AND ENFORCEMENT

Program Interest ID
U2920

Type of Notice
ORIGINAL (NON-INITIAL)

Billing Date
08/28/23

Due Date
09/28/23

NJEMS Bill ID
000000260746900

Amount Due
\$ 4,500.00

For name and/or address  
change, check box and write  
corrections on the back of this  
invoice.

**DO NOT FOLD, BEND OR MARK**Enter the Amount  
of your payment →

\$
----

**RETURN THIS PORTION** with your check made payable to:

**SHARLIN PROPERTIES, LLC**  
**ATTN: Ms. Rosetta L. Muccie**  
 103 Argonne Ave.  
 Yardville, New Jersey 08620  
 PEA230002 - U2920

TREASURER - STATE OF NEW JERSEY  
 and mail to:  
 NJ DEPARTMENT OF TREASURY  
 DIVISION OF REVENUE  
 PO BOX 417  
 TRENTON, NJ 08646-0417

H3

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## NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

INVOICE NO.

231289880

# SOLID WASTE COMPLIANCE AND ENFORCEMENT

## Program Interest

HAWKS AUTO TRUCK AND RECYCLING  
65 MUIRHEAD AVE  
Trenton, NJ. 08638  
U2920

## Type of Notice

ORIGINAL (NON-INITIAL)

## Amount Due

\$ 4,500.00

## Billing Date

08/28/23

## Due Date

09/28/23

## NJEMS Bill ID

000000260746900

AONOCAPA  
Prescribed Enforcement Action  
This bill was created by the Assessments Trigger.

## ASSESSMENTS

Start-End Date: 08/28/2023-09/28/2023 Activity: PEA230002

Assessment Type: PENALTY

Regulatory Basis:

Status: Open (Pending Payment)

Amount: \$ 4500.00

Total Amount Assessed: \$ 4,500.00

MATTHEW J. PLATKIN  
 ATTORNEY GENERAL OF NEW JERSEY  
 R.J. Hughes Justice Complex  
 25 Market Street  
 P.O. BOX 093  
 Trenton, New Jersey 08625-0093  
 Attorney for Plaintiff

By: Nell M. Hryshko  
 Deputy Attorney General  
 Attorney ID No. 372522021  
 Nell.Hryshko@law.njoag.gov  
 (609) 376-2735

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NEW JERSEY DEPARTMENT OF  
 ENVIRONMENTAL PROTECTION and  
 SHAWN M. LATOURETTE,  
 COMMISSIONER OF THE NEW JERSEY  
 DEPARTMENT OF ENVIRONMENTAL  
 PROTECTION,

Plaintiffs,

v.

HAWK'S AUTO AND TRUCK RECYCLING  
 INC., SHARLIN PROPERTIES LLC, and  
 BRIAN HAWKINS SENIOR,

Defendant.

---

SUPERIOR COURT OF NEW JERSEY  
 CHANCERY DIVISION – MERCER COUNTY  
 DOCKET NO.

CIVIL ACTION

**CERTIFICATION OF ANTHONY SHORROCK IN  
 SUPPORT OF PLAINTIFFS' ORDER TO SHOW  
 CAUSE**

I, Anthony Shorrock, do hereby certify as follows:

1. I am an Environmental Specialist II in the New Jersey Department of Environmental Protection's Central Bureau of Water Compliance and Enforcement ("CBWCE").

I submit this certification in support of Plaintiffs' Order to Show Cause.

2. On November 3, 2022, CBWCE issued an Administrative Order and Notice of Civil Penalty Assessment ("AONOCAPA") to Hawk's ordering it to comply with New Jersey Pollution Discharge Elimination System Vehicle Recycling Stormwater Discharge Permit No.

NJG0140279 (the “Stormwater Permit”) and pay a civil administrative penalty of \$20,000. The AONOCAPA became a Final Agency Order (“FAO”) on November 28, 2023.

3. On October 18, 2023, I inspected the property located at 65 Muirhead Ave., Trenton, New Jersey at which Hawk’s operates its business (the “Site”). A true and correct copy of the inspection summary is attached hereto as Exhibit A.

4. I observed that Hawk’s had implemented some, but not all, of the requirements of the FAO. Specifically, by October 18, 2023, Hawk’s had implemented fluid draining area best management practices (“BMPs”), vehicle storage BMPs, and fluid storage BMPs. Hawk’s was in the process of cleaning the debris and scrap metal stored on the Site.

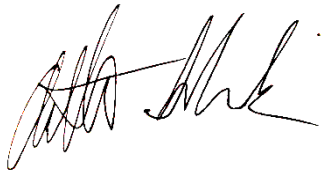
5. On March 18, 2024, I conducted a follow-up inspection to monitor the progress of clearing the scrap pile and assess compliance with the FAO. I observed that the scrap pile remained on the Site in violation of the FAO. A true and correct copy of the inspection summary is attached hereto as Exhibit B.

6. On May 14, 2024, I conducted a second follow-up inspection and observed that the scrap pile remained on the Site. A true and correct copy of the inspection summary is attached hereto as Exhibit C.

7. As of September 30, 2024, the scrap pile remains on the Site and exposed to stormwater and the civil administrative penalty has not been paid.

I certify under penalty of perjury that the foregoing is true and correct.

Dated: 10/15/2024

  
/s/ \_\_\_\_\_  
Anthony Shorrock



# Exhibit A

## Compliance Evaluation Summary and Checklist with ALL Requirements

Date Printed: 7/31/2024

**Activity:** BCI 230001 \*Brief Compliance Inspection (130208)

**Title Description:** CMSS Follow Up - RVR

**Start Date/Time:** 10/18/2023 10:00 AM **End Date/Time:** 10/18/2023 12:00 PM

**Program Interest:** TRENTON AUTO RECYCLERS  
130208 (NJPDDES)  
65 MUIRHEAD AVE  
TRENTON CITY, MERCER COUNTY

**Mailing Address:** 65 MUIRHEAD AVE Trenton NJ 08638

**Responsibility Entity(s)** **Program Interests included in Inspection:**

Hawks Auto & truck Recycling 130208 (Njpdcs)

**Block(s) and Lot(s):** No Block and Lot

<u>Lead Investigator</u>	<u>Other Investigators</u>	<u>Persons Interviewed</u>	<u>Witnesses</u>
Shorrock, Anthony		Brian Hawkins - Owner 609-516-6630	

RVR - Vehicle Recycling Permit  
#: NJG0140279  
Effective: 10/1/12  
Expires: 9/30/17  
\*Permit will automatically renew\*

Facility recycles vehicles and stores police impounded vehicles.  
Vehicle engines and parts stored indoors for resale.  
Area at Southern end of property, currently in the process of cleaning debris and recycling scrap metal.

Upon BCI230001 CMSS follow up inspection, it has been found that Trenton Auto Recyclers has:

- Implemented fluid draining area BMPs.
- Developed a plan to clear debris/scrap metal at Southern end of property.
- Implemented vehicle storage BMPs.
- Implemented fluid storage BMPs.

Facility reminded to keep all necessary documents onsite at all times.  
Discussed denial of hearing request and current AONOCAPA with Brian Hawkins during inspection.  
As of 10/18/23, Brian Hawkins is yet to receive an invoice for the AONOCAPA.

ADVISED:

- Ensure that vehicle dismantling and drainage area operations occur on a bermed/contained impervious surface, as per the permit.
- Ensure that all stored vehicles have been properly drained of all fluids.
- Properly label all source materials.
- Ensure SPPP employee training done annually.

Inspection Attribute(s):	Quantity(s)
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Number of Attributes: 0

IC - In Compliance	ND - Compliance Not Determined	N - No	NA - Not Applicable	PV - Potential Violation	H - Heading	NI - Not Inspected
NC - No Obvious Concern	ON - Out of Compliance, Non-referred	Y - Yes	OC - Out of Compliance	DC - Data Collection	S - Sub-Heading	RTC - Return to Compliance

**130208 GDR 0 - General Discharge Requirements**

Req. Included Flag	Requirement	Status RTC	Results or Comments	Req Source Ref # Req. Type
N	Additional Requirements Incorporated By Reference	H		DST 120001 1 T
N	Requirements for Discharges to Surface Water	S		DST 120001 2 T
N	In addition to conditions in Part I of this permit, the conditions in this section are applicable to activities at the permitted location and are incorporated by reference. The permittee is required to comply with the regulations which are in effect as of the effective date of the final permit. [N.J.A.C. 7:14A- 2.11(a)]			DST 120001 3 T
N	Conditions for General Permits at N.J.A.C. 7:14A-6.13 [N.J.A.C. 7:14A- 6.13]			DST 120001 4 T
N	Procedures and conditions applicable to certain stormwater discharges at N.J.A.C. 7:14A-24. [N.J.A.C. 7:14A-11 Appendix A]			DST 120001 5 T
N	Requirements for Discharges to Ground Water	S		DST 120001 6 T
N	When it is determined that regulated discharges to ground water cause a contravention of the Ground Water Quality Standards in accordance with N.J.A.C. 7:9C, corrective measures shall be implemented to address the problem pursuant to N.J.A.C. 7:14A-7.8. Such measures may include the following: [N.J.A.C. 7:14A- 7.8]			DST 120001 7 T
N	Implementation of additional best management practices (BMPs) to reduce the exposure of source materials to stormwater; [N.J.A.C. 7:14A- 7.8]			DST 120001 8 T
N	Monitoring of the ground water downgradient of the discharge; [N.J.A.C. 7:14A- 7.8]			DST 120001 9 T
N	Remediation of the release; [N.J.A.C. 7:14A- 7.8]			DST 120001 10 T
N	Upgrade to the stormwater collection and discharge system that include pre-treatment of the stormwater prior to discharge to the ground surface or basin(s). [N.J.A.C. 7:14A- 7.8]			DST 120001 11 T
N	General Conditions	H		DST 120001 12 T
N	Scope	S		DST 120001 13 T

IC - In Compliance

ND - Compliance Not Determined

N - No

NA - Not Applicable

PV - Potential Violation

H - Heading

NI - Not Inspected

NC - No Obvious Concern

ON - Out of Compliance, Non-referred

Y - Yes

OC - Out of Compliance

DC - Data Collection

S - Sub-Heading

RTC - Return to Compliance

**130208 GDR 0 - General Discharge Requirements**

Reqt. Included Flag	Requirement	Status RTC	Results or Comments	Reqt Source Ref # Reqt. Type
N	The issuance of this permit shall not be considered as a waiver of any applicable federal, state and local rules, regulations and ordinances.			DST 120001 14 T
N	Permit conditions remain in effect and enforceable until and unless the permit is modified, renewed or revoked by the Department. [N.J.A.C. 7:14A- 6.5(b)]			DST 120001 15 T
N	Regulated activities covered under this general permit are specifically exempt from the stormwater runoff quality standards at N.J.A.C. 7:8-5.5.			DST 120001 16 T
N	Notification of Non-Compliance.	S		DST 120001 17 T
N	Did the permittee notify the Department of all non-compliance when required in accordance N.J.A.C. 7:14-6.10 by contacting the DEP Hotline at 1-877-WARN-DEP?. [N.J.A.C. 7:14A- 6.10]			DST 120001 18 T
N	The permittee shall submit a written report as required by N.J.A.C. 7:14A-6.10 within five (5) days. [N.J.A.C. 7:14A- 6.10]			DST 120001 19 T
N	Notification of Changes	S		DST 120001 20 T
N	The permittee shall give written notification to the Department of any planned physical or operational alterations or additions to the permitted facility when the alteration is expected to result in a significant change in the permittee's discharge and/or residuals use or disposal practices including the cessation of discharge in accordance with N.J.A.C. 7:14A-6.7. [N.J.A.C. 7:14A- 6.7]			DST 120001 21 T
N	Prior to the any change in ownership the current permittee shall comply with the requirements of N.J.A.C. 7:14A-16.2, pertaining to the notification of change in ownership. [N.J.A.C. 7:14A-16.2]			DST 120001 22 T
Y	Access to Information.	S		DST 120001 23 T
Y	Did the permittee allow an authorized representative of the Department, upon the presentation of credentials, to enter upon a person's premises, for purposes of inspection, and to access / copy any records that must be kept under the conditions of this permit?. [N.J.A.C. 7:14A- 2.11]	IC	Inspector reviewed and discussed RVR Permit BMPs, self inspections and proper inspection documentation with facility representative, Brian Hawkins.	DST 120001 24 T

IC - In Compliance

ND - Compliance Not Determined

N - No

NA - Not Applicable

PV - Potential Violation

H - Heading

NI - Not Inspected

NC - No Obvious Concern

ON - Out of Compliance, Non-referred

Y - Yes

OC - Out of Compliance

DC - Data Collection

S - Sub-Heading

RTC - Return to Compliance

**130208 GDR 0 - General Discharge Requirements**

Reqt. Included Flag	Requirement	Status RTC	Results or Comments	Reqt Source Ref # Reqt. Type
N	Operator Certification	S		DST 120001 25 T
N	In accordance with N.J.A.C. 7:10A-1.10, the facility operator is exempt from the operator certifications regulations for stormwater only discharges. [N.J.A.C. 7:10A- 1.10]			DST 120001 26 T
N	Other Discharges	S		DST 120001 27 T
N	The permittee shall discharge stormwater to surface waters and/or ground waters of the State only as authorized herein and consistent with the terms and conditions of this permit. This permit does not authorize any unpermitted discharge of domestic wastewater, non-contact cooling water, leachate, or process water. [N.J.A.C. 7:14A- 6.2 (a)1]			DST 120001 28 T
N	Construction Activities	S		DST 120001 29 T
N	This permit does not authorize "stormwater discharges associated with industrial activity" from construction activity that disturbs one (1) acre or more or "stormwater discharges associated with small construction activity" as defined in N.J.A.C. 7:14A-1.2. In general, this is the discharge to surface water of stormwater from construction activity that disturbs at least one (1) or more acres. Any facility that operates a construction site with such a discharge shall submit a separate RFA or individual permit application for that discharge under NJPDES Permit no. NJ0088323 (General Stormwater Permit Construction Activity). An RFA submitted for the Vehicle Recycling Industrial Stormwater General Permit does not qualify as an RFA for such a discharge. [N.J.A.C. 7:14A- 6.6(a)1]			DST 120001 30 T
N	Other Laws	S		DST 120001 31 T

IC - In Compliance

ND - Compliance Not Determined

N - No

NA - Not Applicable

PV - Potential Violation

H - Heading

NI - Not Inspected

NC - No Obvious Concern

ON - Out of Compliance, Non-referred

Y - Yes

OC - Out of Compliance

DC - Data Collection

S - Sub-Heading

RTC - Return to Compliance

**130208 GDR 0 - General Discharge Requirements**

Reqt. Included Flag	Requirement	Status RTC	Results or Comments	Reqt Source Ref # Reqt. Type
N	In accordance with N.J.A.C. 7:14A-6.2(a)7, this permit does not authorize any infringement of State or local law or regulations, including, but not limited to, the Pinelands rules (N.J.A.C. 7:50), N.J.A.C. 7:1E (Department Rules entitled "Discharges of Petroleum and other Hazardous Substances"), and other Department rules. No discharge of hazardous substances (as defined in N.J.A.C. 7:1E-1.6) resulting from an onsite spill shall be deemed to be "pursuant to and in compliance with this permit" within the meaning of the Spill Compensation and Control Act at N.J.S.A. 58:10-23.11c. [N.J.A.C. 7:14A- 6.2(a)7]			DST 120001 32 T
N	Authorization Under This Permit	H		DST 120001 33 T
N	Eligibility	S		DST 120001 34 T
N	Industrial stormwater discharges to surface and/or ground waters of the State from facilities engaged in the dismantling of motor vehicles and the wholesale or retail distribution of used vehicle parts are eligible under this general permit unless specifically listed below: [N.J.A.C. 7:14A- 6.13(a)]			DST 120001 35 T
N	For existing facilities (established prior to October 1, 2012) this permit applies to all areas of the State of New Jersey. This permit also applies to existing facilities that expand operations or existing facilities that transfer ownership to a new owner or operation. [N.J.A.C. 7:14A- 6.13(a)]			DST 120001 36 T
N	For new facilities established after October 1, 2012 this permit applies to all areas of the State of New Jersey with the exception of those areas specifically noted below. [N.J.A.C. 7:14A- 6.13(a)]			DST 120001 37 T
N	The following facilities are not eligible under this general permit:			DST 120001 38 T
N	Facilities engaged in the scrap metal recycling business AND the wholesale or retail distribution of used vehicle parts, including the dismantling of motor vehicles. These facilities shall retain or obtain authorization under the NJPDES Scrap Metal Industrial Stormwater General Permit - NJ0107671 or an individual NJPDES permit. [N.J.A.C. 7:14A- 6.13(e)]			DST 120001 39 T

IC - In Compliance

ND - Compliance Not Determined

N - No

NA - Not Applicable

PV - Potential Violation

H - Heading

NI - Not Inspected

NC - No Obvious Concern

ON - Out of Compliance, Non-referred

Y - Yes

OC - Out of Compliance

DC - Data Collection

S - Sub-Heading

RTC - Return to Compliance

**130208 GDR 0 - General Discharge Requirements**

Reqt. Included Flag	Requirement	Status RTC	Results or Comments	Reqt Source Ref # Reqt. Type
N	Facilities with stormwater discharges already authorized under another general permit (e.g. 5G2 Permit), an individual NJPDES/ Stormwater permit or an individual NJPDES / Discharge to Groundwater permit. [N.J.A.C. 7:14A- 6.13(e)]			DST 120001 40 T
N	New facilities (established after October 1, 2012) that discharge to surface waters classified as Category One (C1) waters of FW1 waters as designated in the tables in N.J.A.C. 7:9B-1.15, and waters classified as Pinelands Waters (PL), as established in the Pinelands Protection Act, N.J.S.A. 13:18A-1 et seq. [N.J.A.C. 7:14A- 6.13 (e)]			DST 120001 41 T
N	New facilities (established after October 1, 2012) that discharge to ground water classified as Class 1-A and Class 1-PL, or which discharge to ground water that contributes to surface waters classified as C1 or FW1. [N.J.A.C. 7:14A- 6.13(e)]			DST 120001 42 T
N	New facilities (established after October 1, 2012) that submit a request for authorization application that fail to demonstrate a facility design capable of full compliance with this permit. [N.J.A.C. 7:14A- 6.13(e)]			DST 120001 43 T
N	Authorization	S		DST 120001 44 T
N	In order to obtain authorization under this permit (except for automatic renewal authorization below), a complete Request for Authorization (RFA) shall be submitted in accordance with the application requirements posted at <a href="http://www.state.nj.us/dep/dwq">www.state.nj.us/dep/dwq</a> .			DST 120001 45 T
N	Upon review of the RFA, the Department may, in accordance with N.J.A.C. 7:14A-6.13, either: [N.J.A.C. 7:14A- 6.13]			DST 120001 46 T
N	Issue notification of authorization under this permit.			DST 120001 47 T
N	Deny authorization under this permit and require submittal of an application for an individual permit; or			DST 120001 48 T
N	Deny authorization under this permit and require submittal of an RFA for another general permit.			DST 120001 49 T
N	Automatic Renewal of Authorization	S		DST 120001 50 T

IC - In Compliance

ND - Compliance Not Determined

N - No

NA - Not Applicable

PV - Potential Violation

H - Heading

NI - Not Inspected

NC - No Obvious Concern

ON - Out of Compliance, Non-referred

Y - Yes

OC - Out of Compliance

DC - Data Collection

S - Sub-Heading

RTC - Return to Compliance

**130208 GDR 0 - General Discharge Requirements**

Reqt. Included Flag	Requirement	Status RTC	Results or Comments	Reqt Source Ref # Reqt. Type
N	Authorization under this permit will be automatically renewed when this general permit is reissued as provided by N.J.A.C. 7:14A-6.13(d)9 and 25.4(a)3 so long as the discharge remains eligible.			DST 120001 51 T
N	The Department shall issue a notice of renewed authorization to the facility.			DST 120001 52 T
N	If the facility is aware of any information in the most recently submitted request for authorization application that is no longer true, accurate and/or complete, the facility shall provide the correct information to the Department.			DST 120001 53 T
N	Requiring an Individual Permit or another General Permit	S		DST 120001 54 T
N	Pursuant to N.J.A.C. 7:14A-6.13(e) the Department may require any facility authorized under this permit to apply for and obtain an individual permit, or seek and obtain authorization under another general permit. [N.J.A.C. 7:14A-6.13(e)]			DST 120001 55 T
N	In accordance with N.J.A.C. 7:14A-6.13(g) any facility authorized under this permit may request to be excluded from authorization under this permit by applying for an individual permit or for another general permit. [N.J.A.C. 7:14A-6.13(g)]			DST 120001 56 T

**130208 RVR 0 - Vehicle Recycling Stormwater (GP)**

Reqt. Included Flag	Requirement	Status RTC	Results or Comments	Reqt Source Ref # Reqt. Type
Y	Implement Vehicle Parts Storage Area BMPs in accordance with the Permit within 30 calendar days of receipt of this Order. After being drained per the Permit, all engine blocks, cores, transmission/drive components, components with fuel, filters, coolant or lubricant residues and other oily materials shall be managed in any of the following ways: 1) indoors; 2) in leak-proof containers under cover; 3) on a bermed impervious surface under cover, or 4) in an area where stormwater is discharged into a properly maintained oil/water separator. [N.J.A.C. 7:14A-6]	ON	Violation addressed in PEA220002. Scrap pile at southern end of property containing vehicles parts / source materials left uncovered. ADVISED: - Develop plan to clear scrap pile.	PEA 220002 T
N	Permit Overview	H		DST 120001 1 T

IC - In Compliance

ND - Compliance Not Determined

N - No

NA - Not Applicable

PV - Potential Violation

H - Heading

NI - Not Inspected

NC - No Obvious Concern

ON - Out of Compliance, Non-referred

Y - Yes

OC - Out of Compliance

DC - Data Collection

S - Sub-Heading

RTC - Return to Compliance



**130208 RVR 0 - Vehicle Recycling Stormwater (GP)**

Reqt. Included Flag	Requirement	Status RTC	Results or Comments	Reqt Source Ref # Reqt. Type
N	Stormwater Pollution Prevention Plan (SPPP).	S		DST 120001 2 T
N	Did the permittee prepare a complete SPPP and complete the Vehicle Recycling Certification Form within six (6) months of its permit issuance date?. [N.J.A.C. 7:14A- 6.2(a)1]			DST 120001 3 T
N	Did the permittee implement the SPPP within twelve (12) months of its permit issuance date?. [N.J.A.C. 7:14A- 6.2(a)1]			DST 120001 4 T
N	The permittee shall develop, implement, update and maintain site specific Best Management Practices (BMPs) (see Part IV.C.). [N.J.A.C. 7:14A- 6.2(a)1]			DST 120001 5 T
N	The permittee shall manage the facility to ensure that stormwater quality is maintained (see Part IV.D.). [N.J.A.C. 7:14A- 6.2(a)1]			DST 120001 6 T
N	The permittee shall be responsible for supervising and managing the operation and maintenance of the facility, which includes routine inspections of the facility (see Part IV.E). [N.J.A.C. 7:14A- 6.2(a)1]			DST 120001 7 T
N	The permittee shall summarize inspections in written reports and certifications to ensure compliance with this permit (see Part IV.B.) [N.J.A.C. 7:14A- 6.2(a)1]			DST 120001 8 T
N	The permittee shall retain records of all monitoring information, maintenance records, and copies of all reports (including the SPPP and soil and erosion and sediment control plans) required by this permit (see Part IV.B. and F). [N.J.A.C. 7:14A- 6.2(a)1]			DST 120001 9 T
N	Stormwater Pollution Prevention Plan (SPPP)	H		DST 120001 10 T
N	Objective of the SPPP	S		DST 120001 11 T
N	The permittee shall develop, implement, update and maintain a SPPP. The objective of the SPPP is to: [N.J.A.C. 7:14A- 6.2(a)1]			DST 120001 12 T
N	Identify potential sources of pollution and source materials onsite; and [N.J.A.C. 7:14A- 6.2(a)1]			DST 120001 13 T

IC - In Compliance

ND - Compliance Not Determined

N - No

NA - Not Applicable

PV - Potential Violation

H - Heading

NI - Not Inspected

NC - No Obvious Concern

ON - Out of Compliance, Non-referred

Y - Yes

OC - Out of Compliance

DC - Data Collection

S - Sub-Heading

RTC - Return to Compliance

**130208 RVR 0 - Vehicle Recycling Stormwater (GP)**

Reqt. Included Flag	Requirement	Status RTC	Results or Comments	Reqt Source Ref # Reqt. Type
N	Document the practices utilized to minimize and/or eliminate the exposure of pollutant sources to stormwater. [N.J.A.C. 7:14A- 6.2(a)1]			DST 120001 14 T
N	For any existing or newly authorized facilities that are permitted after the effective date of the master Vehicle Recycling Permit (i.e. October 1, 2012), the permittee is required to develop a SPPP within six months of the issuance date of the authorization. SPPP implementation is then required within twelve months of the issuance date of the authorization. After implementation of the SPPP, annual reports and inspection certifications must be completed and retained as required in B.4.g & h and B.5, below. [N.J.A.C. 7:14A- 6.2(a)1]			DST 120001 15 T
N	SPPP Recordkeeping.	S		DST 120001 16 T
N	Did the permittee sign the SPPP and retain the original at the facility for use and Department inspection, and make it available for review by the owner/operator of the collection system receiving the stormwater discharge and the public?. [N.J.A.C. 7:14A- 4.9(a)]			DST 120001 17 T
N	The SPPP shall be made available, upon request, to a representative of the Department and to the owner and operator of any municipal separate storm sewer receiving the stormwater discharge. [N.J.A.C. 7:14A- 6.2(a)1]			DST 120001 18 T
N	The SPPP shall be made available to the public upon request, except as noted below. [N.J.A.C. 7:14A- 6.2(a)1]			DST 120001 19 T
N	The facility may claim any portion of the SPPP as confidential in accordance with the provisions set forth in N.J.A.C. 7:14A-18.2. [N.J.A.C. 7:14A-18.2]			DST 120001 20 T
N	SPPP Team	S		DST 120001 21 T
N	The permittee shall form or maintain an SPPP team, which is responsible for developing, implementing and maintaining the SPPP in accordance with good engineering practices. [N.J.A.C. 7:14A- 6.2(a)1]			DST 120001 22 T

IC - In Compliance

ND - Compliance Not Determined

N - No

NA - Not Applicable

PV - Potential Violation

H - Heading

NI - Not Inspected

NC - No Obvious Concern

ON - Out of Compliance, Non-referred

Y - Yes

OC - Out of Compliance

DC - Data Collection

S - Sub-Heading

RTC - Return to Compliance

**130208 RVR 0 - Vehicle Recycling Stormwater (GP)**

Reqt. Included Flag	Requirement	Status RTC	Results or Comments	Reqt Source Ref # Reqt. Type
N	The SPPP Team shall be responsible for Employee Training. The training program shall address, at a minimum, compliance with the SPPP; the BMP; and proper handling (collection, storage, disposal) of oils, mineral spirits, coolant, mercury switches and solvents. [N.J.A.C. 7:14A-6.2(a)1]			DST 120001 23 T
N	Required Components of the SPPP.	S		DST 120001 24 T
N	Best Management Practices (BMPs).			DST 120001 25 T
N	The SPPP shall identify the BMPs that are in place to eliminate, reduce or minimize exposure of industrial activity and source material to stormwater that discharges to surface water or groundwater. [N.J.A.C. 7:14A- 6.2(a)1]			DST 120001 26 T
N	The SPPP shall address all BMPs identified in Part IV C. below and can also include a description of proposed BMPs. [N.J.A.C. 7:14A-6.2(a)1]			DST 120001 27 T
N	Process Line Diagram.			DST 120001 28 T
N	Did the SPPP contain a site map of the process line diagram showing the process of vehicles through inbound vehicle inspection area, fluid draining and dismantling area, vehicle storage parts area, parts cleaning/solvent degreasing, fluid storage, processed vehicle storage, operable vehicle storage, vehicle crusher, proposed and implemented BMPs, structures, concrete pad, oil/water separators, septic systems (if applicable), potable wells (if applicable), and stormwater flow, drainage, outfall and surface water areas of the facility?. [N.J.A.C. 7:14A- 6.2(a)1]			DST 120001 29 T
N	Site Map - The site map shall show the location of the following: [N.J.A.C. 7:14A- 6.2(a)1]			DST 120001 30 T
N	Inbound vehicle inspection area; [N.J.A.C. 7:14A-6.2(a)1]			DST 120001 31 T
N	Fluid draining and dismantling area; [N.J.A.C. 7:14A- 6.2(a)1]			DST 120001 32 T
N	Vehicle parts storage area; [N.J.A.C. 7:14A- 6.2(a)1]			DST 120001 33 T

IC - In Compliance

ND - Compliance Not Determined

N - No

NA - Not Applicable

PV - Potential Violation

H - Heading

NI - Not Inspected

NC - No Obvious Concern

ON - Out of Compliance, Non-referred

Y - Yes

OC - Out of Compliance

DC - Data Collection

S - Sub-Heading

RTC - Return to Compliance

**130208 RVR 0 - Vehicle Recycling Stormwater (GP)**

Reqt. Included Flag	Requirement	Status RTC	Results or Comments	Reqt Source Ref # Reqt. Type
N	Parts cleaning/solvent degreasing; [N.J.A.C. 7:14A- 6.2(a)1]			DST 120001 34 T
N	Fluid storage area; [N.J.A.C. 7:14A- 6.2(a)1]			DST 120001 35 T
N	Processed vehicle storage area; [N.J.A.C. 7:14A- 6.2(a)1]			DST 120001 36 T
N	Operable vehicle storage area; [N.J.A.C. 7:14A- 6.2(a)1]			DST 120001 37 T
N	Vehicle crusher (if applicable); [N.J.A.C. 7:14A- 6.2(a)1]			DST 120001 38 T
N	Locations of implemented BMPs; [N.J.A.C. 7:14A- 6.2(a)1]			DST 120001 39 T
N	Locations of proposed BMPs; [N.J.A.C. 7:14A- 6.2(a)1]			DST 120001 40 T
N	Structures; [N.J.A.C. 7:14A- 6.2(a)1]			DST 120001 41 T
N	Concrete pads; [N.J.A.C. 7:14A- 6.2(a)1]			DST 120001 42 T
N	Oil/water separators (if applicable); [N.J.A.C. 7:14A- 6.2(a)1]			DST 120001 43 T
N	Septic systems (if applicable); [N.J.A.C. 7:14A- 6.2(a)1]			DST 120001 44 T
N	Potable wells (if applicable); and [N.J.A.C. 7:14A- 6.2(a)1]			DST 120001 45 T
N	Approximate direction of stormwater flow, drainage area, outfalls and adjacent surface water bodies. [N.J.A.C. 7:14A- 6.2(a)1]			DST 120001 46 T
N	Inventory of Source Materials.			DST 120001 47 T
N	Did the SPPP include a list of all source materials found anywhere on site that are used, loaded/unloaded, stored, treated and/or disposed?. [N.J.A.C. 7:14A- 6.2(a)1]			DST 120001 48 T
N	SPPP Team .			DST 120001 49 T

IC - In Compliance

ND - Compliance Not Determined

N - No

NA - Not Applicable

PV - Potential Violation

H - Heading

NI - Not Inspected

NC - No Obvious Concern

ON - Out of Compliance, Non-referred

Y - Yes

OC - Out of Compliance

DC - Data Collection

S - Sub-Heading

RTC - Return to Compliance

**130208 RVR 0 - Vehicle Recycling Stormwater (GP)**

Reqt. Included Flag	Requirement	Status RTC	Results or Comments	Reqt Source Ref # Reqt. Type
N	Did the SPPP identify a team leader, spill prevention coordinator, names, titles and responsibilities of its members? . [N.J.A.C. 7:14A- 6.2(a)1]			DST 120001 50 T
N	The SPPP shall identify the names of those individuals and their titles within the facility's organization who are members of the team; and [N.J.A.C. 7:14A- 6.2(a)1]			DST 120001 51 T
N	The SPPP shall identify the responsibility of each team member, including a designated Spill Response Coordinator. The activities and responsibilities of the team shall address all aspects of the facility's SPPP. [N.J.A.C. 7:14A- 6.2(a)1]			DST 120001 52 T
N	Inspections.			DST 120001 53 T
N	Did the SPPP establish a minimum quarterly regular inspection schedule to verify that the BMPs are being implemented? . [N.J.A.C. 7:14A-24.9(a)2i]			DST 120001 54 T
N	Inspections shall be conducted on a quarterly basis, at a minimum. [N.J.A.C. 7:14A- 6.2(a)1]			DST 120001 55 T
N	Did the SPPP include a detailed inspection log according to permit requirements?. [N.J.A.C. 7:14A- 6.2(a)1]			DST 120001 56 T
N	Annual Inspections, Reports and Certifications.			DST 120001 57 T
N	Did the permittee conduct annual inspections of the facility and prepare and maintain on site an annual report according to permit requirements on or before October 1?. [N.J.A.C. 7:14A-24.9(a) 2ii]			DST 120001 58 T
N	Annual Certification			DST 120001 59 T
N	As described in further detail in item 5 below, the permittee shall complete an annual certification to certify compliance with the SPPP Requirements in accordance with N.J.A.C. 7:14A-24.9. The certification form is available as an attachment to this permit and should be kept on site for a period of five (5) years. [N.J.A.C. 7:14A-24.9(a)2ii]			DST 120001 60 T
N	Annual Inspections, Reports and Certifications	S		DST 120001 61 T

IC - In Compliance

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N - No

NA - Not Applicable

PV - Potential Violation

H - Heading

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NC - No Obvious Concern

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Y - Yes

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RTC - Return to Compliance

**130208 RVR 0 - Vehicle Recycling Stormwater (GP)**

Reqt. Included Flag	Requirement	Status RTC	Results or Comments	Reqt Source Ref # Reqt. Type
N	The permittee shall conduct annual inspections of the facility in accordance with N.J.A.C. 7:14A-24.9(a) to assess all areas contributing to the stormwater discharge authorized by this permit, to evaluate whether the SPPP complies with and is implemented in accordance with this permit, and to determine whether additional measures are needed to meet the conditions of this permit. [N.J.A.C. 7:14A-24.9(a)]			DST 120001 62 T
N	The permittee shall prepare an annual report by October 1 of each year. [N.J.A.C. 7:14A- 6.2(a)1]			DST 120001 63 T
N	The annual report shall summarize the findings of the annual inspection in accordance with a. above, including: [N.J.A.C. 7:14A-24.9(a)2ii]			DST 120001 64 T
N	The date of the inspection; and [N.J.A.C. 7:14A-24.9(a)2ii]			DST 120001 65 T
N	Name(s) and title of the facility inspector(s). [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 66 T
N	The permittee shall complete an annual certification (using the form available as an attachment) that the facility has completed their annual report and is in compliance with the SPPP and the permit. [N.J.A.C. 7:14A-24.9(a)2ii]			DST 120001 67 T
N	Are the annual reports and certifications maintained on-site with the SPPP for a period of at least five years?. [N.J.A.C. 7:14A-11.2(a)3iii]			DST 120001 68 T
Y	Site-Specific Best Management Practices (BMPs) .	H		DST 120001 69 T
Y	BMP - Inbound Vehicle Inspection Area.	S		DST 120001 70 T
Y	Are all vehicles inspected for evidence of discharges and stored with hoods down upon arrival in a designated Inbound Vehicle Inspection Area, and are all leaks contained? . [N.J.A.C. 7:14A- 6.2(b)1]	IC	Vehicles inspected for leaks upon arrival. Spill kits kept readily available. After inspection, vehicles brought into the fluid draining area, covered on an impervious surface.	DST 120001 71 T
N	Any leaking cars shall immediately be placed on an impervious surface (e.g. concrete pad) that is contained (e.g. bermed). [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 72 T
N	Identified leaks shall be stopped or controlled and shall be cleaned up. [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 73 T

IC - In Compliance

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N - No

NA - Not Applicable

PV - Potential Violation

H - Heading

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NC - No Obvious Concern

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OC - Out of Compliance

DC - Data Collection

S - Sub-Heading

RTC - Return to Compliance

**130208 RVR 0 - Vehicle Recycling Stormwater (GP)**

Reqt. Included Flag	Requirement	Status RTC	Results or Comments	Reqt Source Ref # Reqt. Type
N	A dedicated spill kit shall be kept in the Inbound Vehicle Inspection Area. [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 74 T
N	Vehicles staged in the Inbound Vehicle Inspection Area shall be stored with their hoods down if the vehicle has a hood in place. [N.J.A.C. 7:14A- 6.2 (b)1]			DST 120001 75 T
Y	BMP - Fluid Draining and Dismantling Area.	S		DST 120001 76 T
Y	Are all fluid draining and parts that contain fluids in an area that is either indoors; on an impervious, bermed surface; under permanent cover; or where stormwater must be collected or drain in a manner that does not discharge to surface water or ground water? . [N.J.A.C. 7:14A- 6.2(b)1]	IC	Fluid draining occurs in the fluid draining garage, indoors, on an impervious surface. ADVISED to ensure that all stored vehicles onsite have been properly drained of all fluids.	DST 120001 77 T
Y	Are all fluids drained from vehicles in the Fluid Draining and Dismantling Area? . [N.J.A.C. 7:14A- 6.2(b)1]	IC	All fluid draining appears to be completed indoors, on an impervious surface. ADVISED to ensure that all stored vehicles onsite have been properly drained of all fluids.	DST 120001 78 T
N	Fluids do not need to be drained from the following sealed units: differentials, steering gear units, front and rear axle assemblies and transfer cases. A sealed unit is intended to be sold as a complete unit and does not leak. [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 79 T
N	Fluids do not need to be drained from units that are part of an operable vehicle. [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 80 T
N	A dedicated spill kit shall be kept in the Fluid Draining and Dismantling Area. [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 81 T
N	Facilities shall follow the guidelines found at <a href="http://www.nj.gov/dep/dshw/resource/tankguid.htm">www.nj.gov/dep/dshw/resource/tankguid.htm</a> for the safe collection, storage, transport and disposal of used oil and drained filters. [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 82 T
Y	Are mercury switches and batteries, removed from vehicles prior to leaving the designated Fluid Draining and Dismantling Area and properly stored and/or disposed of? . [N.J.A.C. 7:14A- 6.2 (b)1]	IC	Upon inspection, all batteries stored indoors on impervious surface.	DST 120001 83 T

IC - In Compliance

ND - Compliance Not Determined

N - No

NA - Not Applicable

PV - Potential Violation

H - Heading

NI - Not Inspected

NC - No Obvious Concern

ON - Out of Compliance, Non-referred

Y - Yes

OC - Out of Compliance

DC - Data Collection

S - Sub-Heading

RTC - Return to Compliance

**130208 RVR 0 - Vehicle Recycling Stormwater (GP)**

Reqt. Included Flag	Requirement	Status RTC	Results or Comments	Reqt Source Ref # Reqt. Type
N	Batteries shall be removed from vehicles prior to leaving the designated Fluid Draining and Dismantling Area. [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 84 T
Y	BMP - Vehicle Parts Storage Area.	S		DST 120001 85 T
Y	Are all engine blocks; cores; transmission/drive components; components with fuel, filter(s), coolant or lubricant residues and other oily materials either indoors, in leak-proof containers under cover, on a bermed impervious surface under cover, or in an area where stormwater is discharged into a properly maintained oil/water separator?. [N.J.A.C. 7:14A- 6.2(b)1]	ON	Violation addressed in PEA220002. Failure to implement vehicle parts storage area BMPs in accordance with the Permit. Scrap pile at southern end of property containing vehicles parts / source materials left uncovered and exposed. ADVISED: - Develop plan to clear scrap pile.	DST 120001 86 T
N	Mercury switches shall be stored and disposed of in accordance with the N.J.S.A. 13:1E-99.82 - Mercury Switch Removal Act of 2005. [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 87 T
N	All batteries shall be removed from vehicles and stored either: 1) indoors, or 2) in leak-proof containers on an impervious surface under cover. [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 88 T
N	Sealed units as defined above in C.2.b above and other parts which have been cleaned and/or degreased are not subject to the requirements of this section. [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 89 T
N	BMP - Parts Cleaning/Solvent Degreasing.	S		DST 120001 90 T
N	Is all cleaning and degreasing of parts performed indoors, in leak-proof containers on an impervious surface and under cover?. [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 91 T
N	Are all cleaning fluids hauled off-site for recycling/disposal by a NJDEP licensed hauler, and receipts of recycling/disposal kept onsite for a period of five (5) years?. [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 92 T
N	BMP - Fluid Storage Area.	S		DST 120001 93 T

IC - In Compliance

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N - No

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PV - Potential Violation

H - Heading

NI - Not Inspected

NC - No Obvious Concern

ON - Out of Compliance, Non-referred

Y - Yes

OC - Out of Compliance

DC - Data Collection

S - Sub-Heading

RTC - Return to Compliance



**130208 RVR 0 - Vehicle Recycling Stormwater (GP)**

Reqt. Included Flag	Requirement	Status RTC	Results or Comments	Reqt Source Ref # Reqt. Type
N	Are all fluids stored in a designated Fluid Storage Area that is either indoors, or on a contained/bermed impervious surface under cover? . [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 94 T
N	Are all drained fluid(s) placed in leak-proof containers with secondary containment and labeled for easy identification of contents?. [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 95 T
N	A dedicated spill kit shall be kept in the Fluid Storage Area. [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 96 T
N	All drained fluid shall be placed in leak-proof containers with secondary containment and shall be labeled for easy identification of contents. [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 97 T
N	All drained fluid shall be hauled off-site for recycling/disposal by a NJDEP licensed hauler. Receipts of recycling/ disposal shall be kept onsite for a period of five (5) years. [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 98 T
N	BMP - Processed Vehicle Storage Area.	S		DST 120001 99 T
N	Are sealed units leak-free and drained vehicles stored in the Processed Vehicle Storage Area drained of fluids and with hoods down?. [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 100 T
N	Vehicles stored in the Processed Vehicle Storage Area shall not leak or drip onto the ground or have pollutants exposed to stormwater. For the purposes of this permit, de minimus or minor amounts of lubricant residue, oil/grease residue, road grime or similar residues are acceptable as long as none of these residues or grime drip or show evidence of having dripped onto the ground. [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 101 T
N	Vehicles stored in the Processed Vehicle Storage Area shall be stored with their hoods down if the vehicle has a hood in place. [N.J.A.C. 7:14A- 6.2 (b)1]			DST 120001 102 T

IC - In  
ComplianceND - Compliance Not  
Determined

N - No

NA - Not  
ApplicablePV - Potential  
Violation

H - Heading

NI - Not Inspected

NC - No Obvious  
ConcernON - Out of Compliance,  
Non-referred

Y - Yes

OC - Out of  
ComplianceDC - Data  
CollectionS - Sub-  
HeadingRTC - Return to  
Compliance

**130208 RVR 0 - Vehicle Recycling Stormwater (GP)**

Reqt. Included Flag	Requirement	Status RTC	Results or Comments	Reqt Source Ref # Reqt. Type
N	Sealed units as described in C.2.b above and other parts which have been cleaned and/or degreased may be stored in the Processed Vehicle Storage Area. Any sealed units or other parts stored in this area shall not leak or drip onto the ground or have pollutants exposed to stormwater. For the purposes of this permit, de minimus or minor amounts of lubricant residue, oil/grease residue, road grime or similar residues associated with part(s) are acceptable as long as none of these residues or grime drip or show evidence of having dripped onto the ground. [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 103 T
N	Dismantling may occur in the Processed Vehicle Storage Area under the following conditions: [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 104 T
N	Only parts that never contained fluids (e.g. bumper) or were previously drained can be removed in the Processed Vehicle Storage Area; [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 105 T
N	Sealed units or other parts that may leak upon removal shall only be removed from vehicles in the Fluid Draining and Dismantling Area; and [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 106 T
N	Sealed units or other parts that may leak upon dismantling shall only be dismantled in the Fluid Draining and Dismantling Area. [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 107 T
N	BMP - Operable Vehicle Storage Area.	S		DST 120001 108 T
N	Are all operable vehicles not leaking fluids, and stored in a designated area with their hoods down or with the engine compartment covered?. [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 109 T
N	Operable vehicles shall not leak or drip onto the ground or have pollutants exposed to stormwater. For the purposes of this permit, de minimus or minor amounts of lubricant residue, oil/grease residue, road grime or similar residues are acceptable as long as none of these residues or grime drip or show evidence of having dripped onto the ground. [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 110 T
N	Parts which never contained fluids may be removed from vehicles stored in the Operable Vehicle Storage Area. [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 111 T

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ND - Compliance Not Determined

N - No

NA - Not Applicable

PV - Potential Violation

H - Heading

NI - Not Inspected

NC - No Obvious Concern

ON - Out of Compliance, Non-referred

Y - Yes

OC - Out of Compliance

DC - Data Collection

S - Sub-Heading

RTC - Return to Compliance

**130208 RVR 0 - Vehicle Recycling Stormwater (GP)**

Reqt. Included Flag	Requirement	Status RTC	Results or Comments	Reqt Source Ref # Reqt. Type
Y	BMP - Facility Hydraulic Equipment.	S		DST 120001112 T
N	Vehicle Crusher .			DST 120001113 T
N	Is there a containment system provided under any vehicle crusher which is exposed to stormwater that prohibits the runoff to discharge to surface water or groundwater? . [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001114 T
N	Other Hydraulic Equipment.			DST 120001115 T
Y	All hydraulic equipment (e.g. front end loader) shall be maintained to prevent leaks and hydraulic line ruptures (e.g., routine and preventative maintenance). Hydraulic hoses shall be inspected quarterly for cracks or leaks where inspections shall be documented in the SPPP inspection report. [N.J.A.C. 7:14A- 6.2(b)1]	IC	No leaks witnessed during inspection. Excavator leak witness during 6/1/22 inspection has been repaired.	DST 120001116 T
Y	BMP - Spill Prevention and Response .	S		DST 120001117 T
Y	Are all impervious surfaces and bermed areas regularly maintained and kept free of fluids? . [N.J.A.C. 7:14A- 6.2(b)1]	IC	All impervious surfaces kept free of fluids and maintained upon inspection. No spills or leaks witnessed during inspection.	DST 120001118 T
Y	Are Spill Kits kept in central areas and accessible to all employees and dedicated spill kits kept in all Inbound Vehicle Inspection Areas, the Fluid Draining and Dismantling Areas, and the Fluid Storage Area?. [N.J.A.C. 7:14A- 6.2(b)1]	IC	Spill kits kept throughout facility.	DST 120001119 T
N	Are all employees trained annually on spill response where the date of training is documented in the SPPP? . [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001120 T
N	All employees shall be trained annually on spill response where the date of training shall be documented in the SPPP. [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001121 T
N	To report a spill or for emergency response to a spill, the permittee shall call the Department Hotline at 1-877-WARNDEP (1-877-927-6337). [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001122 T

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N - No

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PV - Potential Violation

H - Heading

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Y - Yes

OC - Out of Compliance

DC - Data Collection

S - Sub-Heading

RTC - Return to Compliance

**130208 RVR 0 - Vehicle Recycling Stormwater (GP)**

Reqt. Included Flag	Requirement	Status RTC	Results or Comments	Reqt Source Ref # Reqt. Type
N	For the purposes of this permit, recovered spills on impervious surfaces are not required to be reported. [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 123 T
N	BMP - Site Stabilization and Dust Control; Erosion Control .	S		DST 120001 124 T
N	Does the facility prevent or minimize disturbance of unstabilized areas to prevent disturbance of vegetative covers and/or other dust control mechanisms?. [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 125 T
N	BMPs shall meet the most recent technical standards listed in Standards for Soil Erosion and Sediment Control in New Jersey, Engineering Standards Section titled Standards for Off-Site Stability. [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 126 T
N	At a minimum, BMPs shall include: [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 127 T
N	Traffic control to prevent or minimize disturbance of unstabilized areas and to prevent disturbance of vegetative covers and/or other dust control mechanisms; [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 128 T
N	Does the facility conduct entrance/exit stabilization to prevent or minimize transport of sediment, dust or any pollutant outside the property line?. [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 129 T
N	Identify areas that have high potential for soil erosion or a known soil erosion problem. Appropriate vegetative, structural, or stabilization measures shall be selected to limit erosion in these areas. [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 130 T
N	If a stormwater outfall is on-site, stormwater velocity at the outfall shall be controlled to prevent downstream erosion and/or degradation and ensure stabilization. [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 131 T
N	Facility Management.	H		DST 120001 132 T
N	Discharge Requirements.	S		DST 120001 133 T
N	Does the facility routinely visually monitor its effluent? Does the stormwater to surface water and/or the ground exhibit a visible sheen, foam, odor or other discoloration associated with the regulated activity? . [N.J.A.C. 7:14A-12.8(c)]			DST 120001 134 T

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N - No

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RTC - Return to Compliance

**130208 RVR 0 - Vehicle Recycling Stormwater (GP)**

Reqt. Included Flag	Requirement	Status RTC	Results or Comments	Reqt Source Ref # Reqt. Type
N	All facilities discharging to surface water are prohibited from discharging foam, discoloration, or odor associated with the regulated activity in accordance with N.J.A.C. 7:14A-12.6. [N.J.A.C. 7:14A-12.6(a)]			DST 120001 135 T
N	For the purposes of this NJPDES permit, the stormwater discharges regulated by this permit are not process wastewaters. [N.J.A.C. 7:14A-6.2(b)1]			DST 120001 136 T
N	Compliance with BMP Design Criteria .	S		DST 120001 137 T
N	Has the Department exercised its right to monitor the facility's effluent discharge and required the permittee to institute additional measures? (Compliance Status = DC / Yes or No in comments). [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 138 T
N	Total Suspended Solids <=100 mg/L [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 139 T
N	Total Petroleum Hydrocarbons <= 15 mg/L [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 140 T
N	Aluminum <= 0.75 mg/L [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 141 T
N	Lead <= 0.095 mg/L [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 142 T
N	Iron <= 1.0 mg/L [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 143 T
N	In the event that the discharge is not in compliance with D.1. above or the permittee is not in compliance with BMPs, the Department reserves the right to require the permittee to sample and analyze stormwater discharge(s), pursuant to N.J.A.C. 7:14A-6.2(a)14. These results will be utilized to assess compliance with D.2.a. above. If required to monitor, the permittee shall be notified in writing by the Department of the frequency and format which may include, but will not be more stringent than the addition of a quarterly Monitoring Report Form to the permittee's Authorization to Discharge under this General Permit. Any such Monitoring Report Form will be inactivated once effluent data comes into compliance with BMP design criteria for two consecutive quarters. Note that BMP design criteria are not limits. [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 144 T

IC - In  
ComplianceND - Compliance Not  
Determined

N - No

NA - Not  
ApplicablePV - Potential  
Violation

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NC - No Obvious  
ConcernON - Out of Compliance,  
Non-referred

Y - Yes

OC - Out of  
ComplianceDC - Data  
CollectionS - Sub-  
HeadingRTC - Return to  
Compliance

**130208 RVR 0 - Vehicle Recycling Stormwater (GP)**

Reqt. Included Flag	Requirement	Status RTC	Results or Comments	Reqt Source Ref # Reqt. Type
N	The Department has the right to monitor the effluent pursuant to N.J.A.C. 7:14A-2.11(e)4. [N.J.A.C. 7:14A- 2.11(e)4]			DST 120001 145 T
N	If monitoring is performed and results exceed the design criteria, the Department can require the permittee to institute the following measures: [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 146 T
N	Evaluate potential sources for the specific parameter that did not comply with the design criteria; [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 147 T
N	Identify BMPs (e.g., source control, operational control, stormwater treatment) by which the permittee can further reduce stormwater contamination; [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 148 T
N	Evaluate whether any improvements or changes to the SPPP are warranted to reduce and control this parameter concentration; [N.J.A.C. 7:14A- 6.2 (b)1]			DST 120001 149 T
N	Update the SPPP with any improvements or changes; and [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 150 T
N	Summarize any remedial actions taken in the annual report. [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 151 T
N	If the permittee fails to institute corrective measures as directed by the Department, or as otherwise allowed pursuant to N.J.A.C. 7:14A-6.13(e), the Department may require any facility authorized under this general permit to apply for and obtain an individual permit to institute effluent limitations and monitoring requirements. [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 152 T
N	Nothing in this section shall preclude the Department from taking direct enforcement action in response to non-compliance with any condition of this permit. [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 153 T
N	Management of Stormwater Flow	S		DST 120001 154 T

IC - In Compliance

ND - Compliance Not Determined

N - No

NA - Not Applicable

PV - Potential Violation

H - Heading

NI - Not Inspected

NC - No Obvious Concern

ON - Out of Compliance, Non-referred

Y - Yes

OC - Out of Compliance

DC - Data Collection

S - Sub-Heading

RTC - Return to Compliance

**130208 RVR 0 - Vehicle Recycling Stormwater (GP)**

Reqt. Included Flag	Requirement	Status RTC	Results or Comments	Reqt Source Ref # Reqt. Type
N	Uncontrolled stormwater discharges should be prevented from migrating off-site. Stormwater control measures such as berms, barriers, and site grading may be used to maintain stormwater on the site. Water quality impoundments or infiltration trenches, which should be bordered by hay bales and absorbent socks, are also acceptable stormwater control measures for maintaining stormwater on-site. [N.J.A.C. 7:14A-6.2(a)1]			DST 120001 155 T
N	If stormwater can not be contained on site then discharges should be channeled to enable flow to one or more outfalls.			DST 120001 156 T
N	Oil/Water Separator.	S		DST 120001 157 T
N	Are oil/water separators designed by a licensed professional engineer, with an adequate hydraulic capacity to collect water from the drainage area for a rain event with an intensity of two (2) inches in one hour?. [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 158 T
N	The system shall be designed by a New Jersey licensed professional engineer. [N.J.A.C. 7:14A-6.2(b)1]			DST 120001 159 T
N	Is an operation and maintenance manual of the system provided by the professional engineer and included with the SPPP?. [N.J.A.C. 7:14A- 6.2(b) 1]			DST 120001 160 T
N	The discharge from the oil/water separator shall achieve a maximum concentration of oil and grease (total petroleum hydrocarbons) of 15 mg/ L, as measured by a method approved by the Department's Office of Quality Assurance ( <a href="http://www.state.nj.us/dep/oqa/">www.state.nj.us/dep/oqa/</a> ). [N.J.A.C. 7:14A- 6.2 (b)1]			DST 120001 161 T
N	N.J.A.C. 7:10A-1.10(c)2 specifically exempts wastewater treatment systems, for which a general permit authorization has been issued for stormwater runoff only, from the requirement for a licensed operator. [N.J.A.C. 7:10A- 1.10(c)2]			DST 120001 162 T
N	Is a schedule of maintenance and cleaning of oil/ water separator(s) incorporated into the SPPP for cleaning once a year, at a minimum, or as often as necessary to maintain efficiency. Documentation of maintenance and cleaning shall be kept in the SPPP?. [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 163 T

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**130208 RVR 0 - Vehicle Recycling Stormwater (GP)**

Reqt. Included Flag	Requirement	Status RTC	Results or Comments	Reqt Source Ref # Reqt. Type
N	The permittee shall ensure that good housekeeping practices are implemented to minimize sediment from flowing into the oil/water separator, which can limit efficiency. [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 164 T
N	Engineered Treatment Systems	S		DST 120001 165 T
N	Stormwater treatment systems that are verified by NJCAT ( <a href="http://www.njcat.org">www.njcat.org</a> ) and certified by NJDEP (as applicable, see <a href="http://www.njstormwater.org/treatment.html">www.njstormwater.org/treatment.html</a> ) may be considered to meet permit requirements. The permittee should consider site-specific factors prior to installing any system. [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 166 T
N	Operations and Maintenance	H		DST 120001 167 T
N	Facility and BMP Operation and Maintenance	S		DST 120001 168 T
N	The permittee shall be responsible for supervising and managing the operation and maintenance of this facility. This requires implementing BMPs that shall be installed or used by the permittee to achieve compliance with the SPPP. Proper operation and maintenance also requires the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit. [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 169 T
N	The operation and maintenance activities shall be verified through the certification and annual reporting requirements of Part IV, item B.5. [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 170 T
N	Frequent and thorough inspections are necessary to ensure adequate functioning of control measures. Inspections are recommended to be conducted during dry periods as well as storm events. [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 171 T
N	Inspections during dry periods allow facilities to identify and address any problems prior to a storm event, thereby minimizing the chance for stormwater contamination. [N.J.A.C. 7:14A- 6.2(b) 1]			DST 120001 172 T

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**130208 RVR 0 - Vehicle Recycling Stormwater (GP)**

Reqt. Included Flag	Requirement	Status RTC	Results or Comments	Reqt Source Ref # Reqt. Type
N	Inspections during significant storm events ensure that measures are functioning as originally intended and provide an opportunity for facilities to observe what materials and/or activities are exposed to stormwater. [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 173 T
N	Other Requirements	H		DST 120001 174 T
N	Soil Erosion Sediment Control Plan.	S		DST 120001 175 T
N	Have construction activities occurred disturbing one (1) acre or more of total land area, requiring the permittee to obtain authorization under NJPDES Permit No. NJ0088323 (Construction Activity Stormwater General Permit), for stormwater from such construction activities that would be discharged to surface waters?. [N.J.A.C. 7:14A- 6.6(a)]			DST 120001 176 T
N	Land disturbances that may result in a stormwater discharge authorized by this permit, shall be executed only in accordance with a soil erosion and sediment control plan certified pursuant to N.J.S.A. 4:24-43, or requirements for soil erosion and sediment control established in or pursuant to a municipal ordinance in accordance with N.J.S.A. 4:24-48, whichever is applicable. [N.J.A.C. 7:14A- 6.6(a)]			DST 120001 177 T
N	A copy of this plan shall be retained by the permittee for a period of at least five (5) years after the completion of construction. [N.J.A.C. 7:14A- 6.6(a)]			DST 120001 178 T
N	Compliance Schedule	S		DST 120001 179 T
N	Those existing facilities who can not meet the BMPs for the Fluid Draining and Dismantling Area and the Vehicle Crusher (for portable crushers only) on the effective date of the permit (October 1, 2012) have until October 1, 2014 to institute measures in order to achieve them. [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 180 T

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## Exhibit B

Compliance Evaluation Summary and Checklist with ALL Requirements

Date Printed: 7/31/2024

Activity:

BCI 240001 \*Brief Compliance Inspection (130208)

Title Description:

CMSS Follow Up - RVR (3/18/24)

Start Date/Time:

03/18/2024 10:00 AM

End Date/Time:

03/18/2024 12:00 PM

Program Interest:

TRENTON AUTO RECYCLERS  
130208 (NJPDDES)  
65 MUIRHEAD AVE  
TRENTON CITY, MERCER COUNTY

Mailing Address:

65 MUIRHEAD AVE Trenton NJ 08638

Responsibility Entity(s)

Program Interests included in Inspection:

Hawks Auto &truck Recycling

130208 (Njpdcs)

Block(s) and Lot(s):

No Block and Lot

Lead Investigator

Other Investigators

Persons Interviewed

Witnesses

Shorrock, Anthony

Mathis, Steve

Brian Hawkins - Owner  
609-516-6630

RVR - Vehicle Recycling Permit  
#: NJG0140279  
Effective: 10/1/12  
Expires: 9/30/17  
\*Expired permit remains effective and will renew automatically\*

Facility recycles vehicles and stores police impounded vehicles.  
Vehicle engines and parts stored indoors for resale.

AREA OF CONCERN:  
- Scrap pile at Southern end of property containing auto parts and scrap metal to be cleaned immediately.

Purpose of inspection, to monitor progress made on clearing of scrap pile.

Discussed denial of hearing request, current AONOCAPA and associated fine which is due and payable.

ADVISED:  
- Continue clearing of scrap pile.

Inspection Attribute(s):	Quantity(s)
Number of Attributes: 0	

130208 RVR 0 - Vehicle Recycling Stormwater (GP)

Req't. Included Flag	Requirement	Status RTC	Results or Comments	Req't Source Ref # Req't. Type
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IC - In Compliance	ND - Compliance Not Determined	N - No	NA - Not Applicable	PV - Potential Violation	H - Heading	NI - Not Inspected
NC - No Obvious Concern	ON - Out of Compliance, Non-referred	Y - Yes	OC - Out of Compliance	DC - Data Collection	S - Sub-Heading	RTC - Return to Compliance

**130208 RVR 0 - Vehicle Recycling Stormwater (GP)**

Reqt. Included Flag	Requirement	Status RTC	Results or Comments	Reqt Source Ref # Reqt. Type
Y	Implement Vehicle Parts Storage Area BMPs in accordance with the Permit within 30 calendar days of receipt of this Order. After being drained per the Permit, all engine blocks, cores, transmission/drive components, components with fuel, filters, coolant or lubricant residues and other oily materials shall be managed in any of the following ways: 1) indoors; 2) in leak-proof containers under cover; 3) on a bermed impervious surface under cover, or 4) in an area where stormwater is discharged into a properly maintained oil/water separator. [N.J.A.C. 7:14A-6]	ON	Violation addressed in PEA220002. Scrap pile at southern end of property containing vehicle parts / source materials left uncovered. ADVISED: - Continue clearing of scrap pile.	PEA 220002 T
N	Permit Overview	H		DST 120001 1 T
N	Stormwater Pollution Prevention Plan (SPPP).	S		DST 120001 2 T
N	Did the permittee prepare a complete SPPP and complete the Vehicle Recycling Certification Form within six (6) months of its permit issuance date?. [N.J.A.C. 7:14A- 6.2(a)1]			DST 120001 3 T
N	Did the permittee implement the SPPP within twelve (12) months of its permit issuance date?. [N.J.A.C. 7:14A- 6.2(a)1]			DST 120001 4 T
N	The permittee shall develop, implement, update and maintain site specific Best Management Practices (BMPs) (see Part IV.C.). [N.J.A.C. 7:14A- 6.2(a)1]			DST 120001 5 T
N	The permittee shall manage the facility to ensure that stormwater quality is maintained (see Part IV.D.). [N.J.A.C. 7:14A- 6.2(a)1]			DST 120001 6 T
N	The permittee shall be responsible for supervising and managing the operation and maintenance of the facility, which includes routine inspections of the facility (see Part IV.E). [N.J.A.C. 7:14A- 6.2(a)1]			DST 120001 7 T
N	The permittee shall summarize inspections in written reports and certifications to ensure compliance with this permit (see Part IV.B.) [N.J.A.C. 7:14A- 6.2(a)1]			DST 120001 8 T

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RTC - Return to Compliance

**130208 RVR 0 - Vehicle Recycling Stormwater (GP)**

Reqt. Included Flag	Requirement	Status RTC	Results or Comments	Reqt Source Ref # Reqt. Type
N	The permittee shall retain records of all monitoring information, maintenance records, and copies of all reports (including the SPPP and soil and erosion and sediment control plans) required by this permit (see Part IV.B. and F). [N.J.A.C. 7:14A- 6.2(a)1]			DST 120001 9 T
N	Stormwater Pollution Prevention Plan (SPPP)	H		DST 120001 10 T
N	Objective of the SPPP	S		DST 120001 11 T
N	The permittee shall develop, implement, update and maintain a SPPP. The objective of the SPPP is to: [N.J.A.C. 7:14A- 6.2(a)1]			DST 120001 12 T
N	Identify potential sources of pollution and source materials onsite; and [N.J.A.C. 7:14A- 6.2(a)1]			DST 120001 13 T
N	Document the practices utilized to minimize and/or eliminate the exposure of pollutant sources to stormwater. [N.J.A.C. 7:14A- 6.2(a)1]			DST 120001 14 T
N	For any existing or newly authorized facilities that are permitted after the effective date of the master Vehicle Recycling Permit (i.e. October 1, 2012), the permittee is required to develop a SPPP within six months of the issuance date of the authorization. SPPP implementation is then required within twelve months of the issuance date of the authorization. After implementation of the SPPP, annual reports and inspection certifications must be completed and retained as required in B.4.g & h and B.5, below. [N.J.A.C. 7:14A- 6.2(a)1]			DST 120001 15 T
N	SPPP Recordkeeping.	S		DST 120001 16 T
N	Did the permittee sign the SPPP and retain the original at the facility for use and Department inspection, and make it available for review by the owner/operator of the collection system receiving the stormwater discharge and the public?. [N.J.A.C. 7:14A- 4.9(a)]			DST 120001 17 T
N	The SPPP shall be made available, upon request, to a representative of the Department and to the owner and operator of any municipal separate storm sewer receiving the stormwater discharge. [N.J.A.C. 7:14A- 6.2(a)1]			DST 120001 18 T

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RTC - Return to Compliance

**130208 RVR 0 - Vehicle Recycling Stormwater (GP)**

Reqt. Included Flag	Requirement	Status RTC	Results or Comments	Reqt Source Ref # Reqt. Type
N	The SPPP shall be made available to the public upon request, except as noted below. [N.J.A.C. 7:14A- 6.2(a)1]			DST 120001 19 T
N	The facility may claim any portion of the SPPP as confidential in accordance with the provisions set forth in N.J.A.C. 7:14A-18.2. [N.J.A.C. 7:14A-18.2]			DST 120001 20 T
N	SPPP Team	S		DST 120001 21 T
N	The permittee shall form or maintain an SPPP team, which is responsible for developing, implementing and maintaining the SPPP in accordance with good engineering practices. [N.J.A.C. 7:14A- 6.2(a)1]			DST 120001 22 T
N	The SPPP Team shall be responsible for Employee Training. The training program shall address, at a minimum, compliance with the SPPP; the BMP; and proper handling (collection, storage, disposal) of oils, mineral spirits, coolant, mercury switches and solvents. [N.J.A.C. 7:14A- 6.2(a)1]			DST 120001 23 T
N	Required Components of the SPPP.	S		DST 120001 24 T
N	Best Management Practices (BMPs).			DST 120001 25 T
N	The SPPP shall identify the BMPs that are in place to eliminate, reduce or minimize exposure of industrial activity and source material to stormwater that discharges to surface water or groundwater. [N.J.A.C. 7:14A- 6.2(a)1]			DST 120001 26 T
N	The SPPP shall address all BMPs identified in Part IV C. below and can also include a description of proposed BMPs. [N.J.A.C. 7:14A- 6.2(a)1]			DST 120001 27 T
N	Process Line Diagram.			DST 120001 28 T

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N - No

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ConcernON - Out of Compliance,  
Non-referred

Y - Yes

OC - Out of  
ComplianceDC - Data  
CollectionS - Sub-  
HeadingRTC - Return to  
Compliance

**130208 RVR 0 - Vehicle Recycling Stormwater (GP)**

Reqt. Included Flag	Requirement	Status RTC	Results or Comments	Reqt Source Ref # Reqt. Type
N	Did the SPPP contain a site map of the process line diagram showing the process of vehicles through inbound vehicle inspection area, fluid draining and dismantling area, vehicle storage parts area, parts cleaning/solvent degreasing, fluid storage, processed vehicle storage, operable vehicle storage, vehicle crusher, proposed and implemented BMPs, structures, concrete pad, oil/water separators, septic systems (if applicable), potable wells (if applicable), and stormwater flow, drainage, outfall and surface water areas of the facility?. [N.J.A.C. 7:14A- 6.2(a)1]			DST 120001 29 T
N	Site Map - The site map shall show the location of the following: [N.J.A.C. 7:14A- 6.2(a)1]			DST 120001 30 T
N	Inbound vehicle inspection area; [N.J.A.C. 7:14A- 6.2(a)1]			DST 120001 31 T
N	Fluid draining and dismantling area; [N.J.A.C. 7:14A- 6.2(a)1]			DST 120001 32 T
N	Vehicle parts storage area; [N.J.A.C. 7:14A- 6.2(a)1]			DST 120001 33 T
N	Parts cleaning/solvent degreasing; [N.J.A.C. 7:14A- 6.2(a)1]			DST 120001 34 T
N	Fluid storage area; [N.J.A.C. 7:14A- 6.2(a)1]			DST 120001 35 T
N	Processed vehicle storage area; [N.J.A.C. 7:14A- 6.2(a)1]			DST 120001 36 T
N	Operable vehicle storage area; [N.J.A.C. 7:14A- 6.2(a)1]			DST 120001 37 T
N	Vehicle crusher (if applicable); [N.J.A.C. 7:14A- 6.2(a)1]			DST 120001 38 T
N	Locations of implemented BMPs; [N.J.A.C. 7:14A- 6.2(a)1]			DST 120001 39 T
N	Locations of proposed BMPs; [N.J.A.C. 7:14A- 6.2(a)1]			DST 120001 40 T
N	Structures; [N.J.A.C. 7:14A- 6.2(a)1]			DST 120001 41 T
N	Concrete pads; [N.J.A.C. 7:14A- 6.2(a)1]			DST 120001 42 T

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**130208 RVR 0 - Vehicle Recycling Stormwater (GP)**

Reqt. Included Flag	Requirement	Status RTC	Results or Comments	Reqt Source Ref # Reqt. Type
N	Oil/water separators (if applicable); [N.J.A.C. 7:14A- 6.2(a)1]			DST 120001 43 T
N	Septic systems (if applicable); [N.J.A.C. 7:14A- 6.2(a)1]			DST 120001 44 T
N	Potable wells (if applicable); and [N.J.A.C. 7:14A- 6.2(a)1]			DST 120001 45 T
N	Approximate direction of stormwater flow, drainage area, outfalls and adjacent surface water bodies. [N.J.A.C. 7:14A- 6.2(a)1]			DST 120001 46 T
N	Inventory of Source Materials.			DST 120001 47 T
N	Did the SPPP include a list of all source materials found anywhere on site that are used, loaded/ unloaded, stored, treated and/or disposed?. [N.J.A.C. 7:14A- 6.2(a)1]			DST 120001 48 T
N	SPPP Team .			DST 120001 49 T
N	Did the SPPP identify a team leader, spill prevention coordinator, names, titles and responsibilities of its members? . [N.J.A.C. 7:14A- 6.2(a)1]			DST 120001 50 T
N	The SPPP shall identify the names of those individuals and their titles within the facility's organization who are members of the team; and [N.J.A.C. 7:14A- 6.2(a)1]			DST 120001 51 T
N	The SPPP shall identify the responsibility of each team member, including a designated Spill Response Coordinator. The activities and responsibilities of the team shall address all aspects of the facility's SPPP. [N.J.A.C. 7:14A- 6.2(a)1]			DST 120001 52 T
N	Inspections.			DST 120001 53 T
N	Did the SPPP establish a minimum quarterly regular inspection schedule to verify that the BMPs are being implemented? . [N.J.A.C. 7:14A-24.9(a)2i]			DST 120001 54 T
N	Inspections shall be conducted on a quarterly basis, at a minimum. [N.J.A.C. 7:14A- 6.2(a)1]			DST 120001 55 T

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**130208 RVR 0 - Vehicle Recycling Stormwater (GP)**

Reqt. Included Flag	Requirement	Status RTC	Results or Comments	Reqt Source Ref # Reqt. Type
N	Did the SPPP include a detailed inspection log according to permit requirements?. [N.J.A.C. 7:14A- 6.2(a)1]			DST 120001 56 T
N	Annual Inspections, Reports and Certifications.			DST 120001 57 T
N	Did the permittee conduct annual inspections of the facility and prepare and maintain on site an annual report according to permit requirements on or before October 1?. [N.J.A.C. 7:14A-24.9(a) 2ii]			DST 120001 58 T
N	Annual Certification			DST 120001 59 T
N	As described in further detail in item 5 below, the permittee shall complete an annual certification to certify compliance with the SPPP Requirements in accordance with N.J.A.C. 7:14A-24.9. The certification form is available as an attachment to this permit and should be kept on site for a period of five (5) years. [N.J.A.C. 7:14A-24.9(a)2ii]			DST 120001 60 T
N	Annual Inspections, Reports and Certifications	S		DST 120001 61 T
N	The permittee shall conduct annual inspections of the facility in accordance with N.J.A.C. 7:14A-24.9(a) to assess all areas contributing to the stormwater discharge authorized by this permit, to evaluate whether the SPPP complies with and is implemented in accordance with this permit, and to determine whether additional measures are needed to meet the conditions of this permit. [N.J.A.C. 7:14A-24.9(a)]			DST 120001 62 T
N	The permittee shall prepare an annual report by October 1 of each year. [N.J.A.C. 7:14A- 6.2(a)1]			DST 120001 63 T
N	The annual report shall summarize the findings of the annual inspection in accordance with a. above, including: [N.J.A.C. 7:14A-24.9(a)2ii]			DST 120001 64 T
N	The date of the inspection; and [N.J.A.C. 7:14A-24.9(a)2ii]			DST 120001 65 T
N	Name(s) and title of the facility inspector(s). [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 66 T

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**130208 RVR 0 - Vehicle Recycling Stormwater (GP)**

Reqt. Included Flag	Requirement	Status RTC	Results or Comments	Reqt Source Ref # Reqt. Type
N	The permittee shall complete an annual certification (using the form available as an attachment) that the facility has completed their annual report and is in compliance with the SPPP and the permit. [N.J.A.C. 7:14A-24.9(a)2ii]			DST 120001 67 T
N	Are the annual reports and certifications maintained on-site with the SPPP for a period of at least five years?. [N.J.A.C. 7:14A-11.2(a)3iii]			DST 120001 68 T
N	Site-Specific Best Management Practices (BMPs) .	H		DST 120001 69 T
N	BMP - Inbound Vehicle Inspection Area.	S		DST 120001 70 T
N	Are all vehicles inspected for evidence of discharges and stored with hoods down upon arrival in a designated Inbound Vehicle Inspection Area, and are all leaks contained? . [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 71 T
N	Any leaking cars shall immediately be placed on an impervious surface (e.g. concrete pad) that is contained (e.g. bermed). [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 72 T
N	Identified leaks shall be stopped or controlled and shall be cleaned up. [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 73 T
N	A dedicated spill kit shall be kept in the Inbound Vehicle Inspection Area. [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 74 T
N	Vehicles staged in the Inbound Vehicle Inspection Area shall be stored with their hoods down if the vehicle has a hood in place. [N.J.A.C. 7:14A- 6.2 (b)1]			DST 120001 75 T
Y	BMP - Fluid Draining and Dismantling Area.	S		DST 120001 76 T
Y	Are all fluid draining and parts that contain fluids in an area that is either indoors; on an impervious, bermed surface; under permanent cover; or where stormwater must be collected or drain in a manner that does not discharge to surface water or ground water? . [N.J.A.C. 7:14A- 6.2(b)1]	IC	Fluid draining occurs in the fluid draining garage, indoors, on an impervious surface. ADVISED to ensure that all stored vehicles onsite have been properly drained of all fluids.	DST 120001 77 T
N	Are all fluids drained from vehicles in the Fluid Draining and Dismantling Area? . [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 78 T

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NI - Not Inspected

NC - No Obvious Concern

ON - Out of Compliance, Non-referred

Y - Yes

OC - Out of Compliance

DC - Data Collection

S - Sub-Heading

RTC - Return to Compliance

**130208 RVR 0 - Vehicle Recycling Stormwater (GP)**

Reqt. Included Flag	Requirement	Status RTC	Results or Comments	Reqt Source Ref # Reqt. Type
N	Fluids do not need to be drained from the following sealed units: differentials, steering gear units, front and rear axle assemblies and transfer cases. A sealed unit is intended to be sold as a complete unit and does not leak. [N.J.A.C. 7:14A-6.2(b)1]			DST 12000179 T
N	Fluids do not need to be drained from units that are part of an operable vehicle. [N.J.A.C. 7:14A-6.2(b)1]			DST 12000180 T
N	A dedicated spill kit shall be kept in the Fluid Draining and Dismantling Area. [N.J.A.C. 7:14A-6.2(b)1]			DST 12000181 T
N	Facilities shall follow the guidelines found at <a href="http://www.nj.gov/dep/dshw/resource/tankguid.htm">www.nj.gov/dep/dshw/resource/tankguid.htm</a> for the safe collection, storage, transport and disposal of used oil and drained filters. [N.J.A.C. 7:14A- 6.2(b)1]			DST 12000182 T
N	Are mercury switches and batteries, removed from vehicles prior to leaving the designated Fluid Draining and Dismantling Area and properly stored and/or disposed of? . [N.J.A.C. 7:14A- 6.2 (b)1]			DST 12000183 T
N	Batteries shall be removed from vehicles prior to leaving the designated Fluid Draining and Dismantling Area. [N.J.A.C. 7:14A- 6.2(b)1]			DST 12000184 T
Y	BMP - Vehicle Parts Storage Area.	S		DST 12000185 T
Y	Are all engine blocks; cores; transmission/drive components; components with fuel, filter(s), coolant or lubricant residues and other oily materials either indoors, in leak-proof containers under cover, on a bermed impervious surface under cover, or in an area where stormwater is discharged into a properly maintained oil/water separator?. [N.J.A.C. 7:14A- 6.2(b)1]	ON	Violation addressed in PEA220002. Failure to implement vehicle parts storage area BMPs in accordance with the Permit. Scrap pile at southern end of property containing vehicle parts / source materials left uncovered and exposed. ADVISED: Continue clearing of scrap pile.	DST 12000186 T
N	Mercury switches shall be stored and disposed of in accordance with the N.J.S.A. 13:1E-99.82 - Mercury Switch Removal Act of 2005. [N.J.A.C. 7:14A- 6.2(b)1]			DST 12000187 T

IC - In Compliance

ND - Compliance Not Determined

N - No

NA - Not Applicable

PV - Potential Violation

H - Heading

NI - Not Inspected

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Y - Yes

OC - Out of Compliance

DC - Data Collection

S - Sub-Heading

RTC - Return to Compliance

**130208 RVR 0 - Vehicle Recycling Stormwater (GP)**

Reqt. Included Flag	Requirement	Status RTC	Results or Comments	Reqt Source Ref # Reqt. Type
N	All batteries shall be removed from vehicles and stored either: 1) indoors, or 2) in leak-proof containers on an impervious surface under cover. [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 88 T
N	Sealed units as defined above in C.2.b above and other parts which have been cleaned and/or degreased are not subject to the requirements of this section. [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 89 T
N	BMP - Parts Cleaning/Solvent Degreasing.	S		DST 120001 90 T
N	Is all cleaning and degreasing of parts performed indoors, in leak-proof containers on an impervious surface and under cover?. [N.J.A.C. 7:14A- 6.2 (b)1]			DST 120001 91 T
N	Are all cleaning fluids hauled off-site for recycling/disposal by a NJDEP licensed hauler, and receipts of recycling/disposal kept onsite for a period of five (5) years?. [N.J.A.C. 7:14A- 6.2(b) 1]			DST 120001 92 T
N	BMP - Fluid Storage Area.	S		DST 120001 93 T
N	Are all fluids stored in a designated Fluid Storage Area that is either indoors, or on a contained/bermed impervious surface under cover? . [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 94 T
N	Are all drained fluid(s) placed in leak-proof containers with secondary containment and labeled for easy identification of contents?. [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 95 T
N	A dedicated spill kit shall be kept in the Fluid Storage Area. [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 96 T
N	All drained fluid shall be placed in leak-proof containers with secondary containment and shall be labeled for easy identification of contents. [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 97 T
N	All drained fluid shall be hauled off-site for recycling/disposal by a NJDEP licensed hauler. Receipts of recycling/ disposal shall be kept onsite for a period of five (5) years. [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 98 T
N	BMP - Processed Vehicle Storage Area.	S		DST 120001 99 T

IC - In Compliance

ND - Compliance Not Determined

N - No

NA - Not Applicable

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H - Heading

NI - Not Inspected

NC - No Obvious Concern

ON - Out of Compliance, Non-referred

Y - Yes

OC - Out of Compliance

DC - Data Collection

S - Sub-Heading

RTC - Return to Compliance

**130208 RVR 0 - Vehicle Recycling Stormwater (GP)**

Reqt. Included Flag	Requirement	Status RTC	Results or Comments	Reqt Source Ref # Reqt. Type
N	Are sealed units leak-free and drained vehicles stored in the Processed Vehicle Storage Area drained of fluids and with hoods down?. [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 100 T
N	Vehicles stored in the Processed Vehicle Storage Area shall not leak or drip onto the ground or have pollutants exposed to stormwater. For the purposes of this permit, de minimus or minor amounts of lubricant residue, oil/grease residue, road grime or similar residues are acceptable as long as none of these residues or grime drip or show evidence of having dripped onto the ground. [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 101 T
N	Vehicles stored in the Processed Vehicle Storage Area shall be stored with their hoods down if the vehicle has a hood in place. [N.J.A.C. 7:14A- 6.2 (b)1]			DST 120001 102 T
N	Sealed units as described in C.2.b above and other parts which have been cleaned and/or degreased may be stored in the Processed Vehicle Storage Area. Any sealed units or other parts stored in this area shall not leak or drip onto the ground or have pollutants exposed to stormwater. For the purposes of this permit, de minimus or minor amounts of lubricant residue, oil/grease residue, road grime or similar residues associated with part(s) are acceptable as long as none of these residues or grime drip or show evidence of having dripped onto the ground. [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 103 T
N	Dismantling may occur in the Processed Vehicle Storage Area under the following conditions: [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 104 T
N	Only parts that never contained fluids (e.g. bumper) or were previously drained can be removed in the Processed Vehicle Storage Area; [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 105 T
N	Sealed units or other parts that may leak upon removal shall only be removed from vehicles in the Fluid Draining and Dismantling Area; and [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 106 T
N	Sealed units or other parts that may leak upon dismantling shall only be dismantled in the Fluid Draining and Dismantling Area. [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 107 T
N	BMP - Operable Vehicle Storage Area.	S		DST 120001 108 T

IC - In Compliance

ND - Compliance Not Determined

N - No

NA - Not Applicable

PV - Potential Violation

H - Heading

NI - Not Inspected

NC - No Obvious Concern

ON - Out of Compliance, Non-referred

Y - Yes

OC - Out of Compliance

DC - Data Collection

S - Sub-Heading

RTC - Return to Compliance

**130208 RVR 0 - Vehicle Recycling Stormwater (GP)**

Reqt. Included Flag	Requirement	Status RTC	Results or Comments	Reqt Source Ref # Reqt. Type
N	Are all operable vehicles not leaking fluids, and stored in a designated area with their hoods down or with the engine compartment covered?. [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 109 T
N	Operable vehicles shall not leak or drip onto the ground or have pollutants exposed to stormwater. For the purposes of this permit, de minimus or minor amounts of lubricant residue, oil/grease residue, road grime or similar residues are acceptable as long as none of these residues or grime drip or show evidence of having dripped onto the ground. [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 110 T
N	Parts which never contained fluids may be removed from vehicles stored in the Operable Vehicle Storage Area. [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 111 T
N	BMP - Facility Hydraulic Equipment.	S		DST 120001 112 T
N	Vehicle Crusher .			DST 120001 113 T
N	Is there a containment system provided under any vehicle crusher which is exposed to stormwater that prohibits the runoff to discharge to surface water or groundwater? . [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 114 T
N	Other Hydraulic Equipment.			DST 120001 115 T
N	All hydraulic equipment (e.g. front end loader) shall be maintained to prevent leaks and hydraulic line ruptures (e.g., routine and preventative maintenance). Hydraulic hoses shall be inspected quarterly for cracks or leaks where inspections shall be documented in the SPPP inspection report. [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 116 T
N	BMP - Spill Prevention and Response .	S		DST 120001 117 T
N	Are all impervious surfaces and bermed areas regularly maintained and kept free of fluids? . [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 118 T
N	Are Spill Kits kept in central areas and accessible to all employees and dedicated spill kits kept in all Inbound Vehicle Inspection Areas, the Fluid Draining and Dismantling Areas, and the Fluid Storage Area?. [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 119 T

IC - In Compliance

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N - No

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Y - Yes

OC - Out of Compliance

DC - Data Collection

S - Sub-Heading

RTC - Return to Compliance

**130208 RVR 0 - Vehicle Recycling Stormwater (GP)**

Reqt. Included Flag	Requirement	Status RTC	Results or Comments	Reqt Source Ref # Reqt. Type
N	Are all employees trained annually on spill response where the date of training is documented in the SPPP? . [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 120 T
N	All employees shall be trained annually on spill response where the date of training shall be documented in the SPPP. [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 121 T
N	To report a spill or for emergency response to a spill, the permittee shall call the Department Hotline at 1-877-WARNDEP (1-877-927-6337). [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 122 T
N	For the purposes of this permit, recovered spills on impervious surfaces are not required to be reported. [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 123 T
N	BMP - Site Stabilization and Dust Control; Erosion Control .	S		DST 120001 124 T
N	Does the facility prevent or minimize disturbance of unstabilized areas to prevent disturbance of vegetative covers and/or other dust control mechanisms?. [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 125 T
N	BMPs shall meet the most recent technical standards listed in Standards for Soil Erosion and Sediment Control in New Jersey, Engineering Standards Section titled Standards for Off-Site Stability. [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 126 T
N	At a minimum, BMPs shall include: [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 127 T
N	Traffic control to prevent or minimize disturbance of unstabilized areas and to prevent disturbance of vegetative covers and/or other dust control mechanisms; [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 128 T
N	Does the facility conduct entrance/exit stabilization to prevent or minimize transport of sediment, dust or any pollutant outside the property line?. [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 129 T
N	Identify areas that have high potential for soil erosion or a known soil erosion problem. Appropriate vegetative, structural, or stabilization measures shall be selected to limit erosion in these areas. [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 130 T

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N - No

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DC - Data Collection

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RTC - Return to Compliance

**130208 RVR 0 - Vehicle Recycling Stormwater (GP)**

Reqt. Included Flag	Requirement	Status RTC	Results or Comments	Reqt Source Ref # Reqt. Type
N	If a stormwater outfall is on-site, stormwater velocity at the outfall shall be controlled to prevent downstream erosion and/or degradation and ensure stabilization. [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 131 T
N	Facility Management.	H		DST 120001 132 T
N	Discharge Requirements.	S		DST 120001 133 T
N	Does the facility routinely visually monitor its effluent? Does the stormwater to surface water and/or the ground exhibit a visible sheen, foam, odor or other discoloration associated with the regulated activity? . [N.J.A.C. 7:14A-12.8(c)]			DST 120001 134 T
N	All facilities discharging to surface water are prohibited from discharging foam, discoloration, or odor associated with the regulated activity in accordance with N.J.A.C. 7:14A-12.6. [N.J.A.C. 7:14A-12.6(a)]			DST 120001 135 T
N	For the purposes of this NJPDES permit, the stormwater discharges regulated by this permit are not process wastewaters. [N.J.A.C. 7:14A-6.2(b)1]			DST 120001 136 T
N	Compliance with BMP Design Criteria .	S		DST 120001 137 T
N	Has the Department exercised its right to monitor the facility's effluent discharge and required the permittee to institute additional measures? (Compliance Status = DC / Yes or No in comments). [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 138 T
N	Total Suspended Solids <=100 mg/L [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 139 T
N	Total Petroleum Hydrocarbons <= 15 mg/L [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 140 T
N	Aluminum <= 0.75 mg/L [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 141 T
N	Lead <= 0.095 mg/L [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 142 T
N	Iron <= 1.0 mg/L [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 143 T

IC - In Compliance

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N - No

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NC - No Obvious Concern

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Y - Yes

OC - Out of Compliance

DC - Data Collection

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RTC - Return to Compliance



**130208 RVR 0 - Vehicle Recycling Stormwater (GP)**

Reqt. Included Flag	Requirement	Status RTC	Results or Comments	Reqt Source Ref # Reqt. Type
N	In the event that the discharge is not in compliance with D.1. above or the permittee is not in compliance with BMPs, the Department reserves the right to require the permittee to sample and analyze stormwater discharge(s), pursuant to N.J.A.C. 7:14A-6.2(a)14. These results will be utilized to assess compliance with D.2.a. above. If required to monitor, the permittee shall be notified in writing by the Department of the frequency and format which may include, but will not be more stringent than the addition of a quarterly Monitoring Report Form to the permittee's Authorization to Discharge under this General Permit. Any such Monitoring Report Form will be inactivated once effluent data comes into compliance with BMP design criteria for two consecutive quarters. Note that BMP design criteria are not limits. [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 144 T
N	The Department has the right to monitor the effluent pursuant to N.J.A.C. 7:14A-2.11(e)4. [N.J.A.C. 7:14A- 2.11(e)4]			DST 120001 145 T
N	If monitoring is performed and results exceed the design criteria, the Department can require the permittee to institute the following measures: [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 146 T
N	Evaluate potential sources for the specific parameter that did not comply with the design criteria; [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 147 T
N	Identify BMPs (e.g., source control, operational control, stormwater treatment) by which the permittee can further reduce stormwater contamination; [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 148 T
N	Evaluate whether any improvements or changes to the SPPP are warranted to reduce and control this parameter concentration; [N.J.A.C. 7:14A- 6.2 (b)1]			DST 120001 149 T
N	Update the SPPP with any improvements or changes; and [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 150 T
N	Summarize any remedial actions taken in the annual report. [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 151 T

IC - In Compliance

ND - Compliance Not Determined

N - No

NA - Not Applicable

PV - Potential Violation

H - Heading

NI - Not Inspected

NC - No Obvious Concern

ON - Out of Compliance, Non-referred

Y - Yes

OC - Out of Compliance

DC - Data Collection

S - Sub-Heading

RTC - Return to Compliance

**130208 RVR 0 - Vehicle Recycling Stormwater (GP)**

Reqt. Included Flag	Requirement	Status RTC	Results or Comments	Reqt Source Ref # Reqt. Type
N	If the permittee fails to institute corrective measures as directed by the Department, or as otherwise allowed pursuant to N.J.A.C. 7:14A-6.13(e), the Department may require any facility authorized under this general permit to apply for and obtain an individual permit to institute effluent limitations and monitoring requirements. [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 152 T
N	Nothing in this section shall preclude the Department from taking direct enforcement action in response to non-compliance with any condition of this permit. [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 153 T
N	Management of Stormwater Flow	S		DST 120001 154 T
N	Uncontrolled stormwater discharges should be prevented from migrating off-site. Stormwater control measures such as berms, barriers, and site grading may be used to maintain stormwater on the site. Water quality impoundments or infiltration trenches, which should be bordered by hay bales and absorbent socks, are also acceptable stormwater control measures for maintaining stormwater on-site. [N.J.A.C. 7:14A-6.2(a)1]			DST 120001 155 T
N	If stormwater can not be contained on site then discharges should be channeled to enable flow to one or more outfalls.			DST 120001 156 T
N	Oil/Water Separator.	S		DST 120001 157 T
N	Are oil/water separators designed by a licensed professional engineer, with an adequate hydraulic capacity to collect water from the drainage area for a rain event with an intensity of two (2) inches in one hour?. [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 158 T
N	The system shall be designed by a New Jersey licensed professional engineer. [N.J.A.C. 7:14A-6.2(b)1]			DST 120001 159 T
N	Is an operation and maintenance manual of the system provided by the professional engineer and included with the SPPP?. [N.J.A.C. 7:14A- 6.2(b) 1]			DST 120001 160 T

IC - In  
ComplianceND - Compliance Not  
Determined

N - No

NA - Not  
ApplicablePV - Potential  
Violation

H - Heading

NI - Not Inspected

NC - No Obvious  
ConcernON - Out of Compliance,  
Non-referred

Y - Yes

OC - Out of  
ComplianceDC - Data  
CollectionS - Sub-  
HeadingRTC - Return to  
Compliance

**130208 RVR 0 - Vehicle Recycling Stormwater (GP)**

Reqt. Included Flag	Requirement	Status RTC	Results or Comments	Reqt Source Ref # Reqt. Type
N	The discharge from the oil/water separator shall achieve a maximum concentration of oil and grease (total petroleum hydrocarbons) of 15 mg/L, as measured by a method approved by the Department's Office of Quality Assurance ( <a href="http://www.state.nj.us/dep/oqa/">www.state.nj.us/dep/oqa/</a> ). [N.J.A.C. 7:14A- 6.2 (b)1]			DST 120001 161 T
N	N.J.A.C. 7:10A-1.10(c)2 specifically exempts wastewater treatment systems, for which a general permit authorization has been issued for stormwater runoff only, from the requirement for a licensed operator. [N.J.A.C. 7:10A- 1.10(c)2]			DST 120001 162 T
N	Is a schedule of maintenance and cleaning of oil/water separator(s) incorporated into the SPPP for cleaning once a year, at a minimum, or as often as necessary to maintain efficiency. Documentation of maintenance and cleaning shall be kept in the SPPP?. [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 163 T
N	The permittee shall ensure that good housekeeping practices are implemented to minimize sediment from flowing into the oil/water separator, which can limit efficiency. [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 164 T
N	Engineered Treatment Systems	S		DST 120001 165 T
N	Stormwater treatment systems that are verified by NJCAT ( <a href="http://www.njcat.org">www.njcat.org</a> ) and certified by NJDEP (as applicable, see <a href="http://www.njstormwater.org/treatment.html">www.njstormwater.org/treatment.html</a> ) may be considered to meet permit requirements. The permittee should consider site-specific factors prior to installing any system. [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 166 T
N	Operations and Maintenance	H		DST 120001 167 T
N	Facility and BMP Operation and Maintenance	S		DST 120001 168 T
N	The permittee shall be responsible for supervising and managing the operation and maintenance of this facility. This requires implementing BMPs that shall be installed or used by the permittee to achieve compliance with the SPPP. Proper operation and maintenance also requires the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit. [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 169 T

IC - In Compliance

ND - Compliance Not Determined

N - No

NA - Not Applicable

PV - Potential Violation

H - Heading

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RTC - Return to Compliance

**130208 RVR 0 - Vehicle Recycling Stormwater (GP)**

Reqt. Included Flag	Requirement	Status RTC	Results or Comments	Reqt Source Ref # Reqt. Type
N	The operation and maintenance activities shall be verified through the certification and annual reporting requirements of Part IV, item B.5. [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 170 T
N	Frequent and thorough inspections are necessary to ensure adequate functioning of control measures. Inspections are recommended to be conducted during dry periods as well as storm events. [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 171 T
N	Inspections during dry periods allow facilities to identify and address any problems prior to a storm event, thereby minimizing the chance for stormwater contamination. [N.J.A.C. 7:14A- 6.2(b) 1]			DST 120001 172 T
N	Inspections during significant storm events ensure that measures are functioning as originally intended and provide an opportunity for facilities to observe what materials and/or activities are exposed to stormwater. [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 173 T
N	Other Requirements	H		DST 120001 174 T
N	Soil Erosion Sediment Control Plan.	S		DST 120001 175 T
N	Have construction activities occurred disturbing one (1) acre or more of total land area, requiring the permittee to obtain authorization under NJPDES Permit No. NJ0088323 (Construction Activity Stormwater General Permit), for stormwater from such construction activities that would be discharged to surface waters?. [N.J.A.C. 7:14A- 6.6(a)]			DST 120001 176 T
N	Land disturbances that may result in a stormwater discharge authorized by this permit, shall be executed only in accordance with a soil erosion and sediment control plan certified pursuant to N.J.S.A. 4:24-43, or requirements for soil erosion and sediment control established in or pursuant to a municipal ordinance in accordance with N.J.S.A. 4:24-48, whichever is applicable. [N.J.A.C. 7:14A- 6.6(a)]			DST 120001 177 T
N	A copy of this plan shall be retained by the permittee for a period of at least five (5) years after the completion of construction. [N.J.A.C. 7:14A- 6.6(a)]			DST 120001 178 T

IC - In Compliance

ND - Compliance Not Determined

N - No

NA - Not Applicable

PV - Potential Violation

H - Heading

NI - Not Inspected

NC - No Obvious Concern

ON - Out of Compliance, Non-referred

Y - Yes

OC - Out of Compliance

DC - Data Collection

S - Sub-Heading

RTC - Return to Compliance

**130208 RVR 0 - Vehicle Recycling Stormwater (GP)**

Reqt. Included Flag	Requirement	Status RTC	Results or Comments	Reqt Source Ref # Reqt. Type
N	Compliance Schedule	S		DST 120001 179 T
N	Those existing facilities who can not meet the BMPs for the Fluid Draining and Dismantling Area and the Vehicle Crusher (for portable crushers only) on the effective date of the permit (October 1, 2012) have until October 1, 2014 to institute measures in order to achieve them. [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 180 T

IC - In Compliance	ND - Compliance Not Determined	N - No	NA - Not Applicable	PV - Potential Violation	H - Heading	NI - Not Inspected
NC - No Obvious Concern	ON - Out of Compliance, Non-referred	Y - Yes	OC - Out of Compliance	DC - Data Collection	S - Sub-Heading	RTC - Return to Compliance

## Exhibit C

## Compliance Evaluation Summary and Checklist with ALL Requirements

Date Printed: 7/31/2024

**Activity:** BCI 240002 \*Brief Compliance Inspection (130208)

**Title Description:** CMSS Follow Up - RVR (5/14/24)

**Start Date/Time:** 05/14/2024 10:00 AM **End Date/Time:** 05/14/2024 12:00 PM

**Program Interest:** TRENTON AUTO RECYCLERS  
130208 (NJPDDES)  
65 MUIRHEAD AVE  
TRENTON CITY, MERCER COUNTY

**Mailing Address:** 65 MUIRHEAD AVE Trenton NJ 08638

**Responsibility Entity(s)** **Program Interests included in Inspection:**

Hawks Auto & truck Recycling 130208 (Njpdcs)

**Block(s) and Lot(s):** No Block and Lot

<u>Lead Investigator</u>	<u>Other Investigators</u>	<u>Persons Interviewed</u>	<u>Witnesses</u>
Shorrock, Anthony	Mathis, Steve	Brian Hawkins - Owner 609-516-6630	

RVR - Vehicle Recycling Permit  
#: NJG0140279  
Effective: 10/1/12  
Expires: 9/30/17  
\*Expired permit remains effective and will renew automatically\*

Facility recycles vehicles and stores police impounded vehicles.  
Vehicle engines and parts stored indoors for resale.

AREA OF CONCERN:  
- Scrap pile at Southern end of property containing auto parts and scrap metal to be cleaned immediately.

Purpose of inspection, to monitor progress made on clearing of scrap pile.

Discussed denial of hearing request, current AONOCAPA and associated fine which is due and payable.

ADVISED:  
- Continue clearing of scrap pile.

Inspection Attribute(s):	Quantity(s)
Photos Taken	6
Number of Attributes: 1	

### 130208 RVR 0 - Vehicle Recycling Stormwater (GP)

Req. Included Flag	Requirement	Status RTC	Results or Comments	Req. Source Ref # Req. Type
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IC - In Compliance	ND - Compliance Not Determined	N - No	NA - Not Applicable	PV - Potential Violation	H - Heading	NI - Not Inspected
NC - No Obvious Concern	ON - Out of Compliance, Non-referred	Y - Yes	OC - Out of Compliance	DC - Data Collection	S - Sub-Heading	RTC - Return to Compliance

**130208 RVR 0 - Vehicle Recycling Stormwater (GP)**

Reqt. Included Flag	Requirement	Status RTC	Results or Comments	Reqt Source Ref # Reqt. Type
Y	Implement Vehicle Parts Storage Area BMPs in accordance with the Permit within 30 calendar days of receipt of this Order. After being drained per the Permit, all engine blocks, cores, transmission/drive components, components with fuel, filters, coolant or lubricant residues and other oily materials shall be managed in any of the following ways: 1) indoors; 2) in leak-proof containers under cover; 3) on a bermed impervious surface under cover, or 4) in an area where stormwater is discharged into a properly maintained oil/water separator. [N.J.A.C. 7:14A-6]	ON	Violation addressed in PEA220002. Scrap pile at southern end of property containing vehicle parts / source materials, left uncovered. ADVISED - Continue clearing of scrap pile.	PEA 220002 T
N	Permit Overview	H		DST 120001 1 T
N	Stormwater Pollution Prevention Plan (SPPP).	S		DST 120001 2 T
N	Did the permittee prepare a complete SPPP and complete the Vehicle Recycling Certification Form within six (6) months of its permit issuance date?. [N.J.A.C. 7:14A- 6.2(a)1]			DST 120001 3 T
N	Did the permittee implement the SPPP within twelve (12) months of its permit issuance date?. [N.J.A.C. 7:14A- 6.2(a)1]			DST 120001 4 T
N	The permittee shall develop, implement, update and maintain site specific Best Management Practices (BMPs) (see Part IV.C.). [N.J.A.C. 7:14A- 6.2(a)1]			DST 120001 5 T
N	The permittee shall manage the facility to ensure that stormwater quality is maintained (see Part IV.D.). [N.J.A.C. 7:14A- 6.2(a)1]			DST 120001 6 T
N	The permittee shall be responsible for supervising and managing the operation and maintenance of the facility, which includes routine inspections of the facility (see Part IV.E). [N.J.A.C. 7:14A- 6.2(a)1]			DST 120001 7 T
N	The permittee shall summarize inspections in written reports and certifications to ensure compliance with this permit (see Part IV.B.) [N.J.A.C. 7:14A- 6.2(a)1]			DST 120001 8 T

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Y - Yes

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DC - Data Collection

S - Sub-Heading

RTC - Return to Compliance



**130208 RVR 0 - Vehicle Recycling Stormwater (GP)**

Reqt. Included Flag	Requirement	Status RTC	Results or Comments	Reqt Source Ref # Reqt. Type
N	The permittee shall retain records of all monitoring information, maintenance records, and copies of all reports (including the SPPP and soil and erosion and sediment control plans) required by this permit (see Part IV.B. and F). [N.J.A.C. 7:14A- 6.2(a)1]			DST 120001 9 T
N	Stormwater Pollution Prevention Plan (SPPP)	H		DST 120001 10 T
N	Objective of the SPPP	S		DST 120001 11 T
N	The permittee shall develop, implement, update and maintain a SPPP. The objective of the SPPP is to: [N.J.A.C. 7:14A- 6.2(a)1]			DST 120001 12 T
N	Identify potential sources of pollution and source materials onsite; and [N.J.A.C. 7:14A- 6.2(a)1]			DST 120001 13 T
N	Document the practices utilized to minimize and/or eliminate the exposure of pollutant sources to stormwater. [N.J.A.C. 7:14A- 6.2(a)1]			DST 120001 14 T
N	For any existing or newly authorized facilities that are permitted after the effective date of the master Vehicle Recycling Permit (i.e. October 1, 2012), the permittee is required to develop a SPPP within six months of the issuance date of the authorization. SPPP implementation is then required within twelve months of the issuance date of the authorization. After implementation of the SPPP, annual reports and inspection certifications must be completed and retained as required in B.4.g & h and B.5, below. [N.J.A.C. 7:14A- 6.2(a)1]			DST 120001 15 T
N	SPPP Recordkeeping.	S		DST 120001 16 T
N	Did the permittee sign the SPPP and retain the original at the facility for use and Department inspection, and make it available for review by the owner/operator of the collection system receiving the stormwater discharge and the public?. [N.J.A.C. 7:14A- 4.9(a)]			DST 120001 17 T
N	The SPPP shall be made available, upon request, to a representative of the Department and to the owner and operator of any municipal separate storm sewer receiving the stormwater discharge. [N.J.A.C. 7:14A- 6.2(a)1]			DST 120001 18 T

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ComplianceND - Compliance Not  
Determined

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ConcernON - Out of Compliance,  
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ComplianceDC - Data  
CollectionS - Sub-  
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**130208 RVR 0 - Vehicle Recycling Stormwater (GP)**

Reqt. Included Flag	Requirement	Status RTC	Results or Comments	Reqt Source Ref # Reqt. Type
N	The SPPP shall be made available to the public upon request, except as noted below. [N.J.A.C. 7:14A- 6.2(a)1]			DST 120001 19 T
N	The facility may claim any portion of the SPPP as confidential in accordance with the provisions set forth in N.J.A.C. 7:14A-18.2. [N.J.A.C. 7:14A-18.2]			DST 120001 20 T
N	SPPP Team	S		DST 120001 21 T
N	The permittee shall form or maintain an SPPP team, which is responsible for developing, implementing and maintaining the SPPP in accordance with good engineering practices. [N.J.A.C. 7:14A- 6.2(a)1]			DST 120001 22 T
N	The SPPP Team shall be responsible for Employee Training. The training program shall address, at a minimum, compliance with the SPPP; the BMP; and proper handling (collection, storage, disposal) of oils, mineral spirits, coolant, mercury switches and solvents. [N.J.A.C. 7:14A-6.2(a)1]			DST 120001 23 T
N	Required Components of the SPPP.	S		DST 120001 24 T
N	Best Management Practices (BMPs).			DST 120001 25 T
N	The SPPP shall identify the BMPs that are in place to eliminate, reduce or minimize exposure of industrial activity and source material to stormwater that discharges to surface water or groundwater. [N.J.A.C. 7:14A- 6.2(a)1]			DST 120001 26 T
N	The SPPP shall address all BMPs identified in Part IV C. below and can also include a description of proposed BMPs. [N.J.A.C. 7:14A-6.2(a)1]			DST 120001 27 T
N	Process Line Diagram.			DST 120001 28 T

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**130208 RVR 0 - Vehicle Recycling Stormwater (GP)**

Reqt. Included Flag	Requirement	Status RTC	Results or Comments	Reqt Source Ref # Reqt. Type
N	Did the SPPP contain a site map of the process line diagram showing the process of vehicles through inbound vehicle inspection area, fluid draining and dismantling area, vehicle storage parts area, parts cleaning/solvent degreasing, fluid storage, processed vehicle storage, operable vehicle storage, vehicle crusher, proposed and implemented BMPs, structures, concrete pad, oil/water separators, septic systems (if applicable), potable wells (if applicable), and stormwater flow, drainage, outfall and surface water areas of the facility?. [N.J.A.C. 7:14A- 6.2(a)1]			DST 120001 29 T
N	Site Map - The site map shall show the location of the following: [N.J.A.C. 7:14A- 6.2(a)1]			DST 120001 30 T
N	Inbound vehicle inspection area; [N.J.A.C. 7:14A- 6.2(a)1]			DST 120001 31 T
N	Fluid draining and dismantling area; [N.J.A.C. 7:14A- 6.2(a)1]			DST 120001 32 T
N	Vehicle parts storage area; [N.J.A.C. 7:14A- 6.2(a)1]			DST 120001 33 T
N	Parts cleaning/solvent degreasing; [N.J.A.C. 7:14A- 6.2(a)1]			DST 120001 34 T
N	Fluid storage area; [N.J.A.C. 7:14A- 6.2(a)1]			DST 120001 35 T
N	Processed vehicle storage area; [N.J.A.C. 7:14A- 6.2(a)1]			DST 120001 36 T
N	Operable vehicle storage area; [N.J.A.C. 7:14A- 6.2(a)1]			DST 120001 37 T
N	Vehicle crusher (if applicable); [N.J.A.C. 7:14A- 6.2(a)1]			DST 120001 38 T
N	Locations of implemented BMPs; [N.J.A.C. 7:14A- 6.2(a)1]			DST 120001 39 T
N	Locations of proposed BMPs; [N.J.A.C. 7:14A- 6.2(a)1]			DST 120001 40 T
N	Structures; [N.J.A.C. 7:14A- 6.2(a)1]			DST 120001 41 T
N	Concrete pads; [N.J.A.C. 7:14A- 6.2(a)1]			DST 120001 42 T

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**130208 RVR 0 - Vehicle Recycling Stormwater (GP)**

Reqt. Included Flag	Requirement	Status RTC	Results or Comments	Reqt Source Ref # Reqt. Type
N	Oil/water separators (if applicable); [N.J.A.C. 7:14A- 6.2(a)1]			DST 120001 43 T
N	Septic systems (if applicable); [N.J.A.C. 7:14A- 6.2(a)1]			DST 120001 44 T
N	Potable wells (if applicable); and [N.J.A.C. 7:14A- 6.2(a)1]			DST 120001 45 T
N	Approximate direction of stormwater flow, drainage area, outfalls and adjacent surface water bodies. [N.J.A.C. 7:14A- 6.2(a)1]			DST 120001 46 T
N	Inventory of Source Materials.			DST 120001 47 T
N	Did the SPPP include a list of all source materials found anywhere on site that are used, loaded/unloaded, stored, treated and/or disposed?. [N.J.A.C. 7:14A- 6.2(a)1]			DST 120001 48 T
N	SPPP Team .			DST 120001 49 T
N	Did the SPPP identify a team leader, spill prevention coordinator, names, titles and responsibilities of its members? . [N.J.A.C. 7:14A- 6.2(a)1]			DST 120001 50 T
N	The SPPP shall identify the names of those individuals and their titles within the facility's organization who are members of the team; and [N.J.A.C. 7:14A- 6.2(a)1]			DST 120001 51 T
N	The SPPP shall identify the responsibility of each team member, including a designated Spill Response Coordinator. The activities and responsibilities of the team shall address all aspects of the facility's SPPP. [N.J.A.C. 7:14A- 6.2(a)1]			DST 120001 52 T
N	Inspections.			DST 120001 53 T
N	Did the SPPP establish a minimum quarterly regular inspection schedule to verify that the BMPs are being implemented? . [N.J.A.C. 7:14A-24.9(a)2i]			DST 120001 54 T
N	Inspections shall be conducted on a quarterly basis, at a minimum. [N.J.A.C. 7:14A- 6.2(a)1]			DST 120001 55 T

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**130208 RVR 0 - Vehicle Recycling Stormwater (GP)**

Reqt. Included Flag	Requirement	Status RTC	Results or Comments	Reqt Source Ref # Reqt. Type
N	Did the SPPP include a detailed inspection log according to permit requirements?. [N.J.A.C. 7:14A- 6.2(a)1]			DST 120001 56 T
N	Annual Inspections, Reports and Certifications.			DST 120001 57 T
N	Did the permittee conduct annual inspections of the facility and prepare and maintain on site an annual report according to permit requirements on or before October 1?. [N.J.A.C. 7:14A-24.9(a) 2ii]			DST 120001 58 T
N	Annual Certification			DST 120001 59 T
N	As described in further detail in item 5 below, the permittee shall complete an annual certification to certify compliance with the SPPP Requirements in accordance with N.J.A.C. 7:14A-24.9. The certification form is available as an attachment to this permit and should be kept on site for a period of five (5) years. [N.J.A.C. 7:14A-24.9(a)2ii]			DST 120001 60 T
N	Annual Inspections, Reports and Certifications	S		DST 120001 61 T
N	The permittee shall conduct annual inspections of the facility in accordance with N.J.A.C. 7:14A-24.9(a) to assess all areas contributing to the stormwater discharge authorized by this permit, to evaluate whether the SPPP complies with and is implemented in accordance with this permit, and to determine whether additional measures are needed to meet the conditions of this permit. [N.J.A.C. 7:14A-24.9(a)]			DST 120001 62 T
N	The permittee shall prepare an annual report by October 1 of each year. [N.J.A.C. 7:14A- 6.2(a)1]			DST 120001 63 T
N	The annual report shall summarize the findings of the annual inspection in accordance with a. above, including: [N.J.A.C. 7:14A-24.9(a)2ii]			DST 120001 64 T
N	The date of the inspection; and [N.J.A.C. 7:14A-24.9(a)2ii]			DST 120001 65 T
N	Name(s) and title of the facility inspector(s). [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 66 T

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**130208 RVR 0 - Vehicle Recycling Stormwater (GP)**

Reqt. Included Flag	Requirement	Status RTC	Results or Comments	Reqt Source Ref # Reqt. Type
N	The permittee shall complete an annual certification (using the form available as an attachment) that the facility has completed their annual report and is in compliance with the SPPP and the permit. [N.J.A.C. 7:14A-24.9(a)2ii]			DST 120001 67 T
N	Are the annual reports and certifications maintained on-site with the SPPP for a period of at least five years?. [N.J.A.C. 7:14A-11.2(a)3iii]			DST 120001 68 T
N	Site-Specific Best Management Practices (BMPs) .	H		DST 120001 69 T
N	BMP - Inbound Vehicle Inspection Area.	S		DST 120001 70 T
N	Are all vehicles inspected for evidence of discharges and stored with hoods down upon arrival in a designated Inbound Vehicle Inspection Area, and are all leaks contained? . [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 71 T
N	Any leaking cars shall immediately be placed on an impervious surface (e.g. concrete pad) that is contained (e.g. bermed). [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 72 T
N	Identified leaks shall be stopped or controlled and shall be cleaned up. [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 73 T
N	A dedicated spill kit shall be kept in the Inbound Vehicle Inspection Area. [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 74 T
N	Vehicles staged in the Inbound Vehicle Inspection Area shall be stored with their hoods down if the vehicle has a hood in place. [N.J.A.C. 7:14A- 6.2 (b)1]			DST 120001 75 T
Y	BMP - Fluid Draining and Dismantling Area.	S		DST 120001 76 T
Y	Are all fluid draining and parts that contain fluids in an area that is either indoors; on an impervious, bermed surface; under permanent cover; or where stormwater must be collected or drain in a manner that does not discharge to surface water or ground water? . [N.J.A.C. 7:14A- 6.2(b)1]	IC	Fluid draining occurs in the fluid draining garage, indoors, on an impervious surface. ADVISED to ensure that all stored vehicles onsite have been properly drained of all fluids.	DST 120001 77 T
N	Are all fluids drained from vehicles in the Fluid Draining and Dismantling Area? . [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 78 T

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**130208 RVR 0 - Vehicle Recycling Stormwater (GP)**

Reqt. Included Flag	Requirement	Status RTC	Results or Comments	Reqt Source Ref # Reqt. Type
N	Fluids do not need to be drained from the following sealed units: differentials, steering gear units, front and rear axle assemblies and transfer cases. A sealed unit is intended to be sold as a complete unit and does not leak. [N.J.A.C. 7:14A-6.2(b)1]			DST 12000179 T
N	Fluids do not need to be drained from units that are part of an operable vehicle. [N.J.A.C. 7:14A-6.2(b)1]			DST 12000180 T
N	A dedicated spill kit shall be kept in the Fluid Draining and Dismantling Area. [N.J.A.C. 7:14A-6.2(b)1]			DST 12000181 T
N	Facilities shall follow the guidelines found at <a href="http://www.nj.gov/dep/dshw/resource/tankguid.htm">www.nj.gov/dep/dshw/resource/tankguid.htm</a> for the safe collection, storage, transport and disposal of used oil and drained filters. [N.J.A.C. 7:14A- 6.2(b)1]			DST 12000182 T
N	Are mercury switches and batteries, removed from vehicles prior to leaving the designated Fluid Draining and Dismantling Area and properly stored and/or disposed of? . [N.J.A.C. 7:14A- 6.2 (b)1]			DST 12000183 T
N	Batteries shall be removed from vehicles prior to leaving the designated Fluid Draining and Dismantling Area. [N.J.A.C. 7:14A- 6.2(b)1]			DST 12000184 T
Y	BMP - Vehicle Parts Storage Area.	S		DST 12000185 T
Y	Are all engine blocks; cores; transmission/drive components; components with fuel, filter(s), coolant or lubricant residues and other oily materials either indoors, in leak-proof containers under cover, on a bermed impervious surface under cover, or in an area where stormwater is discharged into a properly maintained oil/water separator?. [N.J.A.C. 7:14A- 6.2(b)1]	ON	Violation addressed in PEA220002. Failure to implement vehicle parts storage area BMPs in accordance with the Permit. Scrap pile at southern end of property containing vehicle parts / source materials left uncovered and exposed. ADVISED: Continue clearing of scrap pile.	DST 12000186 T
N	Mercury switches shall be stored and disposed of in accordance with the N.J.S.A. 13:1E-99.82 - Mercury Switch Removal Act of 2005. [N.J.A.C. 7:14A- 6.2(b)1]			DST 12000187 T

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RTC - Return to Compliance

**130208 RVR 0 - Vehicle Recycling Stormwater (GP)**

Reqt. Included Flag	Requirement	Status RTC	Results or Comments	Reqt Source Ref # Reqt. Type
N	All batteries shall be removed from vehicles and stored either: 1) indoors, or 2) in leak-proof containers on an impervious surface under cover. [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 88 T
N	Sealed units as defined above in C.2.b above and other parts which have been cleaned and/or degreased are not subject to the requirements of this section. [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 89 T
N	BMP - Parts Cleaning/Solvent Degreasing.	S		DST 120001 90 T
N	Is all cleaning and degreasing of parts performed indoors, in leak-proof containers on an impervious surface and under cover?. [N.J.A.C. 7:14A- 6.2 (b)1]			DST 120001 91 T
N	Are all cleaning fluids hauled off-site for recycling/disposal by a NJDEP licensed hauler, and receipts of recycling/disposal kept onsite for a period of five (5) years?. [N.J.A.C. 7:14A- 6.2(b) 1]			DST 120001 92 T
N	BMP - Fluid Storage Area.	S		DST 120001 93 T
N	Are all fluids stored in a designated Fluid Storage Area that is either indoors, or on a contained/bermed impervious surface under cover? . [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 94 T
N	Are all drained fluid(s) placed in leak-proof containers with secondary containment and labeled for easy identification of contents?. [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 95 T
N	A dedicated spill kit shall be kept in the Fluid Storage Area. [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 96 T
N	All drained fluid shall be placed in leak-proof containers with secondary containment and shall be labeled for easy identification of contents. [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 97 T
N	All drained fluid shall be hauled off-site for recycling/disposal by a NJDEP licensed hauler. Receipts of recycling/ disposal shall be kept onsite for a period of five (5) years. [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 98 T
N	BMP - Processed Vehicle Storage Area.	S		DST 120001 99 T

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N - No

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Y - Yes

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RTC - Return to Compliance



**130208 RVR 0 - Vehicle Recycling Stormwater (GP)**

Reqt. Included Flag	Requirement	Status RTC	Results or Comments	Reqt Source Ref # Reqt. Type
N	Are sealed units leak-free and drained vehicles stored in the Processed Vehicle Storage Area drained of fluids and with hoods down?. [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 100 T
N	Vehicles stored in the Processed Vehicle Storage Area shall not leak or drip onto the ground or have pollutants exposed to stormwater. For the purposes of this permit, de minimus or minor amounts of lubricant residue, oil/grease residue, road grime or similar residues are acceptable as long as none of these residues or grime drip or show evidence of having dripped onto the ground. [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 101 T
N	Vehicles stored in the Processed Vehicle Storage Area shall be stored with their hoods down if the vehicle has a hood in place. [N.J.A.C. 7:14A- 6.2 (b)1]			DST 120001 102 T
N	Sealed units as described in C.2.b above and other parts which have been cleaned and/or degreased may be stored in the Processed Vehicle Storage Area. Any sealed units or other parts stored in this area shall not leak or drip onto the ground or have pollutants exposed to stormwater. For the purposes of this permit, de minimus or minor amounts of lubricant residue, oil/grease residue, road grime or similar residues associated with part(s) are acceptable as long as none of these residues or grime drip or show evidence of having dripped onto the ground. [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 103 T
N	Dismantling may occur in the Processed Vehicle Storage Area under the following conditions: [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 104 T
N	Only parts that never contained fluids (e.g. bumper) or were previously drained can be removed in the Processed Vehicle Storage Area; [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 105 T
N	Sealed units or other parts that may leak upon removal shall only be removed from vehicles in the Fluid Draining and Dismantling Area; and [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 106 T
N	Sealed units or other parts that may leak upon dismantling shall only be dismantled in the Fluid Draining and Dismantling Area. [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 107 T
N	BMP - Operable Vehicle Storage Area.	S		DST 120001 108 T

IC - In Compliance

ND - Compliance Not Determined

N - No

NA - Not Applicable

PV - Potential Violation

H - Heading

NI - Not Inspected

NC - No Obvious Concern

ON - Out of Compliance, Non-referred

Y - Yes

OC - Out of Compliance

DC - Data Collection

S - Sub-Heading

RTC - Return to Compliance

**130208 RVR 0 - Vehicle Recycling Stormwater (GP)**

Reqt. Included Flag	Requirement	Status RTC	Results or Comments	Reqt Source Ref # Reqt. Type
N	Are all operable vehicles not leaking fluids, and stored in a designated area with their hoods down or with the engine compartment covered?. [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 109 T
N	Operable vehicles shall not leak or drip onto the ground or have pollutants exposed to stormwater. For the purposes of this permit, de minimus or minor amounts of lubricant residue, oil/grease residue, road grime or similar residues are acceptable as long as none of these residues or grime drip or show evidence of having dripped onto the ground. [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 110 T
N	Parts which never contained fluids may be removed from vehicles stored in the Operable Vehicle Storage Area. [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 111 T
N	BMP - Facility Hydraulic Equipment.	S		DST 120001 112 T
N	Vehicle Crusher .			DST 120001 113 T
N	Is there a containment system provided under any vehicle crusher which is exposed to stormwater that prohibits the runoff to discharge to surface water or groundwater? . [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 114 T
N	Other Hydraulic Equipment.			DST 120001 115 T
N	All hydraulic equipment (e.g. front end loader) shall be maintained to prevent leaks and hydraulic line ruptures (e.g., routine and preventative maintenance). Hydraulic hoses shall be inspected quarterly for cracks or leaks where inspections shall be documented in the SPPP inspection report. [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 116 T
N	BMP - Spill Prevention and Response .	S		DST 120001 117 T
N	Are all impervious surfaces and bermed areas regularly maintained and kept free of fluids? . [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 118 T
N	Are Spill Kits kept in central areas and accessible to all employees and dedicated spill kits kept in all Inbound Vehicle Inspection Areas, the Fluid Draining and Dismantling Areas, and the Fluid Storage Area?. [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 119 T

IC - In Compliance

ND - Compliance Not Determined

N - No

NA - Not Applicable

PV - Potential Violation

H - Heading

NI - Not Inspected

NC - No Obvious Concern

ON - Out of Compliance, Non-referred

Y - Yes

OC - Out of Compliance

DC - Data Collection

S - Sub-Heading

RTC - Return to Compliance

**130208 RVR 0 - Vehicle Recycling Stormwater (GP)**

Reqt. Included Flag	Requirement	Status RTC	Results or Comments	Reqt Source Ref # Reqt. Type
N	Are all employees trained annually on spill response where the date of training is documented in the SPPP? . [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 120 T
N	All employees shall be trained annually on spill response where the date of training shall be documented in the SPPP. [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 121 T
N	To report a spill or for emergency response to a spill, the permittee shall call the Department Hotline at 1-877-WARNDEP (1-877-927-6337). [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 122 T
N	For the purposes of this permit, recovered spills on impervious surfaces are not required to be reported. [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 123 T
N	BMP - Site Stabilization and Dust Control; Erosion Control .	S		DST 120001 124 T
N	Does the facility prevent or minimize disturbance of unstabilized areas to prevent disturbance of vegetative covers and/or other dust control mechanisms?. [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 125 T
N	BMPs shall meet the most recent technical standards listed in Standards for Soil Erosion and Sediment Control in New Jersey, Engineering Standards Section titled Standards for Off-Site Stability. [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 126 T
N	At a minimum, BMPs shall include: [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 127 T
N	Traffic control to prevent or minimize disturbance of unstabilized areas and to prevent disturbance of vegetative covers and/or other dust control mechanisms; [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 128 T
N	Does the facility conduct entrance/exit stabilization to prevent or minimize transport of sediment, dust or any pollutant outside the property line?. [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 129 T
N	Identify areas that have high potential for soil erosion or a known soil erosion problem. Appropriate vegetative, structural, or stabilization measures shall be selected to limit erosion in these areas. [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 130 T

IC - In Compliance

ND - Compliance Not Determined

N - No

NA - Not Applicable

PV - Potential Violation

H - Heading

NI - Not Inspected

NC - No Obvious Concern

ON - Out of Compliance, Non-referred

Y - Yes

OC - Out of Compliance

DC - Data Collection

S - Sub-Heading

RTC - Return to Compliance

**130208 RVR 0 - Vehicle Recycling Stormwater (GP)**

Reqt. Included Flag	Requirement	Status RTC	Results or Comments	Reqt Source Ref # Reqt. Type
N	If a stormwater outfall is on-site, stormwater velocity at the outfall shall be controlled to prevent downstream erosion and/or degradation and ensure stabilization. [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 131 T
N	Facility Management.	H		DST 120001 132 T
N	Discharge Requirements.	S		DST 120001 133 T
N	Does the facility routinely visually monitor its effluent? Does the stormwater to surface water and/or the ground exhibit a visible sheen, foam, odor or other discoloration associated with the regulated activity? . [N.J.A.C. 7:14A-12.8(c)]			DST 120001 134 T
N	All facilities discharging to surface water are prohibited from discharging foam, discoloration, or odor associated with the regulated activity in accordance with N.J.A.C. 7:14A-12.6. [N.J.A.C. 7:14A-12.6(a)]			DST 120001 135 T
N	For the purposes of this NJPDES permit, the stormwater discharges regulated by this permit are not process wastewaters. [N.J.A.C. 7:14A-6.2(b)1]			DST 120001 136 T
N	Compliance with BMP Design Criteria .	S		DST 120001 137 T
N	Has the Department exercised its right to monitor the facility's effluent discharge and required the permittee to institute additional measures? (Compliance Status = DC / Yes or No in comments). [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 138 T
N	Total Suspended Solids <=100 mg/L [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 139 T
N	Total Petroleum Hydrocarbons <= 15 mg/L [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 140 T
N	Aluminum <= 0.75 mg/L [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 141 T
N	Lead <= 0.095 mg/L [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 142 T
N	Iron <= 1.0 mg/L [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 143 T

IC - In Compliance

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N - No

NA - Not Applicable

PV - Potential Violation

H - Heading

NI - Not Inspected

NC - No Obvious Concern

ON - Out of Compliance, Non-referred

Y - Yes

OC - Out of Compliance

DC - Data Collection

S - Sub-Heading

RTC - Return to Compliance

**130208 RVR 0 - Vehicle Recycling Stormwater (GP)**

Reqt. Included Flag	Requirement	Status RTC	Results or Comments	Reqt Source Ref # Reqt. Type
N	In the event that the discharge is not in compliance with D.1. above or the permittee is not in compliance with BMPs, the Department reserves the right to require the permittee to sample and analyze stormwater discharge(s), pursuant to N.J.A.C. 7:14A-6.2(a)14. These results will be utilized to assess compliance with D.2.a. above. If required to monitor, the permittee shall be notified in writing by the Department of the frequency and format which may include, but will not be more stringent than the addition of a quarterly Monitoring Report Form to the permittee's Authorization to Discharge under this General Permit. Any such Monitoring Report Form will be inactivated once effluent data comes into compliance with BMP design criteria for two consecutive quarters. Note that BMP design criteria are not limits. [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 144 T
N	The Department has the right to monitor the effluent pursuant to N.J.A.C. 7:14A-2.11(e)4. [N.J.A.C. 7:14A- 2.11(e)4]			DST 120001 145 T
N	If monitoring is performed and results exceed the design criteria, the Department can require the permittee to institute the following measures: [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 146 T
N	Evaluate potential sources for the specific parameter that did not comply with the design criteria; [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 147 T
N	Identify BMPs (e.g., source control, operational control, stormwater treatment) by which the permittee can further reduce stormwater contamination; [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 148 T
N	Evaluate whether any improvements or changes to the SPPP are warranted to reduce and control this parameter concentration; [N.J.A.C. 7:14A- 6.2 (b)1]			DST 120001 149 T
N	Update the SPPP with any improvements or changes; and [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 150 T
N	Summarize any remedial actions taken in the annual report. [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 151 T

IC - In Compliance

ND - Compliance Not Determined

N - No

NA - Not Applicable

PV - Potential Violation

H - Heading

NI - Not Inspected

NC - No Obvious Concern

ON - Out of Compliance, Non-referred

Y - Yes

OC - Out of Compliance

DC - Data Collection

S - Sub-Heading

RTC - Return to Compliance

**130208 RVR 0 - Vehicle Recycling Stormwater (GP)**

Reqt. Included Flag	Requirement	Status RTC	Results or Comments	Reqt Source Ref # Reqt. Type
N	If the permittee fails to institute corrective measures as directed by the Department, or as otherwise allowed pursuant to N.J.A.C. 7:14A-6.13(e), the Department may require any facility authorized under this general permit to apply for and obtain an individual permit to institute effluent limitations and monitoring requirements. [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 152 T
N	Nothing in this section shall preclude the Department from taking direct enforcement action in response to non-compliance with any condition of this permit. [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 153 T
N	Management of Stormwater Flow	S		DST 120001 154 T
N	Uncontrolled stormwater discharges should be prevented from migrating off-site. Stormwater control measures such as berms, barriers, and site grading may be used to maintain stormwater on the site. Water quality impoundments or infiltration trenches, which should be bordered by hay bales and absorbent socks, are also acceptable stormwater control measures for maintaining stormwater on-site. [N.J.A.C. 7:14A-6.2(a)1]			DST 120001 155 T
N	If stormwater can not be contained on site then discharges should be channeled to enable flow to one or more outfalls.			DST 120001 156 T
N	Oil/Water Separator.	S		DST 120001 157 T
N	Are oil/water separators designed by a licensed professional engineer, with an adequate hydraulic capacity to collect water from the drainage area for a rain event with an intensity of two (2) inches in one hour?. [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 158 T
N	The system shall be designed by a New Jersey licensed professional engineer. [N.J.A.C. 7:14A-6.2(b)1]			DST 120001 159 T
N	Is an operation and maintenance manual of the system provided by the professional engineer and included with the SPPP?. [N.J.A.C. 7:14A- 6.2(b) 1]			DST 120001 160 T

IC - In Compliance	ND - Compliance Not Determined	N - No	NA - Not Applicable	PV - Potential Violation	H - Heading	NI - Not Inspected
NC - No Obvious Concern	ON - Out of Compliance, Non-referred	Y - Yes	OC - Out of Compliance	DC - Data Collection	S - Sub-Heading	RTC - Return to Compliance

**130208 RVR 0 - Vehicle Recycling Stormwater (GP)**

Reqt. Included Flag	Requirement	Status RTC	Results or Comments	Reqt Source Ref # Reqt. Type
N	The discharge from the oil/water separator shall achieve a maximum concentration of oil and grease (total petroleum hydrocarbons) of 15 mg/L, as measured by a method approved by the Department's Office of Quality Assurance ( <a href="http://www.state.nj.us/dep/oqa/">www.state.nj.us/dep/oqa/</a> ). [N.J.A.C. 7:14A- 6.2 (b)1]			DST 120001 161 T
N	N.J.A.C. 7:10A-1.10(c)2 specifically exempts wastewater treatment systems, for which a general permit authorization has been issued for stormwater runoff only, from the requirement for a licensed operator. [N.J.A.C. 7:10A- 1.10(c)2]			DST 120001 162 T
N	Is a schedule of maintenance and cleaning of oil/ water separator(s) incorporated into the SPPP for cleaning once a year, at a minimum, or as often as necessary to maintain efficiency. Documentation of maintenance and cleaning shall be kept in the SPPP?. [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 163 T
N	The permittee shall ensure that good housekeeping practices are implemented to minimize sediment from flowing into the oil/water separator, which can limit efficiency. [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 164 T
N	Engineered Treatment Systems	S		DST 120001 165 T
N	Stormwater treatment systems that are verified by NJCAT ( <a href="http://www.njcat.org">www.njcat.org</a> ) and certified by NJDEP (as applicable, see <a href="http://www.njstormwater.org/treatment.html">www.njstormwater.org/treatment.html</a> ) may be considered to meet permit requirements. The permittee should consider site-specific factors prior to installing any system. [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 166 T
N	Operations and Maintenance	H		DST 120001 167 T
N	Facility and BMP Operation and Maintenance	S		DST 120001 168 T
N	The permittee shall be responsible for supervising and managing the operation and maintenance of this facility. This requires implementing BMPs that shall be installed or used by the permittee to achieve compliance with the SPPP. Proper operation and maintenance also requires the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit. [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 169 T

IC - In Compliance

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N - No

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ON - Out of Compliance, Non-referred

Y - Yes

OC - Out of Compliance

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RTC - Return to Compliance

**130208 RVR 0 - Vehicle Recycling Stormwater (GP)**

Reqt. Included Flag	Requirement	Status RTC	Results or Comments	Reqt Source Ref # Reqt. Type
N	The operation and maintenance activities shall be verified through the certification and annual reporting requirements of Part IV, item B.5. [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 170 T
N	Frequent and thorough inspections are necessary to ensure adequate functioning of control measures. Inspections are recommended to be conducted during dry periods as well as storm events. [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 171 T
N	Inspections during dry periods allow facilities to identify and address any problems prior to a storm event, thereby minimizing the chance for stormwater contamination. [N.J.A.C. 7:14A- 6.2(b) 1]			DST 120001 172 T
N	Inspections during significant storm events ensure that measures are functioning as originally intended and provide an opportunity for facilities to observe what materials and/or activities are exposed to stormwater. [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 173 T
N	Other Requirements	H		DST 120001 174 T
N	Soil Erosion Sediment Control Plan.	S		DST 120001 175 T
N	Have construction activities occurred disturbing one (1) acre or more of total land area, requiring the permittee to obtain authorization under NJPDES Permit No. NJ0088323 (Construction Activity Stormwater General Permit), for stormwater from such construction activities that would be discharged to surface waters?. [N.J.A.C. 7:14A- 6.6(a)]			DST 120001 176 T
N	Land disturbances that may result in a stormwater discharge authorized by this permit, shall be executed only in accordance with a soil erosion and sediment control plan certified pursuant to N.J.S.A. 4:24-43, or requirements for soil erosion and sediment control established in or pursuant to a municipal ordinance in accordance with N.J.S.A. 4:24-48, whichever is applicable. [N.J.A.C. 7:14A- 6.6(a)]			DST 120001 177 T
N	A copy of this plan shall be retained by the permittee for a period of at least five (5) years after the completion of construction. [N.J.A.C. 7:14A- 6.6(a)]			DST 120001 178 T

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N - No

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ON - Out of Compliance, Non-referred

Y - Yes

OC - Out of Compliance

DC - Data Collection

S - Sub-Heading

RTC - Return to Compliance



**130208 RVR 0 - Vehicle Recycling Stormwater (GP)**

<b>Reqt. Included Flag</b>	<b>Requirement</b>	<b>Status RTC</b>	<b>Results or Comments</b>	<b>Reqt Source Ref # Reqt. Type</b>
N	Compliance Schedule	S		DST 120001 179 T
N	Those existing facilities who can not meet the BMPs for the Fluid Draining and Dismantling Area and the Vehicle Crusher (for portable crushers only) on the effective date of the permit (October 1, 2012) have until October 1, 2014 to institute measures in order to achieve them. [N.J.A.C. 7:14A- 6.2(b)1]			DST 120001 180 T

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Y - Yes

OC - Out of Compliance

DC - Data Collection

S - Sub-Heading

RTC - Return to Compliance

MATTHEW J. PLATKIN  
 ATTORNEY GENERAL OF NEW JERSEY  
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NEW JERSEY DEPARTMENT OF  
 ENVIRONMENTAL PROTECTION and  
 SHAWN M. LATOURETTE,  
 COMMISSIONER OF THE NEW JERSEY  
 DEPARTMENT OF ENVIRONMENTAL  
 PROTECTION,

Plaintiffs,

v.

HAWK'S AUTO AND TRUCK RECYCLING  
 INC., SHARLIN PROPERTIES LLC, and  
 BRIAN HAWKINS SENIOR,

Defendant.

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SUPERIOR COURT OF NEW JERSEY  
 CHANCERY DIVISION – MERCER COUNTY  
 DOCKET NO.

CIVIL ACTION

**CERTIFICATION OF BRYAN BARRETT IN  
 SUPPORT OF PLAINTIFFS' ORDER TO SHOW  
 CAUSE**

I, Bryan Barrett, do hereby certify as follows:

1. I am the Bureau Chief of the New Jersey Department of Environmental Protection's Southern Bureau of Water Compliance and Enforcement. I submit this certification in support of Plaintiffs' Order to Show Cause.

2. SBWCE was known as the Central Bureau of Water Compliance and Enforcement ("CBWCE") until September 1, 2023.

3. Effective October 1, 2012, the Department's Bureau of Nonpoint Pollution Control issued New Jersey Pollution Discharge Elimination System Vehicle Recycling

Stormwater Discharge Permit No. NJG0140279 (the “Stormwater Permit”) to Trenton Auto Recyclers. A true and correct copy of the Stormwater Permit is attached hereto as Exhibit A.

4. The Stormwater Permit required Trenton Auto Recyclers to follow prescribed best management practices (“BMPs”), including practices that prevent discharge of fuel, engine oil and other vehicle fluids to stormwater. These BMPs are designed to minimize discharges that could imperil public health and the environment.

5. Effective June 1, 2014, Trenton Auto Recyclers transferred the Stormwater Permit to Hawk’s Auto and Truck Recycling Inc. (“Hawk’s”). A true and correct copy of the application for transfer is attached hereto as Exhibit B.

6. On January 30, 2020, BSWCE inspected the property located at 65 Muirhead Ave., Trenton, New Jersey (“Site”) at which Hawk’s does business. The inspector, Environmental Specialist III Anthony Rotondo, observed that vehicle parts were stored uncovered, the stormwater from the storage area was not discharged into an oil/water separator, fluid draining took place in an uncovered area, the stormwater from the drainage area was not discharged into an oil/water separator, and drained fluid was not stored in a designated area that was either indoors or on an impervious surface that was contained and under cover. CBWCE issued a Notice of Violation (“NOV”) to Hawk’s during this inspection, a true and correct copy of which is attached hereto as Exhibit C.

7. Hawk’s did not respond to the January 30, 2020 NOV.

8. On June 8, 2021, BSWCE conducted a second inspection of the Site. During that inspection, Mr. Rotondo observed that Hawk’s failed to drain fluids from vehicles in a designated area, and stored vehicle parts in a pile of solid waste on the Site that was exposed to stormwater. CBWCE issued a NOV to Hawk’s on July 20, 2021, a true and correct copy of which is attached hereto as Exhibit D.

9. Hawk's did not respond to the July 20, 2021 NOV.

10. On June 1, 2022, Mr. Rotondo conducted a third inspection of the Site. During that inspection, he again observed vehicle parts stored in a pile. Vehicle parts including engines, transmissions and axles were stored in a manner and location where they would come in contact with stormwater. Mr. Rotondo also observed engines and a hydraulic excavator that had leaked fluids onto the soil, where they could either soak into the soil or contaminate stormwater. CBWCE issued a NOV to Hawk's on July 29, 2022, a true and correct copy of which is attached hereto as Exhibit E.

11. Hawk's did not respond to the July 29, 2022 NOV.

12. On November 3, 2022, the Department issued an Administrative Order and Notice of Civil Penalty Assessment ("AONOCAPA"), a true and correct copy of which is attached hereto as Exhibit F.

13. The AONOCAPA ordered Hawk's to comply with the Stormwater Permit and pay a civil administrative penalty of \$20,000. Specifically, the AONOCAPA ordered Hawk's to implement Vehicle Parts Storage Area best management practices ("BMPs"), Hydraulic Equipment BMPs, and Spill Prevention and Response BMPs as defined in the Stormwater Permit, including but not limited to storing vehicle parts and batteries in a location not exposed to stormwater and addressing fluids leaking from vehicles stored on the Site. The November 3, 2022 AONOCAPA also ordered Hawk's to begin draining fluids and dismantling parts either indoors, on an impervious surface, or in an area that drains to an oil/water separator.

14. Hawk's did not submit the information required to challenge the November 3, 2022 AONOCAPA. The Department therefore denied Hawk's hearing request on November 28, 2023, and the AONOCAPA became a Final Agency Order ("FAO") on that date. A true and correct copy of the denial letter is attached hereto as Exhibit G.

15. On June 20, 2023, Mr. Rotondo conducted a Compliance Evaluation and Assistance Inspection of the Site along with Environmental Specialist IV Brett Callanan. At this time, the parts pile on the Site was still exposed to stormwater, which violates Vehicle Parts Storage Area BMPs and therefore the AONOCAPA. A true and correct copy of the Compliance Evaluation Summary from this inspection is attached hereto as Exhibit H.

I certify under penalty of perjury that the foregoing is true and correct.

Dated: October 21, 2024

/s/ Bryan Barrett  
Bryan Barrett

# Exhibit A



## State of New Jersey

CHRIS CHRISTIE  
*Governor*

DEPARTMENT OF ENVIRONMENTAL PROTECTION  
Mail Code - 401-02B

BOB MARTIN  
*Commissioner*

KIM GUADAGNO  
*Lt. Governor*

Division of Water Quality  
Bureau of Nonpoint Pollution Control  
P.O. Box 420 – 401 E. State St.  
Trenton, NJ 08625-0420  
Tel: (609) 633-7021 / Fax: (609) 777-0432  
[http://www.state.nj.us/dep/dwq/bnpc\\_home.htm](http://www.state.nj.us/dep/dwq/bnpc_home.htm)

August 1, 2012

ROSETTA MUCCIE  
TRENTON AUTO RECYCLERS INC  
65 MUIRHEAD AVE  
TRENTON, NJ 08638

Re: RVR -Vehicle Recycling (GP)  
NJPDES Authorization Number: NJG0140279 PI ID #: 130208  
TRENTON AUTO RECYCLERS  
Trenton City, Mercer

Dear Ms. Muccie:

Enclosed is a NJPDES Authorization to Discharge No. NJG0140279 issued under the **NJPDES Vehicle Recycling Stormwater Master General Permit (No. NJ0163279)**. This authorization serves to renew your existing authorization under the Scrap Metal Processing and Recycling Permit. The authorization requires you to do the following:

- Eliminate and/or minimize exposure as per the Best Management Practices (BMPs) included in Part IV.
- Update and/or prepare a Stormwater Pollution Prevention Plan (SPPP).
- Conduct Annual Inspections to ensure compliance with BMPs and other permit conditions. The first Annual Inspection for the purposes of this permit is due on October 1, 2013.
- Prepare an Annual Report and maintain this report on site. The first Annual Inspection for the purposes of this permit is due on October 1, 2013.
- Prepare an annual certification by maintaining the Department's RVR Certification Form on site. The first annual certification for the purposes of this permit is due on October 1, 2013.

The enclosed Authorization to discharge under the RVR Master Permit shall expire on September 30, 2017. Authorization under this permit will be automatically renewed when this general permit is reissued so long as the discharge remains eligible. If there are changes to your facility at any time during the

permit term (e.g. changes in activity or ownership), please notify the Department as stipulated in Part II B.3.

Note that facilities that engage in the business of vehicle recycling AND scrap metal processing are not eligible under this permit and will be considered for authorization under the Department's Scrap Metal Processing and Recycling General Permit. If you engage in scrap metal processing and recycling and have been issued this permit in error, please contact us as soon as possible.

The Department appreciates your efforts toward accomplishing the goal of providing cleaner water for our State and looks forward to working together with you in the future. If you have any questions please contact David Pepe of the Bureau of Nonpoint Pollution Control at 609-633-7021 or via e-mail at [david.pepe@dep.state.nj.us](mailto:david.pepe@dep.state.nj.us).

Sincerely,

A handwritten signature in black ink, appearing to read "James J. Murphy", written in a cursive style.

James J. Murphy, Chief  
Bureau of Nonpoint Pollution Control

Enclosures:

Authorization to Discharge  
RVR Certification Form



New Jersey Department of Environmental Protection



Mail Code - 401-02B  
Bureau of Nonpoint Pollution Control  
Water Pollution Management Element  
PO Box 420 - 401 E State St  
Trenton, NJ 08625-0420  
Phone: (609) 633-7021  
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AUTHORIZATION TO DISCHARGE  
RVR -Vehicle Recycling (GP)

**Facility Name:**  
TRENTON AUTO RECYCLERS

**PI ID #:** 130208

**Facility Address:**  
65 MUIRHEAD AVE  
TRENTON, NJ 08638

**NJPDES #:** NJG0140279

**Type of Activity:** Stormwater Discharge General Permit Authorization Renewal

**Owner:**  
SHARLIN PROPERTIES LLC  
92 W SHORE DR  
PENNINGTON, NJ 08534

**Operating Entity:**  
TRENTON AUTO RECYCLERS INC  
65 MUIRHEAD AVE  
TRENTON, NJ 08638

**Issuance Date:**  
08/01/2012

**Effective Date of Authorization:**  
10/01/2012

**Expiration Date:**  
09/30/2017

Your Request for Authorization under NJPDES General Permit No. NJ0163279 has been approved by the New Jersey Department of Environmental Protection.

A handwritten signature in black ink, appearing to read "James J. Murphy", written over a horizontal line.

**Date:** 08/01/2012

James J. Murphy, Chief  
Bureau of Nonpoint Pollution Control  
Division of Water Quality  
New Jersey Department of Environmental Protection

TRENTON AUTO RECYCLERS  
Trenton

Permit No. NJG0140279  
Stormwater Discharge  
Stormwater Discharge General Permit Authorization Renewal

## PART I GENERAL REQUIREMENTS: NJPDES

### A. General Requirements of all NJPDES Permits

#### 1. Requirements Incorporated by Reference

- a. The permittee shall comply with all conditions set forth in this permit and with all the applicable requirements incorporated into this permit by reference. The permittee is required to comply with the regulations, including those cited in paragraphs b. through e. following, which are in effect as of the effective date of the final permit.
- b. General Conditions
 

Penalties for Violations	N.J.A.C. 7:14-8.1 <u>et seq.</u>
Incorporation by Reference	N.J.A.C. 7:14A-2.3
Toxic Pollutants	N.J.A.C. 7:14A-6.2(a)4i
Duty to Comply	N.J.A.C. 7:14A-6.2(a)1 & 4
Duty to Mitigate	N.J.A.C. 7:14A-6.2(a)5 & 11
Inspection and Entry	N.J.A.C. 7:14A-2.11(e)
Enforcement Action	N.J.A.C. 7:14A-2.9
Duty to Reapply	N.J.A.C. 7:14A-4.2(e)3
Signatory Requirements for Applications and Reports	N.J.A.C. 7:14A-4.9
Effect of Permit/Other Laws	N.J.A.C. 7:14A-6.2(a)6 & 7 & 2.9(c)
Severability	N.J.A.C. 7:14A-2.2
Administrative Continuation of Permits	N.J.A.C. 7:14A-2.8
Permit Actions	N.J.A.C. 7:14A-2.7(c)
Reopener Clause	N.J.A.C. 7:14A-6.2(a)10
Permit Duration and Renewal	N.J.A.C. 7:14A-2.7(a) & (b)
Consolidation of Permit Process	N.J.A.C. 7:14A-15.5
Confidentiality	N.J.A.C. 7:14A-18.2 & 2.11(g)
Fee Schedule	N.J.A.C. 7:14A-3.1
Treatment Works Approval	N.J.A.C. 7:14A-22 & 23
- c. Operation And Maintenance
 

Need to Halt or Reduce not a Defense	N.J.A.C. 7:14A-2.9(b)
Proper Operation and Maintenance	N.J.A.C. 7:14A-6.12
- d. Monitoring And Records
 

Monitoring	N.J.A.C. 7:14A-6.5
Recordkeeping	N.J.A.C. 7:14A-6.6
Signatory Requirements for Monitoring Reports	N.J.A.C. 7:14A-6.9
- e. Reporting Requirements
 

Planned Changes	N.J.A.C. 7:14A-6.7
Reporting of Monitoring Results	N.J.A.C. 7:14A-6.8
Noncompliance Reporting	N.J.A.C. 7:14A-6.10 & 6.8(h)
Hotline/Two Hour & Twenty-four Hour Reporting	N.J.A.C. 7:14A-6.10(c) & (d)
Written Reporting	N.J.A.C. 7:14A-6.10(e) & (f) & 6.8(h)
Duty to Provide Information	N.J.A.C. 7:14A-2.11, 6.2(a)14 & 18.1
Schedules of Compliance	N.J.A.C. 7:14A-6.4
Transfer	N.J.A.C. 7:14A-6.2(a)8 & 16.2

## PART II

# GENERAL REQUIREMENTS: DISCHARGE CATEGORIES

### A. Additional Requirements Incorporated By Reference

#### 1. Requirements for Discharges to Surface Water

- a. In addition to conditions in Part I of this permit, the conditions in this section are applicable to activities at the permitted location and are incorporated by reference. The permittee is required to comply with the regulations which are in effect as of the effective date of the final permit.
  - i. Conditions for General Permits at N.J.A.C. 7:14A-6.13
  - ii. Procedures and conditions applicable to certain stormwater discharges at N.J.A.C. 7:14A-24.

#### 2. Requirements for Discharges to Ground Water

- a. When it is determined that regulated discharges to ground water cause a contravention of the Ground Water Quality Standards in accordance with N.J.A.C. 7:9C, corrective measures shall be implemented to address the problem pursuant to N.J.A.C. 7:14A-7.8. Such measures may include the following:
  - i. Implementation of additional best management practices (BMPs) to reduce the exposure of source materials to stormwater;
  - ii. Monitoring of the ground water downgradient of the discharge;
  - iii. Remediation of the release;
  - iv. Upgrade to the stormwater collection and discharge system that include pre-treatment of the stormwater prior to discharge to the ground surface or basin(s).

### B. General Conditions

#### 1. Scope

- a. The issuance of this permit shall not be considered as a waiver of any applicable federal, state and local rules, regulations and ordinances.
- b. Permit conditions remain in effect and enforceable until and unless the permit is modified, renewed or revoked by the Department.
- c. Regulated activities covered under this general permit are specifically exempt from the stormwater runoff quality standards at N.J.A.C. 7:8-5.5.

#### 2. Notification of Non-Compliance

- a. The permittee shall notify the Department of all non-compliance when required in accordance N.J.A.C. 7:14-6.10 by contacting the DEP Hotline at 1-877-WARN-DEP.
- b. The permittee shall submit a written report as required by N.J.A.C. 7:14A-6.10 within five (5) days.

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- a. The permittee shall give written notification to the Department of any planned physical or operational alterations or additions to the permitted facility when the alteration is expected to result in a significant change in the permittee's discharge and/or residuals use or disposal practices including the cessation of discharge in accordance with N.J.A.C. 7:14A-6.7.
- b. Prior to the any change in ownership the current permittee shall comply with the requirements of N.J.A.C. 7:14A-16.2, pertaining to the notification of change in ownership.

**4. Access to Information**

- a. The permittee shall allow an authorized representative of the Department, upon the presentation of credentials, to enter upon a person's premises, for purposes of inspection, and to access / copy any records that must be kept under the conditions of this permit.

**5. Operator Certification**

- a. In accordance with N.J.A.C. 7:10A-1.10, the facility operator is exempt from the operator certifications regulations for stormwater only discharges.

**6. Other Discharges**

- a. The permittee shall discharge stormwater to surface waters and/or ground waters of the State only as authorized herein and consistent with the terms and conditions of this permit. This permit does not authorize any unpermitted discharge of domestic wastewater, non-contact cooling water, leachate, or process water.

**7. Construction Activities**

- a. This permit does not authorize "stormwater discharges associated with industrial activity" from construction activity that disturbs one (1) acre or more or "stormwater discharges associated with small construction activity" as defined in N.J.A.C. 7:14A-1.2. In general, this is the discharge to surface water of stormwater from construction activity that disturbs at least one (1) or more acres. Any facility that operates a construction site with such a discharge shall submit a separate RFA or individual permit application for that discharge under NJPDES Permit no. NJ0088323 (General Stormwater Permit Construction Activity). An RFA submitted for the Vehicle Recycling Industrial Stormwater General Permit does not qualify as an RFA for such a discharge.

**8. Other Laws**

- a. In accordance with N.J.A.C. 7:14A-6.2(a)7, this permit does not authorize any infringement of State or local law or regulations, including, but not limited to, the Pinelands rules (N.J.A.C. 7:50), N.J.A.C. 7:1E (Department Rules entitled "Discharges of Petroleum and other Hazardous Substances"), and other Department rules. No discharge of hazardous substances (as defined in N.J.A.C. 7:1E-1.6) resulting from an onsite spill shall be deemed to be "pursuant to and in compliance with this permit" within the meaning of the Spill Compensation and Control Act at N.J.S.A. 58:10-23.11c.

**C. Authorization Under This Permit****1. Eligibility**

- a. Industrial stormwater discharges to surface and/or ground waters of the State from facilities engaged in the dismantling of motor vehicles and the wholesale or retail distribution of used vehicle parts are eligible under this general permit unless specifically listed below:

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- i. For existing facilities (established prior to October 1, 2012) this permit applies to all areas of the State of New Jersey. This permit also applies to existing facilities that expand operations or existing facilities that transfer ownership to a new owner or operation.
  - ii. For new facilities established after October 1, 2012 this permit applies to all areas of the State of New Jersey with the exception of those areas specifically noted below.
- b. The following facilities are not eligible under this general permit:
- i. Facilities engaged in the scrap metal recycling business AND the wholesale or retail distribution of used vehicle parts, including the dismantling of motor vehicles. These facilities shall retain or obtain authorization under the NJPDES Scrap Metal Industrial Stormwater General Permit - NJ0107671 or an individual NJPDES permit.
  - ii. Facilities with stormwater discharges already authorized under another general permit (e.g. 5G2 Permit), an individual NJPDES/ Stormwater permit or an individual NJPDES / Discharge to Groundwater permit.
  - iii. New facilities (established after October 1, 2012) that discharge to surface waters classified as Category One (C1) waters of FW1 waters as designated in the tables in N.J.A.C. 7:9B-1.15, and waters classified as Pinelands Waters (PL), as established in the Pinelands Protection Act, N.J.S.A. 13:18A-1 et seq.
  - iv. New facilities (established after October 1, 2012) that discharge to ground water classified as Class 1-A and Class 1-PL, or which discharge to ground water that contributes to surface waters classified as C1 or FW1.
  - v. New facilities (established after October 1, 2012) that submit a request for authorization application that fail to demonstrate a facility design capable of full compliance with this permit.

## **2. Authorization**

- a. In order to obtain authorization under this permit (except for automatic renewal authorization below), a complete Request for Authorization (RFA) shall be submitted in accordance with the application requirements posted at [www.state.nj.us/dep/dwq](http://www.state.nj.us/dep/dwq).
- b. Upon review of the RFA, the Department may, in accordance with N.J.A.C. 7:14A-6.13, either:
  - i. Issue notification of authorization under this permit.
  - ii. Deny authorization under this permit and require submittal of an application for an individual permit; or
  - iii. Deny authorization under this permit and require submittal of an RFA for another general permit.

## **3. Automatic Renewal of Authorization**

- a. Authorization under this permit will be automatically renewed when this general permit is reissued as provided by N.J.A.C. 7:14A-6.13(d)9 and 25.4(a)3 so long as the discharge remains eligible.
- b. The Department shall issue a notice of renewed authorization to the facility.
- c. If the facility is aware of any information in the most recently submitted request for authorization application that is no longer true, accurate and/or complete, the facility shall provide the correct information to the Department.

## **4. Requiring an Individual Permit or another General Permit**

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- a. Pursuant to N.J.A.C. 7:14A-6.13(e) the Department may require any facility authorized under this permit to apply for and obtain an individual permit, or seek and obtain authorization under another general permit.
- b. In accordance with N.J.A.C. 7:14A-6.13(g) any facility authorized under this permit may request to be excluded from authorization under this permit by applying for an individual permit or for another general permit.

# PART III

## LIMITS AND MONITORING REQUIREMENTS

### A. Limits and Monitoring Requirements

#### MONITORED LOCATION: Stormwater

The ultimate goal of this permit is to have effective BMPs, which are documented in the SPPP, as well as other permit conditions to ensure stormwater quality. The Department maintains that if the BMPs and other permit components are properly implemented and consistently maintained, the exposure of stormwater to pollutants will be minimized and/or eliminated. The Department is not requiring the facility to monitor its stormwater or groundwater in this master general permit at this time; however, sampling to determine compliance with design criteria may be triggered on a case-by-case basis pursuant to item D.2.b of Part IV.

## PART IV

# SPECIFIC REQUIREMENTS: NARRATIVE

### Notes and Definitions

#### 1. Stormwater Definitions

- a. Unless otherwise stated in this permit, the definitions set forth at N.J.A.C. 7:14A-1.1, N.J.A.C. 7:14A-1.2 and the Discharge Monitoring Report (DMR) Instruction Manual at [www.state.nj.us/dep/dwq/pdf/MRF\\_Manual](http://www.state.nj.us/dep/dwq/pdf/MRF_Manual) are incorporated into this permit.
- b. Other terms included in this permit are defined as follows:
  - i. "Design criteria" is a pollutant concentration that the Department has determined that when exceeded represents a level of concern. Design criteria are established as "design goals" for Best Management Practices (BMPs) and/or water treatment, and are not established as numeric effluent limitations. Sampling results exceeding the design criteria will not be deemed violations.
  - ii. "Operable vehicle" is an automobile or other vehicle that runs and is not leaking fluids.
  - iii. "Outfall" means the point where the facility discharges stormwater to surface water or the point where the discharge connects to another stormwater system which ultimately discharges to surface water.
  - iv. "Source materials" means any materials or machinery located at the facility and directly or indirectly related to process or other industrial activities which could be a source of pollutants in a stormwater discharge associated with industrial activity that is subject to N.J.A.C. 7:14A-24.2. Source materials include, but are not limited to: raw materials; intermediate products; final products; waste materials; by-products; industrial machinery and fuels; and lubricants, solvents, and detergents that are related to process or other industrial activities. Materials or machinery that are not exposed to stormwater are not "source materials".

#### 2. Stormwater Acronyms

- a. Stormwater acronyms included in this permit are as follows:
  - i. "BMP" - Best Management Practices
  - ii. "CFR" - Code of Federal Regulations
  - iii. "DMR" - Discharge Monitoring Report
  - iv. "DPCC" Discharge Prevention Containment and Countermeasures
  - v. "EDI" - Electronic Data Interchange
  - vi. "EDP" - Effective Date of Permit
  - vii. "MRF" - Monitoring Report Form
  - viii. "N.J.A.C." - New Jersey Administrative Code



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- ix. "NJPDES" - New Jersey Pollutant Discharge Elimination System
- x. "N.J.S.A" - New Jersey Statutes Annotated
- xi. "SPCC" - Spill Prevention Control and Countermeasure
- xii. "SPPP" - Stormwater Pollution Prevention Plan
- xiii. "WCR" - Waste Characterization Report

## Vehicle Recycling (GP)

### A. Permit Overview

#### 1. Summary of Stormwater Permit Requirements

- a. The permittee shall develop a Stormwater Pollution Prevention Plan (SPPP) (see Part IV.B.)
- b. The permittee shall implement, update and maintain a Stormwater Pollution Prevention Plan (SPPP) (see Part IV.B.)
- c. The permittee shall develop, implement, update and maintain site specific Best Management Practices (BMPs) (see Part IV.C.).
- d. The permittee shall manage the facility to ensure that stormwater quality is maintained (see Part IV.D.).
- e. The permittee shall be responsible for supervising and managing the operation and maintenance of the facility, which includes routine inspections of the facility (see Part IV.E).
- f. The permittee shall summarize inspections in written reports and certifications to ensure compliance with this permit (see Part IV.B.).
- g. The permittee shall retain records of all monitoring information, maintenance records, and copies of all reports (including the SPPP and soil and erosion and sediment control plans) required by this permit (see Part IV.B. and F).

### B. Stormwater Pollution Prevention Plan (SPPP)

#### 1. Objective of the SPPP

- a. The permittee shall develop, implement, update and maintain a SPPP. The objective of the SPPP is to:
  - i. Identify potential sources of pollution and source materials onsite; and
  - ii. Document the practices utilized to minimize and/or eliminate the exposure of pollutant sources to stormwater.
- b. For any existing or newly authorized facilities that are permitted after the effective date of the master Vehicle Recycling Permit (i.e. October 1, 2012), the permittee is required to develop a SPPP within six months of the issuance date of the authorization. SPPP implementation is then required within twelve months of the issuance date of the authorization. After implementation of the SPPP, annual reports and inspection certifications must be completed and retained as required in B.4.g & h and B.5, below.

#### 2. SPPP Recordkeeping

- a. The SPPP shall be signed by a representative of the facility, and the original shall be retained at the facility for use by the facility and inspection by the Department.
- b. The SPPP shall be made available, upon request, to a representative of the Department and to the owner and operator of any municipal separate storm sewer receiving the stormwater discharge.
- c. The SPPP shall be made available to the public upon request, except as noted below.
- d. The facility may claim any portion of the SPPP as confidential in accordance with the provisions set forth in N.J.A.C. 7:14A-18.2.

#### 3. SPPP Team

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- a. The permittee shall form or maintain an SPPP team, which is responsible for developing, implementing and maintaining the SPPP in accordance with good engineering practices.
- b. The SPPP Team shall be responsible for Employee Training. The training program shall address, at a minimum, compliance with the SPPP; the BMP; and proper handling (collection, storage, disposal) of oils, mineral spirits, coolant, mercury switches and solvents.

### 4. Required Components of the SPPP

- a. Best Management Practices (BMPs)
  - i. The SPPP shall identify the BMPs that are in place to eliminate, reduce or minimize exposure of industrial activity and source material to stormwater that discharges to surface water or groundwater.
  - ii. The SPPP shall address all BMPs identified in Part IV C. below and can also include a description of proposed BMPs.
- b. Process Line Diagram
  - i. The SPPP shall contain a process line diagram showing the process of vehicles through areas of the facility.
- c. Site Map - The site map shall show the location of the following:
  - i. Inbound vehicle inspection area;
  - ii. Fluid draining and dismantling area;
  - iii. Vehicle parts storage area;
  - iv. Parts cleaning/solvent degreasing;
  - v. Fluid storage area;
  - vi. Processed vehicle storage area;
  - vii. Operable vehicle storage area;
  - viii. Vehicle crusher (if applicable);
  - ix. Locations of implemented BMPs;
  - x. Locations of proposed BMPs;
  - xi. Structures;
  - xii. Concrete pads;
  - xiii. Oil/water separators (if applicable);
  - xiv. Septic systems (if applicable);
  - xv. Potable wells (if applicable); and
  - xvi. Approximate direction of stormwater flow, drainage area, outfalls and adjacent surface water bodies.

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## d. Inventory of Source Materials

- i. A list of source materials on site that are used, loaded/unloaded, stored, treated and/or disposed. This shall include, at a minimum, fluids described within the Fluid Draining and Dismantling Area BMP.

## e. SPPP Team

- i. The SPPP shall identify a team leader who has the authority to make decisions and give directives to effectively implement the plan;
- ii. The SPPP shall identify the names of those individuals and their titles within the facility's organization who are members of the team; and
- iii. The SPPP shall identify the responsibility of each team member, including a designated Spill Response Coordinator. The activities and responsibilities of the team shall address all aspects of the facility's SPPP.

## f. Inspections

- i. The SPPP shall establish a schedule for regular inspections to verify that the BMPs are being implemented.
- ii. Inspections shall be conducted on a quarterly basis, at a minimum.
- iii. An inspection log shall be maintained in the SPPP and shall consist of the following information: 1) Date and time of inspection; 2) Verification that all BMPs are in place; 3) Any failures or breakdowns of BMPs including structural BMPs; 4) Any identified problems and their location (e.g. incidents such as leaks and accidental discharges); 5) Steps taken to correct any failures or problems as well as steps to prevent recurrence; and 6) Name and title of facility personnel performing the inspection.

## g. Annual Report

- i. As described in further detail in item 5 below, the permittee shall compile an Annual Report on an annual basis. For example, the first Annual Report shall be prepared by October 1, 2013. The Annual Report shall be kept on site with the SPPP. This requirement is necessary pursuant to N.J.A.C. 7:14A-24.9(a)2(i).

## h. Annual Certification

- i. As described in further detail in item 5 below, the permittee shall complete an annual certification to certify compliance with the SPPP Requirements in accordance with N.J.A.C. 7:14A-24.9. The certification form is available as an attachment to this permit and should be kept on site for a period of five (5) years.

**5. Annual Inspections, Reports and Certifications**

- a. The permittee shall conduct annual inspections of the facility in accordance with N.J.A.C. 7:14A-24.9(a) to assess all areas contributing to the stormwater discharge authorized by this permit, to evaluate whether the SPPP complies with and is implemented in accordance with this permit, and to determine whether additional measures are needed to meet the conditions of this permit.
- b. The permittee shall prepare an annual report by October 1 of each year.

- c. The annual report shall summarize the findings of the annual inspection in accordance with a. above, including:
  - i. The date of the inspection; and
  - ii. Name(s) and title of the facility inspector(s).
- d. The permittee shall complete an annual certification (using the form available as an attachment) that the facility has completed their annual report and is in compliance with the SPPP and the permit.
- e. Annual reports and certifications shall be retained by the permittee with the SPPP for a period of at least five (5) years.

## **C. Site-Specific Best Management Practices (BMPs)**

### **1. BMP - Inbound Vehicle Inspection Area**

- a. Vehicles shall be inspected for leaks and/or evidence of discharges upon arrival in a designated Inbound Vehicle Inspection Area
- b. Any leaking cars shall immediately be placed on an impervious surface (e.g. concrete pad) that is contained (e.g. bermed).
- c. Identified leaks shall be stopped or controlled and shall be cleaned up.
- d. A dedicated spill kit shall be kept in the Inbound Vehicle Inspection Area.
- e. Vehicles staged in the Inbound Vehicle Inspection Area shall be stored with their hoods down if the vehicle has a hood in place.

### **2. BMP - Fluid Draining and Dismantling Area**

- a. All fluid draining and dismantling of parts that contain fluids shall occur in a designated area that is either: 1) indoors; 2) on an impervious surface (e.g. concrete pad) that is contained (e.g. bermed) and under cover; or 3) stormwater must be collected or drain in a manner that does not discharge to surface water or ground water.
- b. Fluids shall be drained from vehicles in the Fluid Draining and Dismantling Area. Fluids include, but are not limited to: fuel(s), engine oil(s), coolant(s), brake fluid(s), power steering fluid(s), transmission fluid(s) and wiper fluid(s).
  - i. Fluids do not need to be drained from the following sealed units: differentials, steering gear units, front and rear axle assemblies and transfer cases. A sealed unit is intended to be sold as a complete unit and does not leak.
  - ii. Fluids do not need to be drained from units that are part of an operable vehicle.
- c. A dedicated spill kit shall be kept in the Fluid Draining and Dismantling Area.
- d. Facilities shall follow the guidelines found at [www.nj.gov/dep/dshw/resource/tankguid.htm](http://www.nj.gov/dep/dshw/resource/tankguid.htm) for the safe collection, storage, transport and disposal of used oil and drained filters.
- e. Mercury switches shall be removed from vehicles prior to leaving the designated Fluid Draining and Dismantling Area.
- f. Batteries shall be removed from vehicles prior to leaving the designated Fluid Draining and Dismantling Area.

**3. BMP - Vehicle Parts Storage Area**

- a. After being drained per C.2. above, all engine blocks; cores; transmission/drive components; components with fuel, filter(s), coolant or lubricant residues and other oily materials shall be managed in any of the following four (4) ways: 1) indoors, 2) in leak-proof containers under cover, 3) on a bermed impervious surface under cover, or 4) in an area where stormwater is discharged into a properly maintained oil/water separator. If the permittee chooses to route stormwater from this area through an oil/water separator, the discharge into the oil/water separator can not contain coolant or other materials that are not effectively removed by the oil/water separator.
- b. Mercury switches shall be stored and disposed of in accordance with the N.J.S.A. 13:1E-99.82 - Mercury Switch Removal Act of 2005.
- c. All batteries shall be removed from vehicles and stored either: 1) indoors, or 2) in leak-proof containers on an impervious surface under cover.
- d. Sealed units as defined above in C.2.b above and other parts which have been cleaned and/or degreased are not subject to the requirements of this section.

**4. BMP - Parts Cleaning/Solvent Degreasing**

- a. Cleaning and degreasing of parts shall be performed either: 1) indoors, or 2) in leak-proof containers on an impervious surface (e.g. concrete pad) and under cover.
- b. Wastewater or cleaning fluids shall be hauled off-site for recycling/disposal by a NJDEP licensed hauler. Receipts of recycling/disposal shall be kept onsite for a period of five (5) years.

**5. BMP - Fluid Storage Area**

- a. All drained fluid shall be stored in a designated Fluid Storage Area.
- b. The Fluid Storage Area shall be either: 1) indoors, or 2) on an impervious surface (e.g. concrete pad) that is contained (e.g. bermed) and under cover.
- c. A dedicated spill kit shall be kept in the Fluid Storage Area.
- d. All drained fluid shall be placed in leak-proof containers with secondary containment and shall be labeled for easy identification of contents.
- e. All drained fluid shall be hauled off-site for recycling/disposal by a NJDEP licensed hauler. Receipts of recycling/ disposal shall be kept onsite for a period of five (5) years.

**6. BMP - Processed Vehicle Storage Area**

- a. All vehicles stored in the Processed Vehicle Storage Area shall be drained of fluids as per item C.2.b. above.
- b. Vehicles stored in the Processed Vehicle Storage Area shall not leak or drip onto the ground or have pollutants exposed to stormwater. For the purposes of this permit, de minimus or minor amounts of lubricant residue, oil/grease residue, road grime or similar residues are acceptable as long as none of these residues or grime drip or show evidence of having dripped onto the ground.
- c. Vehicles stored in the Processed Vehicle Storage Area shall be stored with their hoods down if the vehicle has a hood in place.

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- d. Sealed units as described in C.2.b above and other parts which have been cleaned and/or degreased may be stored in the Processed Vehicle Storage Area. Any sealed units or other parts stored in this area shall not leak or drip onto the ground or have pollutants exposed to stormwater. For the purposes of this permit, de minimus or minor amounts of lubricant residue, oil/grease residue, road grime or similar residues associated with part(s) are acceptable as long as none of these residues or grime drip or show evidence of having dripped onto the ground.
- e. Dismantling may occur in the Processed Vehicle Storage Area under the following conditions:
  - i. Only parts that never contained fluids (e.g. bumper) or were previously drained can be removed in the Processed Vehicle Storage Area;
  - ii. Sealed units or other parts that may leak upon removal shall only be removed from vehicles in the Fluid Draining and Dismantling Area; and
  - iii. Sealed units or other parts that may leak upon dismantling shall only be dismantled in the Fluid Draining and Dismantling Area.

## **7. BMP - Operable Vehicle Storage Area**

- a. Operable vehicles shall be stored in a designated area with their hoods down or by covering the engine compartment.
- b. Operable vehicles shall not leak or drip onto the ground or have pollutants exposed to stormwater. For the purposes of this permit, de minimus or minor amounts of lubricant residue, oil/grease residue, road grime or similar residues are acceptable as long as none of these residues or grime drip or show evidence of having dripped onto the ground.
- c. Parts which never contained fluids may be removed from vehicles stored in the Operable Vehicle Storage Area.

## **8. BMP - Facility Hydraulic Equipment**

- a. Vehicle Crusher
  - i. A containment system, such as an impervious surface with berms, shall be provided under any vehicle crusher (stationary or portable) that is exposed to stormwater. Runoff from bermed areas shall be managed in any of the following three (3) ways: 1) runoff shall be contained and can not discharge to surface water or groundwater, 2) runoff shall be discharged into a properly maintained oil/water separator, or 3) runoff shall be discharged into another NJDEP approved treatment system.
- b. Other Hydraulic Equipment
  - i. All hydraulic equipment (e.g. front end loader) shall be maintained to prevent leaks and hydraulic line ruptures (e.g., routine and preventative maintenance). Hydraulic hoses shall be inspected quarterly for cracks or leaks where inspections shall be documented in the SPPP inspection report.

## **9. BMP - Spill Prevention and Response**

- a. All impervious surfaces and bermed areas shall be regularly maintained and kept free of fluids.
- b. The permittee shall assemble spill kits containing appropriate absorbent materials and equipment for recovering spills.

TRENTON AUTO RECYCLERS, Trenton

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- c. Spill kits shall be kept in a central area and be accessible to all employees and dedicated spill kits shall be kept in the Inbound Vehicle Inspection Area, the Fluid Draining and Dismantling Area, and the Fluid Storage Area.
- d. All employees shall be trained annually on spill response where the date of training shall be documented in the SPPP.
- e. To report a spill or for emergency response to a spill, the permittee shall call the Department Hotline at 1-877-WARNDEP (1-877-927-6337).
- f. For the purposes of this permit, recovered spills on impervious surfaces are not required to be reported.

#### **10. BMP - Site Stabilization and Dust Control; Erosion Control**

- a. The permittee shall include measures for site stabilization and dust control to prevent transport of particulate and sediment from areas devoid of vegetation and to prevent downstream soil erosion caused by routine operations and uncontrolled stormwater runoff.
- b. BMPs shall meet the most recent technical standards listed in Standards for Soil Erosion and Sediment Control in New Jersey, Engineering Standards Section titled Standards for Off-Site Stability.
- c. At a minimum, BMPs shall include:
  - i. Traffic control to prevent or minimize disturbance of unstabilized areas and to prevent disturbance of vegetative covers and/or other dust control mechanisms;
  - ii. Entrance/exit stabilization to prevent or minimize transport of sediment and dust outside the property line; and
  - iii. Identify areas that have high potential for soil erosion or a known soil erosion problem. Appropriate vegetative, structural, or stabilization measures shall be selected to limit erosion in these areas.
- d. If a stormwater outfall is on-site, stormwater velocity at the outfall shall be controlled to prevent downstream erosion and/or degradation and ensure stabilization.

### **D. Facility Management**

#### **1. Discharge Requirements**

- a. Discharges of stormwater to surface water and/or the ground shall not exhibit a visible sheen or other discoloration associated with the regulated activity. The permittee shall visually monitor their stormwater effluent on a routine basis to ensure that there is no visible sheen.
- b. All facilities discharging to surface water are prohibited from discharging foam, discoloration, or odor associated with the regulated activity in accordance with N.J.A.C. 7:14A-12.6.
- c. For the purposes of this NJPDES permit, the stormwater discharges regulated by this permit are not process wastewaters.

#### **2. Compliance with BMP Design Criteria**



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- a. Sampling of the stormwater discharge(s) and analysis by a certified laboratory is not a requirement of this permit except as required by D.2.b. below. However, with respect to stormwater discharge quality, BMPs shall be designed, implemented and maintained to achieve the following BMP design criteria for stormwater discharge(s) to surface water in implementing or maintaining the SPPP:
  - i. Total Suspended Solids  $\leq 100$  mg/L
  - ii. Total Petroleum Hydrocarbons  $\leq 15$  mg/L
  - iii. Aluminum  $\leq 0.75$  mg/L
  - iv. Lead  $\leq 0.095$  mg/L
  - v. Iron  $\leq 1.0$  mg/L
- b. In the event that the discharge is not in compliance with D.1. above or the permittee is not in compliance with BMPs, the Department reserves the right to require the permittee to sample and analyze stormwater discharge(s), pursuant to N.J.A.C. 7:14A-6.2(a)14. These results will be utilized to assess compliance with D.2.a. above. If required to monitor, the permittee shall be notified in writing by the Department of the frequency and format which may include, but will not be more stringent than the addition of a quarterly Monitoring Report Form to the permittee's Authorization to Discharge under this General Permit. Any such Monitoring Report Form will be inactivated once effluent data comes into compliance with BMP design criteria for two consecutive quarters. Note that BMP design criteria are not limits.
- c. The Department has the right to monitor the effluent pursuant to N.J.A.C. 7:14A-2.11(e)4.
- d. If monitoring is performed and results exceed the design criteria, the Department can require the permittee to institute the following measures:
  - i. Evaluate potential sources for the specific parameter that did not comply with the design criteria;
  - ii. Identify BMPs (e.g., source control, operational control, stormwater treatment) by which the permittee can further reduce stormwater contamination;
  - iii. Evaluate whether any improvements or changes to the SPPP are warranted to reduce and control this parameter concentration;
  - iv. Update the SPPP with any improvements or changes; and
  - v. Summarize any remedial actions taken in the annual report.
- e. If the permittee fails to institute corrective measures as directed by the Department, or as otherwise allowed pursuant to N.J.A.C. 7:14A-6.13(e), the Department may require any facility authorized under this general permit to apply for and obtain an individual permit to institute effluent limitations and monitoring requirements.
- f. Nothing in this section shall preclude the Department from taking direct enforcement action in response to non-compliance with any condition of this permit.

### 3. Management of Stormwater Flow

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- a. Uncontrolled stormwater discharges should be prevented from migrating off-site. Stormwater control measures such as berms, barriers, and site grading may be used to maintain stormwater on the site. Water quality impoundments or infiltration trenches, which should be bordered by hay bales and absorbent socks, are also acceptable stormwater control measures for maintaining stormwater on-site.
- b. If stormwater can not be contained on site then discharges should be channeled to enable flow to one or more outfalls.

#### **4. Oil/Water Separator**

- a. Oil/water separators shall be designed with an adequate hydraulic capacity to collect water from the drainage area for a rain event with an intensity of two (2) inches in one hour.
- b. The system shall be designed by a New Jersey licensed professional engineer.
- c. Instruction for operation and maintenance of the system shall be provided by the professional engineer and included with the SPPP.
- d. The discharge from the oil/water separator shall achieve a maximum concentration of oil and grease (total petroleum hydrocarbons) of 15 mg/L, as measured by a method approved by the Department's Office of Quality Assurance ([www.state.nj.us/dep/oqa/](http://www.state.nj.us/dep/oqa/)).
- e. N.J.A.C. 7:10A-1.10(c)2 specifically exempts wastewater treatment systems, for which a general permit authorization has been issued for stormwater runoff only, from the requirement for a licensed operator.
- f. A schedule of maintenance and cleaning of oil/water separators shall be incorporated into the SPPP to ensure proper functioning. Oil/water separators shall be cleaned once a year, at a minimum, or as often as necessary to maintain efficiency. Documentation of maintenance and cleaning shall be kept in the SPPP.
- g. The permittee shall ensure that good housekeeping practices are implemented to minimize sediment from flowing into the oil/water separator, which can limit efficiency.

#### **5. Engineered Treatment Systems**

- a. Stormwater treatment systems that are verified by NJCAT ([www.njcat.org](http://www.njcat.org)) and certified by NJDEP (as applicable, see [www.njstormwater.org/treatment.html](http://www.njstormwater.org/treatment.html)) may be considered to meet permit requirements. The permittee should consider site-specific factors prior to installing any system.

### **E. Operations and Maintenance**

#### **1. Facility and BMP Operation and Maintenance**

- a. The permittee shall be responsible for supervising and managing the operation and maintenance of this facility. This requires implementing BMPs that shall be installed or used by the permittee to achieve compliance with the SPPP. Proper operation and maintenance also requires the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit.
- b. The operation and maintenance activities shall be verified through the certification and annual reporting requirements of Part IV, item B.5.

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- c. Frequent and thorough inspections are necessary to ensure adequate functioning of control measures. Inspections are recommended to be conducted during dry periods as well as storm events.
  - i. Inspections during dry periods allow facilities to identify and address any problems prior to a storm event, thereby minimizing the chance for stormwater contamination.
  - ii. Inspections during significant storm events ensure that measures are functioning as originally intended and provide an opportunity for facilities to observe what materials and/or activities are exposed to stormwater.

## **F. Other Requirements**

### **1. Soil Erosion and Sediment Control Plan**

- a. For construction activities disturbing one (1) acre or more of total land area, authorization shall be obtained under NJPDES Permit No. NJ0088323 (Construction Activity Stormwater General Permit), for stormwater from such construction activities that would be discharged to surface waters.
- b. Land disturbances that may result in a stormwater discharge authorized by this permit, shall be executed only in accordance with a soil erosion and sediment control plan certified pursuant to N.J.S.A. 4:24-43, or requirements for soil erosion and sediment control established in or pursuant to a municipal ordinance in accordance with N.J.S.A. 4:24-48, whichever is applicable.
- c. A copy of this plan shall be retained by the permittee for a period of at least five (5) years after the completion of construction.

### **2. Compliance Schedule**

- a. Those existing facilities who can not meet the BMPs for the Fluid Draining and Dismantling Area and the Vehicle Crusher (for portable crushers only) on the effective date of the permit (October 1, 2012) have until October 1, 2014 to institute measures in order to achieve them.

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Renewal



New Jersey Department of Environmental Protection  
Bureau of Nonpoint Pollution Control  
**Stormwater Pollution Prevention Plan (SPPP)  
CERTIFICATION FORM**



**Vehicle Recycling Industrial Stormwater General Permit**

**THE ORIGINAL PLAN AND A COPY OF THIS CERTIFICATION ARE TO REMAIN ON SITE AVAILABLE FOR INSPECTION. ALL REVISIONS MADE TO THE PLAN SHALL ALSO BE AVAILABLE FOR INSPECTION.**

**Facility Name:** \_\_\_\_\_

**NJPDES No.** \_\_\_\_\_

“ I certify under penalty of law that the Stormwater Pollution Prevention Plan (SPPP), this Preparation Certification, and all attached documents were prepared by qualified personnel under my direction or supervision in accordance with a system designed to assure that this information was properly gathered and evaluated. Based on my inquiry of those individuals immediately responsible for obtaining this information, I believe and certify that the information in the SPPP and all attached documents is true, accurate, and complete.

“ I further certify that NJDEP has the option to request a copy of this SPPP and all applicable attachments for this permitted facility within five business days of the request. I am aware that pursuant to the Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq., there are significant civil and criminal penalties for making a false statement, representation, or certification any application, record, or other document filed or required to be maintained under that Act, including fines and/or imprisonment.

“I certify that the SPPP referred to in this SPPP Preparation Certification has been signed and the original is retained at the facility in accordance with the permit, and that it will be fully implemented at the facility in accordance with the terms and conditions or the permit. I further certify that if any part of this stormwater pollution prevention plan requires the consent of the owner(s) of or another operating entity for the facility, that consent has been obtained.”

\_\_\_\_\_  
(if applicable, print name of corporation, partnership, or public agency submitting this Certification)

\_\_\_\_\_  
(signature)

\_\_\_\_\_  
(date)

\_\_\_\_\_  
(print name)

**WHO MUST SIGN?**

**FOR A CORPORATION:** a “responsible corporate officer” or duly authorized representative. A “responsible corporate officer” is (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or (ii) the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

**FOR A PARTNERSHIP OR SOLE PROPRIETORSHIP:** a general partner or the proprietor, respectively, or duly authorized representative.

Revised 7/27/12

## Exhibit B



**Mail Code 401-02B**  
**Permit Administration Section**  
**Division of Water Quality**  
**P.O. Box 420**  
**Trenton, NJ 08625-0420**



**Phone: (609) 984-4428 FAX: (609) 777-0432**

**Application for Transfer of a NJPDES Permit (N.J.A.C. 7:14A-16.2)**

***This form must be completed by the current and new permittees. If there is a section where no change of information will occur, print "NC" across that section.***

**NJPDES Permit #** NJG0140279 **PI #** 130208 **Permit Category(ies)** RVR

**Facility Name/Location Address** Trenton Auto Recycling Inc  
65 Muirhead Ave Trenton NJ 08638

**Effective Date of Transfer** 6-1-14

<u>Current Information</u>	<u>New Information</u>
<b>1. Permittee/Operating Entity/Principal Officer</b>	
Organization name and address: <u>Trenton Auto Recycling Inc</u> <u>65 Muirhead Ave</u> <u>Trenton NJ 08638</u>	Organization name and address: <u>Hawks Auto &amp; Truck Recycling</u> <u>65 Muirhead Ave</u> <u>Trenton NJ 08638</u>
Contact Person: <u>Roberta Francis</u>	Contact Person: <u>Brian Hawkins</u>
Contact Phone: <u>609-209-6666</u>	Contact Phone: <u>609-847-0505</u>
Contact Fax: <u>609-771-1717</u>	Contact Fax: <u>609-392-3725</u>
Contact Email: <u>TARINC@AOL.COM</u>	Contact Email: <u>hawkhawkins01@gmail.com</u>
<b>2. Facility Information</b>	
(Check if same as No. 1 <input checked="" type="checkbox"/> )	
Name and mailing address: _____ _____ _____	Name and mailing address: _____ _____ _____
Contact Person: _____	Contact Person: _____
Contact Phone: _____	Contact Phone: _____
Contact Fax: _____	Contact Fax: _____
Contact Email: _____	Contact Email: _____
<b>3. Property owner</b>	
(Check if same as No. 1 <input type="checkbox"/> / No. 2 <input type="checkbox"/> )	
Current Owner name and address: _____ _____ _____	New Owner name and address: _____ _____ _____
Contact Person: <u>NC</u>	Contact Person: _____
Phone: _____ Fax: _____	Phone: _____ Fax: _____
Email: _____	Email: _____



**4. New Monitoring Report Form Recipient****5. New NJPDES Permit Fees****Address**(Check if same as No. 1 ☒ / No. 2 ☐ / No. 3 ☐(Check if same as No. 1 ☒ / No. 2 ☐ / No. 3 ☐

Organization name and address:

Organization name and address:

Contact Name: \_\_\_\_\_

Contact Name: \_\_\_\_\_

Phone: \_\_\_\_\_

Phone: \_\_\_\_\_

Fax: \_\_\_\_\_

Fax: \_\_\_\_\_

Email: \_\_\_\_\_

Email: \_\_\_\_\_

**6. Agreement to Transfer Permit**This Agreement is entered into as of 6/1/14 for permit transfer.Current Permittee Trenton Auto RecyclingNew Permittee Hawks Auto & Truck RecyclingRosetta MucceBrian Hawkins

(Print or Type Current Permittee Name)

(Print or Type New Permittee Name)

Rosetta MucceBrian Hawkins

(Signature - Current Permittee)

(Signature - New Permittee)

PresidentPresident

(Print or Type Official Title)

(Print or Type Official Title)

Are NJPDES permit fees current? Yes ☐ No ☒

The new permittee will be responsible for any and all outstanding NJPDES fees, fines and compliance with any outstanding Notices of Violation, Administrative Consent Orders, agreements, and/or other Enforcement actions upon the effective date of transfer. Information on the fee status may be obtained by calling the Office of Permit Management, Fee Management Unit at (609) 984-4428.

**7. Notarized Statement to Abide by Permit**

I, Brian Hawkins am the principal officer identified as responsible for the facility operation and maintenance according to N.J.A.C. 7:14A-16.2(d)(vi). I have read the permit and certify that, pursuant to N.J.A.C. 7:14A-4.9, that I shall abide by all the conditions of the permit and that production levels, products generated, rates of discharge, and discharge characteristics shall remain unchanged.

Brian Hawkins  
 (Principal Officer Signature)

9-16-14  
 (Date)

I, Ann W. Fox (NOTARY), as a Notary Public in and for said county, do hereby certify that I witnessed the signature of aforementioned signatory above, Brian Hawkins, and that this individual appeared before me on this day in person and I verified the individual's identity on this date:

September 16, 2014

Notarial Seal

**ANN W. FOX**  
 (My Commission Expires)  
**NOTARY PUBLIC OF NEW JERSEY**  
**ID # 2445183**

**My Commission Expires 4/18/2019**  
 (Notary Public)

Ann W. Fox

**8. Signature**

I certify the above information to be accurate.

*(The following applies to the transfer of a NJPDES Stormwater Permit)*

I certify that in addition to the above information that as far as I know, none of the stormwater discharges for which this request is submitted are excluded from authorization:

By part I. J. of NJPDES Permit No. NJ0088315 (Basic Industrial Stormwater); or

By part II. B. of NJPDES Permit No. NJ0108456 (Concrete Products Manufacturing Stormwater);

By part II. B. of NJPDES Permit No. NJ0141950 (Mining and Quarrying Activity Stormwater);

By part II. B. of NJPDES Permit No. NJ0132721 (Hot Mix Asphalt Producers Stormwater);

By part I. A. of NJPDES Permit No. NJ0138631 (Concentrated Animal Feeding Operation (CAFO));

By part I. A. of NJPDES Permit No. NJ0088323 (Construction Activity Stormwater);

According to the Fact Sheet of NJPDES Permit No. NJ0134791 (Newark Airport Complex Stormwater); or

According to the Fact Sheet of NJPDES Permit No. NJ0107671 (Scrap Metal Processing/Auto Recycling)".



(Signature of New Permittee)

6-1-14

(Date)

Brian Hawkins

(Print or Type Name)

President

(Print or Type Official Title)

**Who may sign**

A Responsible Official is defined in N.J.A.C. 7:14A – 4.9 as follows:

For a corporation: A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation; or the manager of one or more manufacturing, production, or operating facilities, provided:

(1) The manager is authorized to make management decisions that govern the operation of the regulated facility, including having the explicit or implicit duty of recommending major capital investment, initiating and directing comprehensive measures to assure long term compliance with environmental laws and regulations, and ensuring that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; or

(2) The authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

For a partnership or sole proprietorship: A general partner or the proprietor.

For a government agency: A ranking elected official; or the chief executive officer of the agency; or a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrator).

A duly authorized representative as defined in N.J.A.C. 7:14A – 4.9(b).

Please send completed copies to:

Mail Code 401-02B  
Permit Administration Section  
Division of Water Quality  
P.O. Box 420  
Trenton, NJ 08625-0420

## Exhibit C



## New Jersey Department of Environmental Protection

## Water Compliance and Enforcement

## NOTICE OF VIOLATION

File # \_\_\_\_\_

PI # \_\_\_\_\_

Hawks Auto + Truck Recycling  
AKASite Name: Trenton Auto RecyclersSite Address: 65 Muirhead AvenueMunicipality: Trenton

Block: \_\_\_\_\_

Lot: \_\_\_\_\_

County: MorserZip: 08638

Property Owner: \_\_\_\_\_

Prop. Owner's Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Responsible Entity (if other than Property Owner): \_\_\_\_\_

R.E. Address: \_\_\_\_\_

R.E. City: \_\_\_\_\_

State: \_\_\_\_\_

Zip: \_\_\_\_\_

Phone: \_\_\_\_\_

On 1/30/2020 a representative from the NJDEP Water Compliance and Enforcement (W C&E) conducted an investigation into this site/matter. This **NOTICE** is issued based on facts observed by or known to the Department's representative issuing this **NOTICE**, to warn you that a violation(s) of the Statutes and Rules checked below has been found:

- ☒ New Jersey Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq.  
☐ New Jersey Safe Drinking Water Act, N.J.S.A. 58:12A-1 et seq.  
☐ New Jersey Water Supply Management Act, N.J.S.A. 58:1A-1 et seq.  
☐ New Jersey Water Supply and Waste Operators Licensing Act, N.J.S.A. 58:11-64 et seq.

**EXPLANATION OF THIS NOTICE** - Violations with citation(s) to the specific Rules issued under the above checked Statutes:

- ① Failure to implement vehicle parts storage area best management practices as required by the permit. ② Failure to drain & dismantle parts as required by the permit. ③ Failure to store drained fluids as required by the permit. ④ Failure to eliminate uncontrolled fluid discharges as required by the permit.

☐ Violation above corrected at time of issuance☐ See additional \_\_\_\_\_ (#) pages of **EXPLANATION OF THIS NOTICE**

**PURPOSE OF THIS NOTICE** - This is intended to serve as a **NOTICE** to you, to warn you of the above violations, in order to 1) provide you with an opportunity to voluntarily investigate the matter and, voluntarily take corrective action to address the identified violation(s) and 2) identify those violations, and time periods, pursuant to the Grace Period Law, N.J.S.A. 13:1D-125 et seq. where your voluntary action can prevent formal enforcement orders and penalties issued by the Department (see violations marked with an asterisk above \*). This **NOTICE** does not constitute a formal enforcement order, a final agency action or a final legal determination that a violation has occurred. Therefore, this **NOTICE** may not be appealed or contested.

Neither the issuance of this **NOTICE** nor any corrective actions taken by you to address the violation(s) cited, precludes the State of New Jersey or any of its agencies from initiating future enforcement action (including issuance of a formal enforcement order and the assessment of penalties) with respect to the violations listed above or for any other violations. In the event the Department determines to pursue future formal enforcement action, you will then be provided with an opportunity to appeal or contest such action.

**RESPONDING TO THIS NOTICE** - Voluntary corrective actions taken in response to this **NOTICE** can affect the Department's determination on the need for or severity of any potential future enforcement action in this matter. In accordance with the Grace Period Law, the Department will not assess a penalty against you for the violations marked with an asterisk \* above, if you take voluntary action to address and correct these violations at the time of issuance, or within the time periods indicated in this **NOTICE**. For violations identified in this **NOTICE** that are not subject to the Grace Period Law, the Department may consider any voluntary actions you take in response to this **NOTICE** as part of its determination 1) on whether to initiate future formal enforcement action for this site/matter and, 2) on the amount of any penalty that may be assessed in future enforcement actions. Please see items checked below regarding actions you may voluntarily undertake to address violations identified in this **NOTICE**:

**CORRECTIVE ACTION PAGE(S)** - The Corrective Action Page(s) outlines the timeframes pursuant to the Grace Period Law during which you may voluntarily take action to come into compliance. Depending on the nature of violations cited in this **NOTICE**, corrective action or compliance assistance recommendations for violations that are not subject to the Grace Period Law may also be outlined on this form

- ☐ Not Provided for this Notice  
☐ See additional \_\_\_\_\_ (#) attached pages

**COMPLIANCE RESPONSE FORM** - Submission of a Compliance Response Form if checked below is voluntary. Completed forms should be sent to the Department contact indicated at the bottom of this **NOTICE**.

- ☐ Not Applicable  
☐ If received within \_\_\_\_\_ days of receipt it will preserve your protection from penalty under Grace Period Law.  
☒ If received within 14 days of receipt, it will be considered in potential future Department action regarding the violations cited

**FOR QUESTIONS REGARDING THIS NOTICE**, please contact the Department representative issuing this **NOTICE** at the location indicated:

<input type="checkbox"/> Southern Water Enforcement 2 Riverside Drive, Suite 201 Camden, New Jersey 08103 Telephone: (856) 614-3655 Fax: (856) 614-3608	<input type="checkbox"/> Northern Water Enforcement 7 Ridgedale Ave. Cedar Knolls, NJ 07927 Telephone: (973) 656-4099 Fax: (973) 656-4400	<input checked="" type="checkbox"/> Central Water Enforcement PO Box 420 - Mailcode 44-03 Trenton, NJ 08625-0420 Telephone: (609) 292-3010 Fax: (609) 292-6450
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Issued by: Anthony Rotondo Date: 1/30/2020 Signature: \_\_\_\_\_

Received by (print): Brian Hawkins Date: 1/30/20 Signature (receipt only): \_\_\_\_\_

NJDEP Use Only: ☐ Certified Mail Date Mailed \_\_\_\_\_

Article Number \_\_\_\_\_



## New Jersey Department of Environmental Protection

## Water Compliance and Enforcement

## NOTICE OF VIOLATION

File #	_____
PI #	_____

Hawkins Auto & Tires Recycling  
A/R/LA

Site Name: Trenton Auto Recyclers Site Address: 65 Mainhead Avenue  
 Municipality: Trenton Block: \_\_\_\_\_ Lot: \_\_\_\_\_ County: Morser Zip: 08638  
 Property Owner: \_\_\_\_\_ Prop. Owner's Address: \_\_\_\_\_ Phone: \_\_\_\_\_  
 Responsible Entity (if other than Property Owner): \_\_\_\_\_ R.E. Address: \_\_\_\_\_  
 R.E. City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_ Phone: \_\_\_\_\_

On 11/30/2020 a representative from the NJDEP Water Compliance and Enforcement (W C&E) conducted an investigation into this site/matter. This **NOTICE** is issued based on facts observed by or known to the Department's representative issuing this **NOTICE**, to warn you that a violation(s) of the Statutes and Rules checked below has been found:

- ☒ New Jersey Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq.  
☐ New Jersey Safe Drinking Water Act, N.J.S.A. 58:12A-1 et seq.  
☐ New Jersey Water Supply Management Act, N.J.S.A. 58:1A-1 et seq.  
☐ New Jersey Water Supply and Waste Operators Licensing Act, N.J.S.A. 58:11-64 et seq.

**EXPLANATION OF THIS NOTICE** - Violations with citation(s) to the specific Rules issued under the above checked Statutes:

- ① Failure to implement vehicle parts storage area best management practices as required by the permit. ② Failure to drain & dismantle parts as required by the permit. ③ Failure to store drained fluids as required by the permit. ④ Failure to eliminate uncontrolled fluid discharges as required by the permit.

- ☐ Violation above corrected at time of issuance ☐ See additional \_\_\_\_\_ (#) pages of **EXPLANATION OF THIS NOTICE**

**PURPOSE OF THIS NOTICE** - This is intended to serve as a **NOTICE** to you, to warn you of the above violations, in order to 1) provide you with an opportunity to voluntarily investigate the matter and, voluntarily take corrective action to address the identified violation(s) and 2) identify those violations, and time periods, pursuant to the Grace Period Law, N.J.S.A. 13:1D-125 et seq. where your voluntary action can prevent formal enforcement orders and penalties issued by the Department (see violations marked with an asterisk above \*). This **NOTICE** does not constitute a formal enforcement order, a final agency action or a final legal determination that a violation has occurred. Therefore, this **NOTICE** may not be appealed or contested.

Neither the issuance of this **NOTICE** nor any corrective actions taken by you to address the violation(s) cited, precludes the State of New Jersey or any of its agencies from initiating future enforcement action (including issuance of a formal enforcement order and the assessment of penalties) with respect to the violations listed above or for any other violations. In the event the Department determines to pursue future formal enforcement action, you will then be provided with an opportunity to appeal or contest such action.

**RESPONDING TO THIS NOTICE** - Voluntary corrective actions taken in response to this **NOTICE** can affect the Department's determination on the need for or severity of any potential future enforcement action in this matter. In accordance with the Grace Period Law, the Department will not assess a penalty against you for the violations marked with an asterisk \* above, if you take voluntary action to address and correct these violations at the time of issuance, or within the time periods indicated in this **NOTICE**. For violations identified in this **NOTICE** that are not subject to the Grace Period Law, the Department may consider any voluntary actions you take in response to this **NOTICE** as part of its determination 1) on whether to initiate future formal enforcement action for this site/matter and, 2) on the amount of any penalty that may be assessed in future enforcement actions. Please see items checked below regarding actions you may voluntarily undertake to address violations identified in this **NOTICE**:

**CORRECTIVE ACTION PAGE(S)** - The Corrective Action Page(s) outlines the timeframes pursuant to the Grace Period Law during which you may voluntarily take action to come into compliance. Depending on the nature of violations cited in this **NOTICE**, corrective action or compliance assistance recommendations for violations that are not subject to the Grace Period Law may also be outlined on this form

- ☐ Not Provided for this Notice  
☐ See additional \_\_\_\_\_ (#) attached pages

**COMPLIANCE RESPONSE FORM** - Submission of a Compliance Response Form if checked below is voluntary. Completed forms should be sent to the Department contact indicated at the bottom of this **NOTICE**.

- ☐ Not Applicable  
☐ If received within \_\_\_\_\_ days of receipt it will preserve your protection from penalty under Grace Period Law.  
☒ If received within 14 days of receipt, it will be considered in potential future Department action regarding the violations cited

**FOR QUESTIONS REGARDING THIS NOTICE**, please contact the Department representative issuing this **NOTICE** at the location indicated:

<input type="checkbox"/> Southern Water Enforcement 2 Riverside Drive, Suite 201 Camden, New Jersey 08103 Telephone: (856) 614-3655 Fax: (856) 614-3608	<input type="checkbox"/> Northern Water Enforcement 7 Ridgedale Ave. Cedar Knolls, NJ 07927 Telephone: (973) 656-4099 Fax: (973) 656-4400	<input checked="" type="checkbox"/> Central Water Enforcement PO Box 420 - Mailcode 44-03 Trenton, NJ 08625-0420 Telephone: (609) 292-3010 Fax: (609) 292-6450
---	---	--

Issued by: Anthony Rotondo Date: 11/30/2020 Signature: \_\_\_\_\_  
 Received by (print): Brian Hawkins Date: 11/30/20 Signature (receipt only): \_\_\_\_\_

## Exhibit D



## State of New Jersey

**PHILIP D. MURPHY**  
*Governor*

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
**CENTRAL BUREAU OF WATER COMPLIANCE AND ENFORCEMENT**  
P.O. Box 420, Mail code 44-03  
Trenton, New Jersey 08625-0420  
Fax. (609) 292-6450

**SHAWN M. LATOURETTI**  
*Commissioner*

**SHEILA Y. OLIVER**  
*Lt. Governor*

**CERTIFIED MAIL/RRR**  
**7020 3160 00006209 0358**

July 20, 2021

Brian Hawkins Sr., Owner  
Hawks Auto and Truck Recycling  
65 Muirhead Avenue  
Trenton, N.J. 08638

RE: Compliance Evaluation and Assistance Inspection, Activity # SCI210001  
Hawks Auto and Truck Recycling ("Hawks" formerly Trenton Auto Recyclers)  
NJPDES No. NJG0140279 -RVR, PIID#130208  
City of Trenton / Mercer County

Dear Mr. Hawkins:

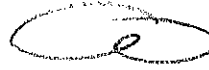
A Compliance Evaluation and Assistance Inspection of the above referenced facility was conducted by a representative of this Bureau on June 8, 2021. A copy of the completed checklist is enclosed for your review. Note that you may also review your inspection report, as well as many other DEP reports, online at [www.nj.gov/dep/inspections](http://www.nj.gov/dep/inspections). This website also gives you the opportunity to provide us feedback about our operations. We would appreciate your input and will seek to share these results with you.

The items noted in the enclosed report with a compliance status of "OC" or "ON", and in the enclosed Notice of Violation, have placed your facility in violation of your NJPDES permit and/or Water Pollution Control Act. Please comply with the corrective actions noted therein. Furthermore, the above permit requires the documentation of spill response training for employees. Please ensure this documentation is maintained going forward.



You are advised that the New Jersey Water Pollution Control Act (N.J.S.A. 58:10A-1 et seq.) provides for substantial penalties in cases of permit violations. Therefore, your prompt attention to this matter is anticipated. Please contact the writer at 609-439-9524, or by letter through this Bureau, if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to be "Anthony Rotondo", enclosed within a hand-drawn oval.

Anthony Rotondo  
Environmental Specialist III

Enclosures



# Compliance Evaluation Summary and Checklist with Included flag sorted by PI

Date Printed: 7/15/2021

Activity: SCI 210001 \*Standard Compliance Inspection (130208)

Title Description: FY21 Inspection

Start Date/Time: 06/08/2021

End Date/Time:

Program Interest: TRENTON AUTO RECYCLERS  
130208 (NJPDDES)  
65 MUIRHEAD AVE,  
TRENTON CITY, MERCER COUNTY

Mailing Address: 65 MUIRHEAD AVE Trenton NJ 08638

Responsibility Entity(s) Program Interests included in Inspection:

Hawks Auto & truck Recycling 130208 (Njpdcs)

Block(s) and Lot(s): No Block and Lot

<u>Lead Investigator</u>	<u>Other Investigators</u>	<u>Persons Interviewed</u>	<u>Witnesses</u>
Rotondo, Anthony		Brian Hawkins, Owner (609) 516-6630	Brett Callanan, CBWCE

## General Comments

Inspection Attribute(s): Quantity(s)

Number of Attributes: 0

## 130208 GDR 0 - General Discharge Requirements

Requirement	Status RTC	Results or Comments	Req Source Ref # Req. Type
Access to Information.	S		DST 120001 23 T
Did the permittee allow an authorized representative of the Department, upon the presentation of credentials, to enter upon a person's premises, for purposes of inspection, and to access / copy any records that must be kept under the conditions of this permit? [N.J.A.C. 7:14A- 2.11]	IC		DST 120001 24 T

## 130208 RVR 0 - Vehicle Recycling (GP)

IC - In Compliance	ND - Compliance Not Determined	N - No	NA - Not Applicable	PV - Potential Violation	H - Heading	NI - Not Inspected
NC - No Obvious Concern	ON - Out of Compliance, Non-referred	Y - Yes	OC - Out of Compliance	DC - Data Collection	S - Sub-Heading	RTC - Return to Compliance

Requirement	Status RTC	Results or Comments	Reqt Source Ref # Reqt. Type
Stormwater Pollution Prevention Plan (SPPP).	S		DST 120001 2 T
SPPP Recordkeeping.	S		DST 120001 16 T
Did the permittee sign the SPPP and retain the original at the facility for use and Department inspection, and make it available for review by the owner/operator of the collection system receiving the stormwater discharge and the public?. [N.J.A.C. 7:14A- 4.9(a)]	IC		DST 120001 17 T
Did the SPPP contain a site map of the process line diagram showing the process of vehicles through inbound vehicle inspection area, fluid draining and dismantling area, vehicle storage parts area, parts cleaning/solvent degreasing, fluid storage, processed vehicle storage, operable vehicle storage, vehicle crusher, proposed and implemented BMPs, structures, concrete pad, oil/water separators, septic systems (if applicable), potable wells (if applicable), and stormwater flow, drainage, outfall and surface water areas of the facility?. [N.J.A.C. 7:14A- 6.2(a)1]	IC		DST 120001 29 T
Did the SPPP include a list of all source materials found anywhere on site that are used, loaded/unloaded, stored, treated and/or disposed?. [N.J.A.C. 7:14A- 6.2(a)1]	IC		DST 120001 48 T
Did the SPPP identify a team leader, spill prevention coordinator, names, titles and responsibilities of its members? . [N.J.A.C. 7:14A- 6.2(a)1]	IC		DST 120001 50 T
Did the SPPP establish a minimum quarterly regular inspection schedule to verify that the BMPs are being implemented? . [N.J.A.C. 7:14A-24.9(a)2i]	IC		DST 120001 54 T
Did the SPPP include a detailed inspection log according to permit requirements?. [N.J.A.C. 7:14A- 6.2(a)1]	IC		DST 120001 56 T
Did the permittee conduct annual inspections of the facility and prepare and maintain on site an annual report according to permit requirements on or before October 1?. [N.J.A.C. 7:14A-24.9(a) 2ii]	IC		DST 120001 58 T

IC - In Compliance	ND - Compliance Not Determined	N - No	NA - Not Applicable	PV - Potential Violation	H - Heading	NI - Not Inspected
NC - No Obvious Concern	ON - Out of Compliance, Non-referred	Y - Yes	OC - Out of Compliance	DC - Data Collection	S - Sub-Heading	RTC - Return to Compliance

## 130208 RVR 0 - Vehicle Recycling (GP)

Requirement	Status RTC	Results or Comments	Req Source Ref # Req. Type
Are the annual reports and certifications maintained on-site with the SPPP for a period of at least five years?. [N.J.A.C. 7:14A-11.2(a)3iii]	IC		DST 120001 68 T
Site-Specific Best Management Practices (BMPs) .	H		DST 120001 69 T
BMP - Inbound Vehicle Inspection Area.	S		DST 120001 70 T
Are all vehicles inspected for evidence of discharges and stored with hoods down upon arrival in a designated Inbound Vehicle Inspection Area, and are all leaks contained? . [N.J.A.C. 7:14A- 6.2(b)1]	IC	Reportedly	DST 120001 71 T
BMP - Fluid Draining and Dismantling Area.	S		DST 120001 76 T
Are all fluid draining and parts that contain fluids in an area that is either indoors; on an impervious, bermed surface; under permanent cover; or where stormwater must be collected or drain in a manner that does not discharge to surface water or ground water? . [N.J.A.C. 7:14A- 6.2(b)1]	IC		DST 120001 77 T
Are all fluids drained from vehicles in the Fluid Draining and Dismantling Area? . [N.J.A.C. 7:14A- 6.2(b)1]	OC	Failure to implement Fluid Draining and Dismantling Area BMPs in accordance with the Permit. Specifically, a Jitney was observed leaking fluids outside of the draining and dismantling area	DST 120001 78 T
Are mercury switches and batteries, removed from vehicles prior to leaving the designated Fluid Draining and Dismantling Area and properly stored and/or disposed of? . [N.J.A.C. 7:14A- 6.2(b)1]	IC		DST 120001 83 T
BMP - Vehicle Parts Storage Area.	S		DST 120001 85 T
Are all engine blocks; cores; transmission/drive components; components with fuel, filter(s), coolant or lubricant residues and other oily materials either indoors, in leak-proof containers under cover, on a bermed impervious surface under cover, or in an area where stormwater is discharged into a properly maintained oil/water separator?. [N.J.A.C. 7:14A- 6.2(b)1]	OC	Failure to implement Vehicle Parts Storage Area BMPs in accordance with the Permit.	DST 120001 86 T

IC - In Compliance	ND - Compliance Not Determined	N - No	NA - Not Applicable	PV - Potential Violation	H - Heading	NI - Not Inspected
NC - No Obvious Concern	ON - Out of Compliance, Non-referred	Y - Yes	OC - Out of Compliance	DC - Data Collection	S - Sub-Heading	RTC - Return to Compliance

## 130208 RVR 0 - Vehicle Recycling (GP)

Requirement	Status RTC	Results or Comments	Reqt Source Ref # Reqt. Type
BMP - Fluid Storage Area.	S		DST 120001 93 T
Are all fluids stored in a designated Fluid Storage Area that is either indoors, or on a contained/bermed impervious surface under cover? . [N.J.A.C. 7:14A- 6.2(b)1]	IC		DST 120001 94 T
Are all drained fluid(s) placed in leak-proof containers with secondary containment and labeled for easy identification of contents? . [N.J.A.C. 7:14A- 6.2(b)1]	IC		DST 120001 95 T
BMP - Processed Vehicle Storage Area.	S		DST 120001 99 T
Are sealed units leak-free and drained vehicles stored in the Processed Vehicle Storage Area drained of fluids and with hoods down? . [N.J.A.C. 7:14A- 6.2(b)1]	IC		DST 120001 100 T
BMP - Operable Vehicle Storage Area.	S		DST 120001 108 T
Are all operable vehicles not leaking fluids, and stored in a designated area with their hoods down or with the engine compartment covered? . [N.J.A.C. 7:14A- 6.2(b)1]	IC		DST 120001 109 T
BMP - Facility Hydraulic Equipment.	S		DST 120001 112 T
All hydraulic equipment (e.g. front end loader) shall be maintained to prevent leaks and hydraulic line ruptures (e.g., routine and preventative maintenance). Hydraulic hoses shall be inspected quarterly for cracks or leaks where inspections shall be documented in the SPPP inspection report. [N.J.A.C. 7:14A- 6.2(b)1]	IC		DST 120001 116 T
BMP - Spill Prevention and Response .	S		DST 120001 117 T
Are all impervious surfaces and bermed areas regularly maintained and kept free of fluids? . [N.J.A.C. 7:14A- 6.2(b)1]	IC		DST 120001 118 T

IC - In Compliance	ND - Compliance Not Determined	N - No	NA - Not Applicable	PV - Potential Violation	H - Heading	NI - Not Inspected
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## 130208 RVR 0 - Vehicle Recycling (GP)

Requirement	Status RTC	Results or Comments	Req Source Ref # Req. Type
Are Spill Kits kept in central areas and accessible to all employees and dedicated spill kits kept in all Inbound Vehicle Inspection Areas, the Fluid Draining and Dismantling Areas, and the Fluid Storage Area?. [N.J.A.C. 7:14A- 6.2(b)1]	IC		DST 120001 119 T
Are all employees trained annually on spill response where the date of training is documented in the SPPP? . [N.J.A.C. 7:14A- 6.2 (b)1]	DC	See cover letter regarding documentation	DST 120001 120 T
BMP - Site Stabilization and Dust Control; Erosion Control .	S		DST 120001 124 T
Does the facility prevent or minimize disturbance of unstabilized areas to prevent disturbance of vegetative covers and/or other dust control mechanisms?. [N.J.A.C. 7:14A- 6.2(b)1]	IC		DST 120001 125 T
Does the facility conduct entrance/exit stabilization to prevent or minimize transport of sediment, dust or any pollutant outside the property line?. [N.J.A.C. 7:14A- 6.2(b)1]	IC		DST 120001 129 T
Facility Management.	H		DST 120001 132 T
Discharge Requirements.	S		DST 120001 133 T
Does the facility routinely visually monitor its effluent? Does the stormwater to surface water and/or the ground exhibit a visible sheen, foam, odor or other discoloration associated with the regulated activity? . [N.J.A.C. 7:14A-12.8(c)]	IC	Reportedly	DST 120001 134 T

IC - In Compliance	ND - Compliance Not Determined	N - No	NA - Not Applicable	PV - Potential Violation	H - Heading	NI - Not Inspected
NC - No Obvious Concern	ON - Out of Compliance, Non-referred	Y - Yes	OC - Out of Compliance	DC - Data Collection	S - Sub-Heading	RTC - Return to Compliance



## State of New Jersey

### DEPARTMENT OF ENVIRONMENTAL PROTECTION CENTRAL BUREAU OF WATER COMPLIANCE AND ENFORCEMENT

401 East State Street

P.O. Box 420, Mail Code 44-03

Trenton, New Jersey 08625-0420

Tel. (609) 292-3010 • Fax. (609) 292-6450

**SHAWN M. LATOURETTE**

*Commissioner*

**PHILIP D. MURPHY**  
*Governor*

**SHEILA Y. OLIVER**  
*Lt. Governor*

### NOTICE OF VIOLATION

Name of violator: Hawks Auto & Truck Recycling

Location: 65 Muirhead Avenue, Trenton City, New Jersey 08638

Identifying #: 130208

Person interviewed and title: Brian Hawkins, Owner

You are hereby NOTIFIED that during a compliance evaluation at the above location on 06/08/2021, the following violations of the New Jersey Water Pollution Control Act (N.J.S.A. 58:10A-1 et seq.) and the New Jersey Pollutant Discharge Elimination System regulations (N.J.A.C. 7:14A-1 et seq.) were observed.

Requirement: Pursuant to N.J.A.C. 7:14A- 6.2(b)1, after being drained all engine blocks, cores, transmission/drive components, components with fuel, filter(s), coolant or lubricant residues and other oily materials shall be maintained indoors, in leak-proof containers under cover, on a bermed impervious surface under cover, or in an area where stormwater is discharged into a properly maintained oil/water separator.

Description of Noncompliance: Failure to implement Vehicle Parts Storage Area BMPs in accordance with the Permit.

Requirement: Pursuant to N.J.A.C. 7:14A- 6.2(b)1, fluids shall be drained from vehicles in the Fluid Draining and Dismantling Area.

Description of Noncompliance: Failure to implement Fluid Draining and Dismantling Area BMPs in accordance with the Permit. Specifically, a Jitney was observed leaking fluids outside of the draining and dismantling area.

You must take the following corrective actions:

1. Comply with the vehicle parts storage requirement of the permit by removing the remaining parts pile in the northwest portion of the property from contact with stormwater within 90 calendar days of receipt of this notice [N.J.A.C. 7:14A- 6]

Hawks Auto & Truck Recycling  
PEA210001 - 130208  
Page 2 of 2

2. Immediately implement the vehicle fluid draining and dismantling permit requirement  
[N.J.A.C. 7:14A- 6]

Within 90 calendar days of receipt of this Notice of Violation, you shall submit in writing to the individual issuing this notice, an explanation of the corrective measures you have taken or will take to achieve compliance.

This Notice of Violation serves as notice that the NJDEP, Water Compliance and Enforcement, has determined that a violation has occurred. It does not constitute final agency action and may not be appealed or contested. The issuance of this Notice or compliance therewith does not preclude the State of New Jersey or any of its agencies from initiating formal administrative and/or judicial enforcement action (including assessment of penalties), with respect to the violations listed above or for any other violations. You **may** appeal or contest such formal actions. Violations of the above regulations are subject to penalties of up to \$50,000 per day/offense.

Issued by: Anthony Rotundo  
Print Name

Date: 7/15/21

Signature:   
Sign Name

## Exhibit E





## State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION  
CENTRAL BUREAU OF WATER COMPLIANCE AND ENFORCEMENT  
P.O. Box 420, Mail code 44-03  
Trenton, New Jersey 08625-0420  
Fax, (609) 292-6450

**PHILIP D. MURPHY**  
*Governor*

**SHEILA Y. OLIVER**  
*Lt. Governor*

**SHAWN M. LATOURETTI**  
*Commissioner*

**CERTIFIED MAIL/RRR**  
**7020 3160 0000 6209 1904**

July 29, 2022

Brian Hawkins Sr., Owner  
Hawks Auto and Truck Recycling  
65 Muirhead Avenue  
Trenton, N.J. 08638

RE: Compliance Evaluation and Assistance Inspection, Activity # SCI220001  
Hawks Auto and Truck Recycling ("Hawks" formerly Trenton Auto Recyclers)  
NJPDES No. NJG0140279 -RVR, PIID#130208  
City of Trenton / Mercer County

Dear Mr. Hawkins:

A Compliance Evaluation and Assistance Inspection of the above referenced facility was conducted by a representative of this Bureau on June 1, 2022. A copy of the completed checklist is enclosed for your review. Note that you may also review your inspection report, as well as many other DEP reports, online at [www.nj.gov/dep/inspections](http://www.nj.gov/dep/inspections). This website also gives you the opportunity to provide us feedback about our operations. We would appreciate your input and will seek to share these results with you.

The items noted in the enclosed report with a compliance status of "OC" or "ON", and in the enclosed Notice of Violation, have placed your facility in violation of your NJPDES permit and/or Water Pollution Control Act. Please comply with the corrective actions noted therein.

You are advised that the New Jersey Water Pollution Control Act (N.J.S.A. 58:10A-1 et seq.) provides for substantial penalties in cases of permit violations. Therefore, your prompt attention to this matter is anticipated. Please contact the writer at 609-439-9524, or by letter through this Bureau, if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Anthony Rotondo', written in a cursive style.

Anthony Rotondo  
Environmental Specialist III

Enclosures

# Compliance Evaluation Summary and Checklist with Included flag sorted by PI

Date Printed: 7/13/2022

Activity: SCI 220001 \*Standard Compliance Inspection (130208)

Title Description: FY22 Inspection

Start Date/Time: 06/01/2022

End Date/Time:

Program Interest: TRENTON AUTO RECYCLERS  
130208 (NJPDDES)  
65 MUIRHEAD AVE,  
TRENTON CITY, MERCER COUNTY

Mailing Address: 65 MUIRHEAD AVE Trenton NJ 08638

Responsibility Entity(s) Program Interests included in Inspection:

Hawks Auto & truck Recycling 130208 (Njpdcs)

Block(s) and Lot(s): No Block and Lot

<u>Lead Investigator</u>	<u>Other Investigators</u>	<u>Persons Interviewed</u>	<u>Witnesses</u>
Rotondo, Anthony		Brian Hawkins, Jr., Manager James Ford, Driver (609)516-6630	

## General Comments

Inspection Attribute(s):	Quantity(s)
Photos Taken	10
Number of Attributes: 1	

IC - In Compliance	ND - Compliance Not Determined	N - No	NA - Not Applicable	PV - Potential Violation	H - Heading	NI - Not Inspected
NC - No Obvious Concern	ON - Out of Compliance, Non-referred	Y - Yes	OC - Out of Compliance	DC - Data Collection	S - Sub-Heading	RTC - Return to Compliance

**130208 GDR 0 - General Discharge Requirements**

Requirement	Status RTC	Results or Comments	Req Source Ref # Req. Type
Notification of Non-Compliance.	S		DST 120001 17 T
Access to Information.	S		DST 120001 23 T
Did the permittee allow an authorized representative of the Department, upon the presentation of credentials, to enter upon a person's premises, for purposes of inspection, and to access / copy any records that must be kept under the conditions of this permit? [N.J.A.C. 7:14A- 2.11]	IC		DST 120001 24 T

**130208 RVR 0 - Vehicle Recycling Stormwater (GP)**

Requirement	Status RTC	Results or Comments	Req Source Ref # Req. Type
Comply with the vehicle parts storage requirement of the permit by removing the remaining parts pile in the northwest portion of the property from contact with stormwater within 90 calendar days of receipt of this notice [N.J.A.C. 7:14A- 6]	ON	Failure to store vehicle parts as required by the permit. See below	PEA 210001 T
Immediately implement the vehicle fluid draining and dismantling permit requirement [N.J.A.C. 7:14A- 6]	ON	Failure to implement the vehicle fluid draining and dismantling permit requirements. See below	PEA 210001 T
Stormwater Pollution Prevention Plan (SPPP).	S		DST 120001 2 T
SPPP Recordkeeping.	S		DST 120001 16 T
Did the permittee sign the SPPP and retain the original at the facility for use and Department inspection, and make it available for review by the owner/operator of the collection system receiving the stormwater discharge and the public?. [N.J.A.C. 7:14A- 4.9(a)]	IC		DST 120001 17 T
Required Components of the SPPP.	S		DST 120001 24 T

IC - In Compliance	ND - Compliance Not Determined	N - No	NA - Not Applicable	PV - Potential Violation	H - Heading	NI - Not Inspected
NC - No Obvious Concern	ON - Out of Compliance, Non-referred	Y - Yes	OC - Out of Compliance	DC - Data Collection	S - Sub-Heading	RTC - Return to Compliance

## 130208 RVR 0 - Vehicle Recycling Stormwater (GP)

Requirement	Status RTC	Results or Comments	Reqt Source Ref # Reqt. Type
Did the SPPP contain a site map of the process line diagram showing the process of vehicles through inbound vehicle inspection area, fluid draining and dismantling area, vehicle storage parts area, parts cleaning/solvent degreasing, fluid storage, processed vehicle storage, operable vehicle storage, vehicle crusher, proposed and implemented BMPs, structures, concrete pad, oil/water separators, septic systems (if applicable), potable wells (if applicable), and stormwater flow, drainage, outfall and surface water areas of the facility?. [N.J.A.C. 7:14A- 6.2(a)1]	IC		DST 120001 29 T
Did the SPPP include a list of all source materials found anywhere on site that are used, loaded/unloaded, stored, treated and/or disposed?. [N.J.A.C. 7:14A- 6.2(a)1]	IC		DST 120001 48 T
Did the SPPP identify a team leader, spill prevention coordinator, names, titles and responsibilities of its members? . [N.J.A.C. 7:14A- 6.2(a)1]	IC		DST 120001 50 T
Did the SPPP establish a minimum quarterly regular inspection schedule to verify that the BMPs are being implemented? . [N.J.A.C. 7:14A-24.9(a)2i]	IC		DST 120001 54 T
Did the SPPP include a detailed inspection log according to permit requirements?. [N.J.A.C. 7:14A- 6.2(a)1]	IC		DST 120001 56 T
Did the permittee conduct annual inspections of the facility and prepare and maintain on site an annual report according to permit requirements on or before October 1?. [N.J.A.C. 7:14A-24.9(a) 2ii]	IC		DST 120001 58 T
Are the annual reports and certifications maintained on-site with the SPPP for a period of at least five years?. [N.J.A.C. 7:14A-11.2(a)3iii]	IC		DST 120001 68 T
Site-Specific Best Management Practices (BMPs) .	H		DST 120001 69 T
BMP - Inbound Vehicle Inspection Area.	S		DST 120001 70 T

IC - In Compliance	ND - Compliance Not Determined	N - No	NA - Not Applicable	PV - Potential Violation	H - Heading	NI - Not Inspected
NC - No Obvious Concern	ON - Out of Compliance, Non-referred	Y - Yes	OC - Out of Compliance	DC - Data Collection	S - Sub-Heading	RTC - Return to Compliance



## 130208 RVR 0 - Vehicle Recycling Stormwater (GP)

Requirement	Status RTC	Results or Comments	Reqt Source Ref # Reqt. Type
Are all vehicles inspected for evidence of discharges and stored with hoods down upon arrival in a designated Inbound Vehicle Inspection Area, and are all leaks contained? . [N.J.A.C. 7:14A- 6.2(b)1]	DC	Reportedly	DST 120001 71 T
BMP - Fluid Draining and Dismantling Area.	S		DST 120001 76 T
Are all fluid draining and parts that contain fluids in an area that is either indoors; on an impervious, bermed surface; under permanent cover; or where stormwater must be collected or drain in a manner that does not discharge to surface water or ground water? . [N.J.A.C. 7:14A- 6.2(b)1]	OC	Failure to implement Fluid Draining and Dismantling Area BMPs in accordance with the Permit. Specifically, engines which leaked/were leaking were stored in multiple locations allowing fluids to escape containment and be exposed to stormwater	DST 120001 77 T
Are all fluids drained from vehicles in the Fluid Draining and Dismantling Area? . [N.J.A.C. 7:14A- 6.2(b)1]	OC	Failure to implement Fluid Draining and Dismantling Area BMPs in accordance with the Permit. Engines were observed in multiple locations leaking fluids outside of containment allowing exposure to stormwater	DST 120001 78 T
Are mercury switches and batteries, removed from vehicles prior to leaving the designated Fluid Draining and Dismantling Area and properly stored and/or disposed of? . [N.J.A.C. 7:14A- 6.2(b)1]	OC	Failure to properly store batteries in accordance with the Permit. Specifically, batteries were observed exposed to stormwater	DST 120001 83 T
BMP - Vehicle Parts Storage Area.	S		DST 120001 85 T
Are all engine blocks; cores; transmission/drive components; components with fuel, filter(s), coolant or lubricant residues and other oily materials either indoors, in leak-proof containers under cover, on a bermed impervious surface under cover, or in an area where stormwater is discharged into a properly maintained oil/water separator?. [N.J.A.C. 7:14A- 6.2(b)1]	OC	Failure to implement Vehicle Parts Storage Area BMPs in accordance with the Permit. Specifically, engines, transmissions, and axles were observed stored in contact with stormwater. Furthermore, the remaining parts pile in the northwest portion of the facility remained exposed to stormwater	DST 120001 86 T
BMP - Parts Cleaning/Solvent Degreasing.	S		DST 120001 90 T

IC - In Compliance	ND - Compliance Not Determined	N - No	NA - Not Applicable	PV - Potential Violation	H - Heading	NI - Not Inspected
NC - No Obvious Concern	ON - Out of Compliance, Non-referred	Y - Yes	OC - Out of Compliance	DC - Data Collection	S - Sub-Heading	RTC - Return to Compliance

## 130208 RVR 0 - Vehicle Recycling Stormwater (GP)

Requirement	Status RTC	Results or Comments	Req Source Ref # Req. Type
Is all cleaning and degreasing of parts performed indoors, in leak-proof containers on an impervious surface and under cover?. [N.J.A.C. 7:14A- 6.2(b)1]	DC	No cleaning observed during the inspection	DST 120001 91 T
BMP - Fluid Storage Area.	S		DST 120001 93 T
Are all fluids stored in a designated Fluid Storage Area that is either indoors, or on a contained/bermed impervious surface under cover? . [N.J.A.C. 7:14A- 6.2(b)1]	IC		DST 120001 94 T
Are all drained fluid(s) placed in leak-proof containers with secondary containment and labeled for easy identification of contents?. [N.J.A.C. 7:14A- 6.2(b)1]	DC	Reportedly	DST 120001 95 T
BMP - Processed Vehicle Storage Area.	S		DST 120001 99 T
Are sealed, units leak-free and drained vehicles stored in the Processed Vehicle Storage Area drained of fluids and with hoods down?. [N.J.A.C. 7:14A- 6.2(b)1]	ON	Failure implement Processed Vehicle Storage Area BMPs in accordance with the Permit. See above	DST 120001 100 T
BMP - Operable Vehicle Storage Area.	S		DST 120001 108 T
Are all operable vehicles not leaking fluids, and stored in a designated area with their hoods down or with the engine compartment covered?. [N.J.A.C. 7:14A- 6.2(b)1]	DC	Reportedly	DST 120001 109 T
BMP - Facility Hydraulic Equipment.	S		DST 120001 112 T
All hydraulic equipment (e.g. front end loader) shall be maintained to prevent leaks and hydraulic line ruptures (e.g., routine and preventative maintenance). Hydraulic hoses shall be inspected quarterly for cracks or leaks where inspections shall be documented in the SPPP inspection report. [N.J.A.C. 7:14A- 6.2(b)1]	OC	Failure to implement Facility Hydraulic Equipment BMPs in accordance with the Permit. Specifically, an excavator was observed to have leaked fluids to the ground exposed to stormwater	DST 120001 116 T
BMP - Spill Prevention and Response	S		DST 120001 117 T

IC - In Compliance	ND - Compliance Not Determined	N - No	NA - Not Applicable	PV - Potential Violation	H - Heading	NI - Not Inspected
NC - No Obvious Concern	ON - Out of Compliance, Non-referred	Y - Yes	OC - Out of Compliance	DC - Data Collection	S - Sub-Heading	RTC - Return to Compliance

## 130208 RVR 0 - Vehicle Recycling Stormwater (GP)

Requirement	Status RTC	Results or Comments	Reqt Source Ref # Reqt. Type
Are all impervious surfaces and bermed areas regularly maintained and kept free of fluids? . [N.J.A.C. 7:14A- 6.2(b)1]	OC	Failure to implement Spill Prevention and Response BMPs in accordance with the Permit. Specifically, the dismantling/fluid storage bay was not found to be maintained and allowed fluids to be carried outside of the bay in contact with stormwater. Furthermore, fluids leaked to the ground and exposed to stormwater from sources including, but not limited to, engines, parts, and an excavator, were not addressed as required by the permit	DST 120001 118 T
Are Spill Kits kept in central areas and accessible to all employees and dedicated spill kits kept in all Inbound Vehicle Inspection Areas, the Fluid Draining and Dismantling Areas, and the Fluid Storage Area?. [N.J.A.C. 7:14A- 6.2(b)1]	DC	Reportedly	DST 120001 119 T
Are all employees trained annually on spill response where the date of training is documented in the SPPP? . [N.J.A.C. 7:14A- 6.2 (b)1]	IC		DST 120001 120 T
BMP - Site Stabilization and Dust Control; Erosion Control .	S		DST 120001 124 T
Does the facility prevent or minimize disturbance of unstabilized areas to prevent disturbance of vegetative covers and/or other dust control mechanisms?. [N.J.A.C. 7:14A- 6.2(b)1]	IC		DST 120001 125 T
Does the facility conduct entrance/exit stabilization to prevent or minimize transport of sediment, dust or any pollutant outside the property line?. [N.J.A.C. 7:14A- 6.2(b)1]	IC		DST 120001 129 T
Facility Management.	H		DST 120001 132 T
Discharge Requirements.	S		DST 120001 133 T
Does the facility routinely visually monitor its effluent? Does the stormwater to surface water and/or the ground exhibit a visible sheen, foam, odor or other discoloration associated with the regulated activity? . [N.J.A.C. 7:14A-12.8(c)]	DC	Reportedly	DST 120001 134 T

IC - In Compliance	ND - Compliance Not Determined	N - No	NA - Not Applicable	PV - Potential Violation	H - Heading	NI - Not Inspected
NC - No Obvious Concern	ON - Out of Compliance, Non-referred	Y - Yes	OC - Out of Compliance	DC - Data Collection	S - Sub-Heading	RTC - Return to Compliance



IC - In Compliance	ND - Compliance Not Determined	N - No	NA - Not Applicable	PV - Potential Violation	H - Heading	NI - Not Inspected
NC - No Obvious Concern	ON - Out of Compliance, Non-referred	Y - Yes	OC - Out of Compliance	DC - Data Collection	S - Sub-Heading	RTC - Return to Compliance



# State of New Jersey

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### CENTRAL BUREAU OF WATER COMPLIANCE AND ENFORCEMENT

401 East State Street

P.O. Box 420, Mail Code 44-03

Trenton, New Jersey 08625-0420

Tel. (609) 292-3010 • Fax. (609) 292-6450

**PHILIP D. MURPHY**  
*Governor*

**SHAWN M. LATOURETTE**  
*Commissioner*

**SHEILA Y. OLIVER**  
*Lt. Governor*

## NOTICE OF VIOLATION

EA ID #: PEA220001 - 130208

Name of violator: Hawks Auto & Truck Recycling  
Location: 65 Muirhead Avenue, Trenton City, New Jersey 08638  
Identifying #: 130208  
Person interviewed and title: Brian Hawkins, Jr., Manager, James Ford, Driver

You are hereby NOTIFIED that during a compliance evaluation at the above location on June 1, 2022 the following violations of the New Jersey Water Pollution Control Act (N.J.S.A. 58:10A-1 et seq.) and the New Jersey Pollutant Discharge Elimination System regulations (N.J.A.C. 7:14A-1 et seq. were observed.

Requirement: Pursuant to N.J.A.C. 7:14A- 6.2(b)1, after being drained, all engine blocks, cores, transmission/drive components, components with fuel, filter(s), coolant or lubricant residues and other oily materials shall be managed in any of the following four ways: 1) indoors, 2) in leak-proof containers under cover, 3) on a bermed impervious surface under cover, or 4) in an area where stormwater is discharged into a properly maintained oil/water separator. If the permittee chooses to route stormwater from this area through an oil/water separator, the discharge into the oil/water separator cannot contain coolant or other materials that are not effectively removed by the oil/water separator.

Description of Noncompliance: Failure to implement Vehicle Parts Storage Area BMPs in accordance with the Permit. Specifically, engines, transmissions, and axles were observed stored in contact with stormwater. Furthermore, the remaining parts pile in the northwest portion of the facility remained exposed to stormwater.

Requirement: Pursuant to N.J.A.C. 7:14A- 6.2(b)1, all hydraulic equipment shall be maintained to prevent leaks and hydraulic line ruptures. Hydraulic hoses shall be inspected quarterly for cracks or leaks where inspections shall be documented in the SPPP inspection report.

Description of Noncompliance: Failure to implement Facility Hydraulic Equipment BMPs in accordance with the Permit. Specifically, an excavator was observed to have leaked fluids to the ground exposed to stormwater.

Requirement: Pursuant to N.J.A.C. 7:14A- 6.2(b)1, all fluid draining and dismantling of parts that contain fluids shall occur in a designated area that is either: 1) indoors, 2) on an impervious surface (e.g. concrete pad) that is contained (e.g. bermed) and under cover, or 3) stormwater must be collected or drain in a manner that does not discharge to surface water or ground water.

Description of Noncompliance: Failure to implement Fluid Draining and Dismantling Area BMPs in accordance with the Permit. Specifically, engines which leaked/were leaking were stored in multiple locations allowing fluids to escape containment and be exposed to stormwater.

Requirement: Pursuant to N.J.A.C. 7:14A- 6.2(b)1, fluids shall be drained from vehicles in the Fluid Draining and Dismantling Area. Fluids include, but are not limited to: fuel(s), engine oil(s), coolant(s), brake fluid(s), power steering fluid(s), transmission fluid(s) and wiper fluid(s).

Description of Noncompliance: Failure to implement Fluid Draining and Dismantling Area BMPs in accordance with the Permit. Engines were observed in multiple locations leaking fluids outside of containment allowing exposure to stormwater.

Requirement: Pursuant to N.J.A.C. 7:14A- 6.2(b)1, mercury switches shall be removed from vehicles prior to leaving the designated Fluid Draining and Dismantling Area.

Description of Noncompliance: Failure to properly store batteries in accordance with the Permit. Specifically, batteries were observed exposed to stormwater.

Requirement: Pursuant to N.J.A.C. 7:14A- 6.2(b)1, all impervious surfaces and bermed areas shall be regularly maintained and kept free of fluids.

Description of Noncompliance: Failure to implement Spill Prevention and Response BMPs in accordance with the Permit. Specifically, the dismantling/fluid storage bay was not found to be maintained and allowed fluids to be carried outside of the bay in contact with stormwater. Furthermore, fluids leaked to the ground and exposed to stormwater from sources including, but not limited to, engines, parts, and an excavator, were not addressed as required by the permit.

See Appendix A for images of the above violations.

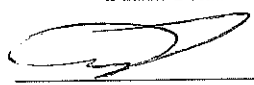
You must take the following corrective actions:

Hawks Auto & Truck Recycling  
PEA220001 - 130208  
Page 3 of 3

1. Implement Vehicle Parts Storage Area BMPs in accordance with the permit within 30 calendar days of receipt of this Notice. After being drained per the permit, all engine blocks, cores, transmission/drive components, components with fuel, filters, coolant or lubricant residues and other oily materials shall be managed in any of the following ways: 1) indoors; 2) in leak-proof containers under cover; 3) on a bermed impervious surface under cover, or 4) in an area where stormwater is discharged into a properly maintained oil/water separator. [N.J.A.C. 7:14A- 6]
2. Implement Facility Hydraulic Equipment BMPs in accordance with the Permit within 5 calendar days of receipt of this correspondence inclusive of, but not limited to, eliminating and addressing the excavator leak depicted in Appendix A [N.J.A.C. 7:14A- 6]
3. Within 30 calendar days of receipt of this Notice, Hawks shall remove and properly dispose of all fluids leaked on the floor of the dismantling bay and address areas where fluids leaked onto the ground as required by the permit [N.J.A.C. 7:14A- 6]
4. Fluids shall immediately be drained from vehicles in the Fluid Draining and Dismantling Area as required by the permit [N.J.A.C. 7:14A- 6]
5. Hawks shall immediately store batteries in a location not exposed to stormwater as required by the permit. [N.J.A.C. 7:14A- 6]
6. Hawks shall immediately drain and dismantle parts that contain fluids in a designated area that is either: 1) indoors; 2) on an impervious surface (e.g. concrete pad) that is contained (e.g. bermed) and under cover, or 3) stormwater must be collected or drain in a manner that does not discharge to surface water or ground water. [N.J.A.C. 7:14A- 6]

Within 30 calendar days of receipt of this Notice of Violation, you shall submit in writing to the individual issuing this notice, an explanation of the corrective measures you have taken or will take to achieve compliance.

This Notice of Violation serves as notice that the NJDEP, Water Compliance and Enforcement, has determined that a violation has occurred. It does not constitute final agency action and may not be appealed or contested. The issuance of this Notice or compliance therewith does not preclude the State of New Jersey or any of its agencies from initiating formal administrative and/or judicial enforcement action (including assessment of penalties), with respect to the violations listed above or for any other violations. You **may** appeal or contest such formal actions. Violations of the above regulations are subject to penalties of up to \$50,000 per day/offense.

Issued by: Anthony Rotundo Date: 7/13/22  
Print Name  
Signature:   
Sign Name

## Exhibit F



## State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION  
CENTRAL BUREAU OF WATER COMPLIANCE & ENFORCEMENT

401 East State Street  
P.O. Box 420, Mail Code 44-03  
Trenton, New Jersey 08625-0420  
Tel. (609) 292-3010

SHAWN M. LATOURETTE  
*Commissioner*

PHILIP D. MURPHY  
*Governor*

SHEILA Y. OLIVER  
*Lt. Governor*

**CERTIFIED MAIL/RRR**  
**7020 3160 0000 6209 2277**

November 3, 2022

Brian Hawkins Sr., Owner  
Hawks Auto and Truck Recycling  
65 Muirhead Avenue  
Trenton, N.J. 08638

RE: Administrative Order and Notice of Civil Administrative Penalty Assessment,  
Activity # PEA220002  
Hawks Auto and Truck Recycling ("Hawks" formerly Trenton Auto Recyclers)  
NJPDES No. NJG0140279 -RVR, PIID#130208  
City of Trenton / Mercer County

Dear Mr. Hawkins:

Enclosed for service upon you is an Administrative Order and Notice of Civil Administrative Penalty Assessment (AONOCAPA) issued by the Department. Contained within the enclosed document is a notice and instructions for requesting an Administrative Hearing. **Failure to request a hearing within 20 days as per the instructions, will result in loss of your right to a hearing.**

If multiple respondents are named, each respondent interested in contesting the AONOCAPA must individually file an Administrative Hearing Request Checklist and Tracking Form. The Administrative Hearing Request Checklist and Tracking Form is enclosed with this letter.

If you have any questions concerning the enclosed AONOCAPA you may contact Anthony Rotondo, of my staff at, (609) 292-3010 or by letter at the above address.

Sincerely,

A handwritten signature in black ink, appearing to read "A. Belonzi".

A. Raimund Belonzi, Chief  
Central Bureau of  
Water Compliance & Enforcement

Enclosure



# State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION  
CENTRAL BUREAU OF WATER COMPLIANCE & ENFORCEMENT  
401 East State Street  
P.O. Box 420, Mail Code 44-03  
Trenton, New Jersey 08625-0420  
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**PHILIP D. MURPHY**  
*Governor*

**SHEILA Y. OLIVER**  
*Lt. Governor*

**SHAWN M. LATOURETTE**  
*Commissioner*

## CERTIFIED MAIL/RRR

IN THE MATTER OF  
Hawks Auto & Truck Recycling  
65 Muirhead Avenue  
Trenton, New Jersey 08638

: ADMINISTRATIVE ORDER  
:  
: AND  
: NOTICE OF CIVIL ADMINISTRATIVE  
: PENALTY ASSESSMENT  
:  
:

EA ID # PEA220002 - 130208

This Administrative Order and Notice of Civil Administrative Penalty Assessment (hereinafter "AONOCAPA") is issued pursuant to the authority vested in the Commissioner of the New Jersey Department of Environmental Protection (hereinafter "NJDEP" or the "Department") by N.J.S.A. 13:1D-1 et seq., and the New Jersey Water Pollution Control Act (hereinafter the "Act"), N.J.S.A. 58:10A-1 et seq., the New Jersey Water Pollution Control Act regulations, N.J.A.C. 7:14-1 et seq., and the New Jersey Pollutant Discharge Elimination System regulations, and duly delegated to the Assistant Commissioner of Compliance and Enforcement and her assignees, pursuant to N.J.S.A.13:1B-4.

## FINDINGS

1. Hawks Auto & Truck Recycling owns and/or operates a vehicle dismantling facility located at 65 Muirhead Avenue, Trenton City, Mercer County, New Jersey.
2. The Department issued a New Jersey Pollutant Discharge Elimination System ("NJPDES") Vehicle Recycling Stormwater Discharge Permit No. #NJG0140279 ("the Permit") to Hawks Auto & Truck Recycling ("Hawks") effective on October 1, 2012.
3. Pursuant to the Permit, Hawks discharges pollutants, as defined by N.J.A.C. 7:14A-1.2, into the waters of the State.
4. No person shall discharge any pollutant except in conformity with a valid NJPDES Permit issued pursuant to the New Jersey Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq.
5. As the result of an inspection of Hawks by NJDEP personnel on January 30, 2020, the Department determined that Hawks failed to comply with applicable requirements as follows:



Requirement: Pursuant to the Permit, the Fluid Storage Area shall be either: 1) indoors, or 2) on an impervious surface (e.g. concrete pad) that is contained (e.g. bermed) and under cover.

Description of Noncompliance: Failure to implement Fluid Storage Area BMPs in accordance with the Permit.

Requirement: Pursuant to the Permit, after being drained per the Permit, all engine blocks; cores; transmission/drive components; components with fuel, filter(s), coolant or lubricant residues and other oily materials shall be managed in any of the following four (4) ways: 1) indoors, 2) in leak-proof containers under cover, 3) on a bermed impervious surface under cover, or 4) in an area where stormwater is discharged into a properly maintained oil/water separator. If the permittee chooses to route stormwater from this area through an oil/water separator, the discharge into the oil/water separator cannot contain coolant or other materials that are not effectively removed by the oil/water separator.

Description of Noncompliance: Failure to implement Vehicle Parts Storage Area BMPs in accordance with the Permit.

Requirement: Pursuant to the Permit, all fluid draining and dismantling of parts that contain fluids shall occur in a designated area that is either: 1) indoors; 2) on an impervious surface (e.g. concrete pad) that is contained (e.g. bermed) and under cover; or 3) stormwater must be collected or drain in a manner that does not discharge to surface water or ground water.

Description of Noncompliance: Failure to implement Fluid Draining and Dismantling Area BMPs in accordance with the Permit.

Requirement: Pursuant to the Permit, fluids shall be drained from vehicles in the Fluid Draining and Dismantling Area. Fluids include, but are not limited to: fuel(s), engine oil(s), coolant(s), brake fluid(s), power steering fluid(s), transmission fluid(s) and wiper fluid(s).

Description of Noncompliance: Failure to implement Fluid Draining and Dismantling Area BMPs in accordance with the Permit.

Requirement: Pursuant to the Permit, all drained fluid shall be stored in a designated Fluid Storage Area.

Description of Noncompliance: Failure to implement Fluid Storage Area BMPs in accordance with the Permit.

6. A Notice of Violation was issued to Hawks on January 30, 2020 ("January 30, 2020 NOV") by NJDEP personnel for the violations specified in Finding 5 above requiring the submittal of a response within 14 calendar days of receipt of the January 30, 2020 NOV and for Hawks to comply with the permit.
7. No response to the January 30, 2020 NOV has been received by the Department.
8. As the result of an inspection of Hawks by NJDEP personnel on June 8, 2021, the Department



determined that Hawks failed to comply with applicable requirements as follows:

Requirement: Pursuant to the Permit, after being drained all engine blocks, cores, transmission/drive components, components with fuel, filter(s), coolant or lubricant residues and other oily materials shall be maintained indoors, in leak-proof containers under cover, on a bermed impervious surface under cover, or in an area where stormwater is discharged into a properly maintained oil/water separator.

Description of Noncompliance: Failure to implement Vehicle Parts Storage Area BMPs in accordance with the Permit.

Requirement: Pursuant to the Permit, fluids shall be drained from vehicles in the Fluid Draining and Dismantling Area.

Description of Noncompliance: Failure to implement Fluid Draining and Dismantling Area BMPs in accordance with the Permit. Specifically, a Jitney was observed leaking fluids outside of the draining and dismantling area.

9. A Notice of Violation was issued to Hawks on July 20, 2021 ("July 20, 2021 NOV") by NJDEP Personnel for the violations specified in Finding 8 above requiring Hawks to comply with the vehicle parts storage requirement of the permit by removing the remaining parts pile in the northwest portion of the property from contact with stormwater within 90 calendar days of receipt of the July 20, 2021 NOV and to immediately implement the vehicle fluid draining and dismantling permit requirement.
10. No response to the July 20, 2021 NOV has been received by the Department.
11. As the result of an inspection of Hawks by NJDEP personnel on June 1, 2022, the Department determined that Hawks failed to comply with applicable requirements as follows:

Requirement: Pursuant to the Permit, after being drained per C.2. above, all engine blocks; cores; transmission/drive components; components with fuel, filter(s), coolant or lubricant residues and other oily materials shall be managed in any of the following four (4) ways: 1) indoors, 2) in leak-proof containers under cover, 3) on a bermed impervious surface under cover, or 4) in an area where stormwater is discharged into a properly maintained oil/water separator. If the permittee chooses to route stormwater from this area through an oil/water separator, the discharge into the oil/water separator cannot contain coolant or other materials that are not effectively removed by the oil/water separator.

Description of Noncompliance: Failure to implement Vehicle Parts Storage Area BMPs in accordance with the Permit. Specifically, engines, transmissions, and axles were observed stored in contact with stormwater. Furthermore, the remaining parts pile in the northwest portion of the facility remained exposed to stormwater.

Requirement: Pursuant to the Permit, all fluid draining and dismantling of parts that contain

fluids shall occur in a designated area that is either: 1) indoors; 2) on an impervious surface (e.g. concrete pad) that is contained (e.g. bermed) and under cover; or 3) stormwater must be collected or drain in a manner that does not discharge to surface water or ground water.

Description of Noncompliance: Failure to implement Fluid Draining and Dismantling Area BMPs in accordance with the Permit. Specifically, engines which leaked/were leaking were stored in multiple locations allowing fluids to escape containment and be exposed to stormwater.

Requirement: Pursuant to the Permit, all hydraulic equipment (e.g. front end loader) shall be maintained to prevent leaks and hydraulic line ruptures (e.g., routine and preventative maintenance). Hydraulic hoses shall be inspected quarterly for cracks or leaks where inspections shall be documented in the SPPP inspection report.

Description of Noncompliance: Failure to implement Facility Hydraulic Equipment BMPs in accordance with the Permit. Specifically, an excavator was observed to have leaked fluids to the ground exposed to stormwater.

12. A Notice of Violation was issued to Hawks on July 29, 2022 ("July 29, 2022 NOV") by NJDEP personnel for the violations specified in Finding 11 above requiring Hawks to:
  - a. Implement Vehicle Parts Storage Area BMPs in accordance with the permit within 30 calendar days of receipt of this Notice. After being drained per the permit, all engine blocks, cores, transmission/drive components, components with fuel, filters, coolant or lubricant residues and other oily materials shall be managed in any of the following ways: 1) indoors; 2) in leak-proof containers under cover; 3) on a bermed impervious surface under cover, or 4) in an area where stormwater is discharged into a properly maintained oil/water separator.
  - b. Implement Facility Hydraulic Equipment BMPs in accordance with the Permit within 5 calendar days of receipt of this correspondence inclusive of, but not limited to, eliminating and addressing the excavator leak depicted in Appendix A of the Notice.
  - c. Within 30 calendar days of receipt of this Notice, Hawks shall remove and properly dispose of all fluids leaked on the floor of the dismantling bay and address areas where fluids leaked onto the ground as required by the permit.
  - d. Fluids shall immediately be drained from vehicles in the Fluid Draining and Dismantling Area as required by the permit.
  - e. Hawks shall immediately store batteries in a location not exposed to stormwater as required by the permit.
  - f. Hawks shall immediately drain and dismantle parts that contain fluids in a designated area that is either: 1) indoors; 2) on an impervious surface (e.g. concrete pad) that is contained (e.g. bermed) and under cover, or 3) stormwater must be collected or drain in a manner that does not discharge to surface water or ground water.
13. No response to the July 20, 2021 NOV has been received by the Department.
14. Based on the facts set forth in these FINDINGS, the Department has determined that Hawks

Hawks Auto & Truck Recycling  
PEA220002 - 130208  
Page 5 of 9

Auto & Truck Recycling has violated the Permit, Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq., and the regulations promulgated pursuant thereto, specifically N.J.A.C. 7:14A-6.2(b)1.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

15. Hawks Auto & Truck Recycling shall comply with the following:

- a. Implement Vehicle Parts Storage Area BMPs in accordance with the Permit within 30 calendar days of receipt of this Order. After being drained per the Permit, all engine blocks, cores, transmission/drive components, components with fuel, filters, coolant or lubricant residues and other oily materials shall be managed in any of the following ways: 1) indoors; 2) in leak-proof containers under cover; 3) on a bermed impervious surface under cover, or 4) in an area where stormwater is discharged into a properly maintained oil/water separator.
- b. Implement Facility Hydraulic Equipment BMPs in accordance with the Permit within 5 calendar days of receipt of this Order inclusive of, but not limited to, eliminating and addressing the excavator leak depicted in Appendix A of the July 29, 2022 NOV.
- c. Hawks shall immediately drain and dismantle parts that contain fluids in a designated area that is either: 1) indoors; 2) on an impervious surface (e.g. concrete pad) that is contained (e.g. bermed) and under cover, or 3) stormwater must be collected or drain in a manner that does not discharge to surface water or ground water.
- d. Hawks shall immediately store batteries in a location not exposed to stormwater as required by the permit.
- e. Implement Spill Prevention and Response BMPs as required by the permit within 30 calendar days of receipt of this Order.

16. This Order shall be effective upon receipt by Hawks Auto & Truck Recycling or someone on the violator's behalf authorized to accept service.

NOTICE OF CIVIL ADMINISTRATIVE PENALTY ASSESSMENT

AND

NOTICE OF RIGHT TO A HEARING

17. Pursuant to N.J.S.A. 58:10A-10.d and N.J.A.C. 7:14-8.1 et seq., and based upon the above FINDINGS, the Department has determined that a civil administrative penalty is hereby assessed against Hawks Auto & Truck Recycling in the amount of \$20,000.00. The Department's rationale for the civil administrative penalty is set forth in the attachment, and incorporated herein.

18. Pursuant to N.J.S.A. 58:10A-10.d and N.J.A.C. 7:14-8.13, the Department may amend the

Hawks Auto & Truck Recycling  
PEA220002 - 130208  
Page 6 of 9

civil administrative penalty amount for any economic benefit which a violator has realized as a result of not complying with, or by delaying compliance with, the requirements of this Act.

19. Pursuant to N.J.S.A.58:10A-10d(2) and N.J.A.C. 7:14-8.4 et seq., Hawks Auto & Truck Recycling is entitled to request a hearing. Hawks Auto & Truck Recycling shall, in its request for a hearing, complete and submit the herein ADMINISTRATIVE HEARING REQUEST AND CHECKLIST TRACKING FORM along with all required information. Submittal or granting of a hearing request does not stay the terms or effect of this ORDER.
20. If no request for a hearing is received within twenty (20) calendar days from receipt of this AONOCAPA, it shall become a Final Order upon the twenty-first (21st) calendar day following its receipt, and the penalty shall be due and payable.
21. If a timely request for a hearing is received, payment of the penalty is due when Hawks Auto & Truck Recycling receives a notice of the denial of the request, or, if the hearing request is granted, when Hawks Auto & Truck Recycling withdraws the request or abandons the hearing, or, if the hearing is conducted, when Hawks Auto & Truck Recycling receives a final decision from the Commissioner in this matter.
22. Payment shall be made by check payable to Treasurer, State of New Jersey and shall be submitted along with the enclosed Enforcement Invoice to:

Department of Treasury  
Division of Revenue  
P.O. Box 417  
Trenton, NJ 08646-0417

#### GENERAL PROVISIONS

23. This AONOCAPA is binding on Hawks Auto & Truck Recycling, their principals, directors, officers, agents, successors, assigns, employees, tenants, any trustee in bankruptcy or other trustee, and any receiver appointed pursuant to a proceeding in law or equity.
24. No obligations imposed by this AONOCAPA are intended to constitute a debt which should be limited or discharged in a bankruptcy proceeding. All obligations are imposed pursuant to the police powers of the State of New Jersey, intended to protect the public health, safety, welfare and the environment.
25. This AONOCAPA is issued only for the violation(s) identified in the FINDINGS hereinabove and that violations of any statutes, rules or permits other than those herein cited may be cause for additional enforcement actions, either administrative or judicial, being instituted. By issuing this AONOCAPA, NJDEP does not waive its rights to initiate additional enforcement actions.
26. Neither the issuance of this AONOCAPA nor anything contained herein shall relieve Hawks

Hawks Auto & Truck Recycling  
PEA220002 - 130208  
Page 7 of 9

Auto & Truck Recycling of the obligation to comply with all applicable laws, including but not limited to the statutes and regulations cited herein.

27. Pursuant to N.J.S.A. 58:10A-10.d, NJDEP is authorized to assess a civil administrative penalty of not more than \$50,000 for each violation, and each day during which the violation continues shall constitute an additional, separate and distinct offense.
28. Pursuant to N.J.S.A. 58:10A-10.e, any person who violates the provisions of N.J.S.A. 58:10A-1 et seq., or any code, rule, or regulation promulgated pursuant thereto shall be liable to a penalty of not more than \$50,000 per day to be collected in a civil action, and any person who violates an administrative order issued pursuant to N.J.S.A. 58:10A-10.b, including this Administrative Order, or a court order issued pursuant to N.J.S.A. 58:10A-10.c, or who fails to pay a civil administrative penalty assessed pursuant to N.J.S.A. 58:10A-10.d in full after it is due is subject upon order of a court to a civil penalty not to exceed \$50,000 per day of such violations. Each day during which the violation continues constitutes an additional, separate and distinct offense.
29. Pursuant to N.J.S.A. 58:10A-10.f, any person who purposely, knowingly, or recklessly violates this act, and the violation causes a significant adverse environmental effect, shall, upon conviction, be guilty of a crime of the second degree, and shall, notwithstanding the provisions of subsection a. of N.J.S.2C:43-3, be subject to a fine of not less than \$25,000 nor more than \$250,000 per day of violation, or by imprisonment, or by both.

DATE: NOV - 3 2022



A. Raimund Belonzi, Chief  
Central Bureau of  
Water Compliance and Enforcement

Hawks Auto & Truck Recycling  
 PEA220002 - 130208  
 Page 8 of 9

### Administrative Hearing Request Checklist and Tracking Form

I. Document Being Appealed: EA ID # PEA220002 - 130208

#### Date Document Issued

I. Person Requesting Hearing (Each Respondent named in the Enforcement Document, who wants to Contest the Enforcement Document must individually file a hearing request):

\_\_\_\_\_  
 Name/Company

\_\_\_\_\_  
 Name of Attorney (if applicable)

\_\_\_\_\_  
 Address

\_\_\_\_\_  
 Address

\_\_\_\_\_  
 Telephone #

\_\_\_\_\_  
 Telephone #

II. Please Include the Following Information As Part of Your Request:

- A. The date the alleged violator received the Enforcement Document.
- B. **A copy of the Enforcement Document** and a list of all issues being appealed.
- C. An admission or denial of each of the findings of fact, or a statement of insufficient knowledge;
- D. The defenses to each of the findings of fact in the enforcement document;
- E. Information supporting the request;
- F. An estimate of the time required for the hearing;
- G. A request, if necessary, for a barrier-free hearing location for physically disabled persons;
- H. A clear indication of any willingness to negotiate a settlement with the Department prior to the Department's processing of your hearing request to the Office of Administrative Law; and
- I. This form, completed, signed and dated with all of the information listed above, including attachment, to:

1. New Jersey Department of Environmental Protection  
 Office of Legal Affairs  
 Attention: Adjudicatory Hearing Requests  
 401 E. State Street, P.O. Box 402  
 Trenton, New Jersey 08625

2. A. Raimund Belonzi, Chief  
 Central Bureau of  
 Water Compliance & Enforcement  
 Mail Code 44-03  
 PO Box 420  
 Trenton, NJ 08625

3. All co-permittees (w/attachments)

IV. Signature: \_\_\_\_\_ Date: \_\_\_\_\_



Hawks Auto & Truck Recycling  
 PEA220002 - 130208  
 Page 9 of 9

## PENALTY RATIONALE

### Hawks Auto & Truck Recycling

Hawks Auto & Truck Recycling violated the Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq., and the regulations promulgated pursuant thereto, N.J.A.C. 7:14A-1 et seq., as described in the above findings.

In accordance with N.J.A.C. 7:14-8.5(e), the Department may assess a civil administrative penalty against Hawks Auto & Truck Recycling on the basis of the seriousness of the violation and the conduct of the violator at the mid-point of the range stated in N.J.A.C. 7:14-8.5(f).

Pursuant to N.J.A.C. 7:14-8.5(g)3, the Department has assessed the seriousness of the violation as Minor since it was not as described in N.J.A.C. 7:14-8.5(g)1 or N.J.A.C. 7:14-8.5(g)2.

Pursuant to N.J.A.C. 7:14-8.5(h)2, the Department has assessed the conduct as Moderate since the violations were unintentional but foreseeable given the Department's prior notice to Hawks Auto & Truck Recycling as stated in the above findings.

1 Minor Seriousness X 1 Moderate Conduct = \$5,000.00 for the above vehicle parts violation.

1 Minor Seriousness X 1 Moderate Conduct = \$5,000.00 for the above hydraulic equipment.

1 Minor Seriousness X 1 Moderate Conduct = \$5,000.00 for the above vehicle fluids violation.

1 Minor Seriousness X 1 Moderate Conduct = \$5,000.00 for the above spill prevention and response violation.

Therefore, 4 violations x \$5,000 = \$20,000.00

**TOTAL ADMINISTRATIVE PENALTY = \$20,000.00**



## NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

## COMPLIANCE AND ENFORCEMENT

<b>Program Interest</b>	<b>Type of Notice</b>	<b>Amount Due</b>
TRENTON AUTO RECYCLERS	ORIGINAL (NON-INITIAL)	\$ 20,000.00
65 MUIRHEAD AVE	<b>Billing Date</b>	<b>Due Date</b>
Trenton, NJ. 08638	11/01/22	12/01/22
130208	<b>NJEMS Bill ID</b>	000000249570700

## Summary

Total Amount Assessed	20,000.00
Amount Received Before Creating Installment Plan (if installment plans is allowed)	0.00
Amount Transferred To Installment Plan	20,000.00
Installment Amount	0.00
Total Amount Credited	0.00
Total Amount Debited (Other Than Amounts Assessed)	0.00
<b>Total Amount Due</b>	<b>20,000.00</b>

## REMINDER:

YOU CAN PAY THIS BILL ONLINE WITH A CREDIT CARD OR E-CHECK.  
 GO TO [HTTP://WWW.NJ.GOV/DEP/ONLINE](http://WWW.NJ.GOV/DEP/ONLINE) AND CLICK PAY A PAPER INVOICE.  
 THE SYSTEM WILL ASK FOR THE INVOICE NUMBER THAT IS FOUND AT THE TOP-RIGHT CORNER OF THIS BILL.  
 THERE IS NO FEE FOR PAYING VIA E-CHECK; FOR CREDIT CARD USE, 2.0% OF THE TOTAL + \$.50 IS CHARGED.  
 TO PAY BILL BY MAIL SEND A CHECK PAYABLE TO TREASURER-STATE OF NEW JERSEY.  
 WRITE INVOICE NUMBER AND PROGRAM INTEREST NUMBER ON CHECK.  
 RETURN CHECK WITH BOTTOM PORTION OF THIS INVOICE TO THE NJ DEPARTMENT OF TREASURY.  
 IF YOU HAVE QUESTIONS SEE BACK OF INVOICE FOR CONTACT INFORMATION.

See Back Of Page for Billing Inquiries

INVOICE NO.

222238410

D9901F (R 3/14/02)

Let's protect our earth



NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

## COMPLIANCE AND ENFORCEMENT

INVOICE NO.

222238410

NJEMS Bill ID

000000249570700

<b>Program Interest ID</b>	<b>Type of Notice</b>	<b>Billing Date</b>	<b>Due Date</b>	<b>Amount Due</b>
130208	ORIGINAL (NON-INITIAL)	11/01/22	12/01/22	\$ 20,000.00

For name and/or address change, check box and write corrections on the back of this invoice.

**DO NOT FOLD, BEND OR MARK**

Enter the Amount of your payment → \$

**RETURN THIS PORTION**

with your check made payable to:

TREASURER - STATE OF NEW JERSEY  
and mail to:NJ DEPARTMENT OF TREASURY  
DIVISION OF REVENUE  
PO BOX 417  
TRENTON, NJ 08646-0417

95

HAWKS AUTO & TRUCK RECYCLING  
 ATTN: BRIAN HAWKINS  
 65 MUIRHEAD AVE  
 Trenton

NJ 08638-5110

EP1010101010101010010300020008111111002000000000408222384101955



## Exhibit G



# State of New Jersey

PHILIP D. MURPHY  
Governor

DEPARTMENT OF ENVIRONMENTAL PROTECTION  
OFFICE OF ADMINISTRATIVE HEARINGS AND DISPUTE RESOLUTION  
P.O. BOX 420, MAIL CODE 401-07A, TRENTON, NEW JERSEY 08625-0420  
PHONE: 609-322-9700 FAX: 609-984-3488

SHAWN M. LATOURETTE  
Commissioner

TAHESHA I. WAY  
Lt. Governor

November 28, 2023

**VIA REGULAR AND CERTIFIED MAIL (RRR)**

**7010 1870 0001 4760 7425**

Brian Hawkins  
Hawks Auto & Truck Recycling  
65 Muirhead Avenue  
Trenton, NJ 08638


RE: Request for an Adjudicatory Hearing  
HAWKS AUTO & TRUCK RECYCLING  
PEA220002-130208

Dear Mr. Hawkins:

Please be advised that the Department of Environmental Protection, Office of Legal Affairs (Department), has denied the above-referenced adjudicatory hearing request as untimely. Your hearing request was received past the deadline. The Department sent you two letters (attached for your reference) to inform you that your hearing request would be denied unless good cause for the delay could be demonstrated. The Department also requested in the letters an explanation for the delay, the missing items, and any supporting documentation.

This office has not received the requested information. As a result, your hearing request is denied. Therefore, the AONOCAPA is final, and all terms and conditions are in full force and effect and the penalty due and payable to the Department. If you have any questions regarding this denial, please write to me at the following address: Department of Environmental Protection, Office of Administrative Hearings & Dispute Resolution, Mail Code 401-07A, 401 East State Street, P.O. Box 420, Trenton, New Jersey 08625-0420.

Sincerely,

  
Linda L. Taylor  
Director

C: Bryan Barrett (via email)  
Brett Callanan (via email)  
OLA File # 22-0242

Hawks Auto & Truck Recycling 22-0242 Denial



## State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION  
OFFICE OF ADMINISTRATIVE HEARINGS & DISPUTE RESOLUTION  
401 East State Street

PHILIP D. MURPHY  
*Governor*

P.O. Box 420, Mail Code 401-07A  
Trenton, New Jersey 08625-0420  
Tel. (609) 322-9700 • Fax (609) 984-3488  
[www.nj.gov/dep](http://www.nj.gov/dep)

SHAWN M. LATOURETTE  
*Commissioner*

SHEILA Y. OLIVER  
*Lt. Governor*

July 20, 2023

**VIA REGULAR & CERTIFIED MAIL (RRR)**

**7003 0500 0000 6366 3816**

Brian Hawkins  
Hawks Auto & Truck Recycling  
65 Muirhead Avenue  
Trenton, NJ 08638

RE: Request for an Adjudicatory Hearing  
HAWKS AUTO & TRUCK RECYCLING  
PEA220002-130208

Dear Mr. Hawkins:

As previously acknowledged, the Department of Environmental Protection (Department) has received your request for an adjudicatory hearing to contest the above-referenced Administrative Order and Notice of Civil Administrative Penalty Assessment (AONOCAPA) issued by the Department on November 3, 2022. In a letter dated May 19, 2023, our office contacted you requesting clarification of your hearing request, which is needed for this office to make a determination regarding whether this matter arises to a contested case transmittable to the Office of Administrative Law for an administrative hearing, pursuant to N.J.A.C. 1:1-4.1. I have enclosed a copy of that letter. No response was received to the May 19, 2023 letter and your request remains deficient.

Please forward the missing information to the address above within 10 days of the date that you receive this letter. Failure to provide this information will result in the denial of your hearing request.

If you have any questions, please don't hesitate to contact me at [Leslie.McDonough@dep.nj.gov](mailto:Leslie.McDonough@dep.nj.gov) or (609) 322-9700.

Sincerely,

A handwritten signature in black ink, reading "Leslie F. McDonough".

Leslie F. McDonough  
Office of Administrative Hearings  
& Dispute Resolution

Page 2 of 2

c: Danielle Luz (via email)  
OLA File # 22-0242

Hawks Auto & Truck Recycling, 22-0242 (Follow up)







# State of New Jersey

## DEPARTMENT OF ENVIRONMENTAL PROTECTION OFFICE OF ADMINISTRATIVE HEARINGS & DISPUTE RESOLUTION

**PHILIP D. MURPHY**  
Governor

**SHEILA Y. OLIVER**  
Lt. Governor

401 East State Street  
P.O. Box 420, Mail Code 401-07A  
Trenton, New Jersey 08625-0420  
Tel. (609) 322-9700 • Fax (609) 984-3488  
[www.nj.gov/dep](http://www.nj.gov/dep)

**SHAWN M. LATOURETTE**  
Commissioner

May 19, 2023

### VIA REGULAR AND CERTIFIED MAIL/RRR

**7003 0500 0000 6366 3717**

Brian Hawkins  
Hawks Auto & Truck Recycling  
65 Muirhead Avenue  
Trenton, NJ 08638

RE: Request for an Adjudicatory Hearing  
HAWKS AUTO & TRUCK RECYCLING  
PEA220002-130208

Dear Mr. Hawkins:

As previously acknowledged, the Department of Environmental Protection (Department) has received your hearing request in the above referenced matter. The request was submitted in response to the Administrative Order and Notice of Civil Administrative Penalty Assessment (AONOCAPA) issued by the Department on November 3, 2022. Please be advised that your request is deficient because it lacks the following items, which must be included as part of your request as specified on the Administrative Hearing Request Checklist and Tracking Form and as required by N.J.A.C. 7:14-8.4:

- A list of all issues being appealed from the Enforcement Document;
- An admission or denial of each of the findings of fact. If the person requesting the hearing is without knowledge or information sufficient to form a belief as to the truth of a finding, the person shall so state and this shall have the effect of a denial. A denial shall fairly meet the substance of the findings denied. When the person intends in good faith to deny only a part or a qualification of a finding, the person shall specify so much of it as is true and material and deny only the remainder. The person may not generally deny all of the findings of fact, but shall make all denials as specific denials of designated findings. For each finding of fact the person requesting the hearing denies, the person shall state the fact or facts as the violator believes it or them to be, this may be accomplished by an attached document;
- An estimate of the time required for the hearing;
- A request, if necessary, for a barrier-free hearing location for physically disabled persons;

Under the Department's rules, a written request for an adjudicatory hearing must be submitted to the Office of Legal Affairs within 20 days after the violator's receipt of the AONOCAPA, pursuant to N.J.A.C. 7:14-8.4 (a). The Department is not authorized to grant untimely hearing requests except where good cause is established.

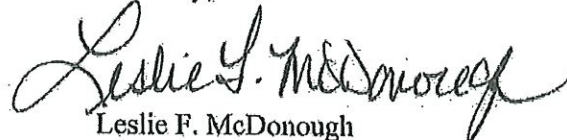
The United States Postal Service tracking information (attached) indicates that the AONOCAPA was received on November 17, 2022. Based on that date, our office should have received your request on or before December 7, 2022. Your request was mailed on December 14, 2022 and received by this office on December 15, 2022. According to the delivery date, our office received this request 8 days after the deadline. Consequently, unless there is good cause for the delay, the Department will be unable to grant the hearing request. If you believe that there is some justification for the delay in submitting this hearing request in the time required under the rules, please provide an explanation and any documentation that you assert should be considered to support this claim to the above address within 20 days of the receipt of this letter.

Based on the information provided in your request, it is unclear whether the matter involves a contested case transmittable to the Office of Administrative Law for a hearing, pursuant to N.J.A.C. 1:1-4.1. Please clarify what part of the AONOCAPA you are contesting, such as a factual issue or the penalty amount, and provide the basis for such issue.

In accordance with N.J.A.C. 7:14-8.4(b), failure to provide the above-listed information may result in the denial of your hearing request.

If you have any questions, please don't hesitate to contact me at [Leslie.McDonough@dep.nj.gov](mailto:Leslie.McDonough@dep.nj.gov) or (609) 322-9700.

Sincerely,



Leslie F. McDonough  
Office of Administrative Hearings  
& Dispute Resolution

c: Danielle Luz(via email)  
OLA File # 22-0242

Hawks Auto. & Truck Recycling, 22-0242 (Deficient)





SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>■ Complete items 1, 2, and 3.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>		<p>A. Signature <b>X</b></p> <p>B. Received by (Printed Name)</p> <p>C. Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>1. Article Addressed to</p> <p>Brian Hawkins Sr., Owner Hawks Auto and Truck Recycling 65 Muirhead Avenue Trenton, NJ 08638</p>		<p>3. Service Type <b>2130208</b></p> <p><input type="checkbox"/> Adult Signature <input type="checkbox"/> Priority Mail Express®  <input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail™  <input type="checkbox"/> Certified Mail® <input type="checkbox"/> Registered Mail Restricted Delivery  <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Signature Confirmation™  <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery  <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery</p>	
<p>2. Article Number (Transfer from service label)</p> <p>7020 3160 0000 6204 2277</p>		<p>PS Form 3811, July 2020 PSN 7530-02-000-9053 <b>AR ADOGARA</b> 11/3/22 Domestic Return Receipt</p>	

U.S. Postal Service™  
**CERTIFIED MAIL® RECEIPT**  
Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

Certified Mail Fee  
\$ **2130208**

Extra Services & Fees (check box, add fee as appropriate)

☐ Return Receipt (hardcopy)  
☐ Return Receipt (electronic)  
☐ Certified Mail Restricted Delivery  
☐ Adult Signature Required  
☐ Adult Signature Restricted Delivery

Postage  
\$

Total P  
\$

Sent To  
Brian Hawkins Sr., Owner  
Hawks Auto and Truck Recycling  
65 Muirhead Avenue  
Trenton, NJ 08638

PS Form 3811, July 2020 PSN 7530-02-000-9053 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>■ Complete items 1, 2, and 3.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>		<p>A. Signature <b>X</b></p> <p>B. Received by (Printed Name)</p> <p>C. Date of Delivery <b>11/3/22</b></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>1. Article Addressed to</p> <p>Brian Hawkins Sr., Owner Hawks Auto and Truck Recycling 65 Muirhead Avenue Trenton, NJ 08638</p>		<p>3. Service Type <b>2130208</b></p> <p><input type="checkbox"/> Adult Signature <input type="checkbox"/> Priority Mail Express®  <input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail™  <input type="checkbox"/> Certified Mail® <input type="checkbox"/> Registered Mail Restricted Delivery  <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Signature Confirmation™  <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery  <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery</p>	
<p>2. Article Number (Transfer from service label)</p> <p>7020 3160 0000 6204 2277</p>		<p>PS Form 3811, July 2020 PSN 7530-02-000-9053 <b>AR ADOGARA</b> 11/3/22 Domestic Return Receipt</p>	

# USPS Tracking®

[FAQs >](#)

Tracking Number:

[Remove X](#)**70203160000062092277**[Copy](#)[Add to Informed Delivery \(https://informedelivery.usps.com/\)](https://informedelivery.usps.com/)

## Latest Update

Your item was delivered to an individual at the address at 3:44 pm on November 17, 2022 in TRENTON, NJ 08638.

**Get More Out of USPS Tracking:****USPS Tracking Plus®**

### Delivered

**Delivered, Left with Individual** ✓

TRENTON, NJ 08638

November 17, 2022, 3:44 pm

[See All Tracking History](#)

Feedback

**Text & Email Updates** ✓**USPS Tracking Plus®** ✓**Product Information** ✓[See Less ^](#)

Track Another Package



## Exhibit H



## State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION  
DIVISION OF WATER ENFORCEMENT  
CENTRAL REGION

P.O. Box 420, Mail code 44-03  
Trenton, New Jersey 08625-0420  
Tel (609) 292-3010 Fax. (609) 777-0432  
[www.nj.gov/dep](http://www.nj.gov/dep)

**PHILIP D. MURPHY**  
*Governor*

**SHEILA Y. OLIVER**  
*Lt. Governor*

**SHAWN M. LATOURETTI**  
*Commissioner*

7/10/23

Brian Hawkins Sr., Owner  
Hawks Auto and Truck Recycling  
65 Muirhead Avenue  
Trenton, N.J. 08638

RE: Compliance Evaluation and Assistance Inspection, Activity # SCI230001  
Hawks Auto and Truck Recycling ("Hawks" formerly Trenton Auto Recyclers)  
NJPDES No. NJG0140279 -RVR, PIID#130208  
City of Trenton / Mercer County

Dear Mr. Hawkins:

A Compliance Evaluation and Assistance Inspection of the above referenced facility was conducted by a representative of this Bureau on June 20, 2023. A copy of the completed checklist is enclosed for your review. Note that you may also review your inspection report, as well as many other DEP reports, online at [www.nj.gov/dep/inspections](http://www.nj.gov/dep/inspections). This website also gives you the opportunity to provide us feedback about our operations. We would appreciate your input and will seek to share these results with you.

Hawk's continued failure to implement Vehicle Parts Storage Area BMPs, in accordance with the Permit where the parts pile in the northwest portion of the facility is still exposed to stormwater, has caused your facility to remain in violation of your NJPDES permit and/or the Water Pollution Control Act.

You are advised that the New Jersey Water Pollution Control Act (N.J.S.A. 58:10A-1 *et seq.*) provides for substantial penalties in cases of permit violations. Therefore, your prompt attention to this matter is anticipated. Please provide an update to this writer within 30 calendar days of receipt of this correspondence detailing Hawk's progress in addressing the above. You may contact this writer at 609-439-9524, email at [anthony.rotondo@dep.nj.gov](mailto:anthony.rotondo@dep.nj.gov), or by letter through this Bureau, if you have any questions.

Sincerely,

Anthony Rotondo  
Environmental Specialist III

Enclosure

10/22/2024 2:05:38 PM Pg 82 of 88 Trans ID: CHC2024323842

## Compliance Evaluation Summary and Checklist with Included flag sorted by PI

Date Printed: 7/10/2023

Activity: SCI 230001 \*Standard Compliance Inspection (130208)

Title Description: FY23 Inspection

Start Date/Time: 06/20/2023

End Date/Time:

Program Interest: TRENTON AUTO RECYCLERS  
130208 (NJPDDES)  
65 MUIRHEAD AVE,  
TRENTON CITY, MERCER COUNTY

Mailing Address: 65 MUIRHEAD AVE Trenton NJ 08638

Responsibility Entity(s)      Program Interests included in Inspection:

Hawks Auto & truck      130208 (Njpdcs)  
Recycling

Block(s) and Lot(s): No Block and Lot

<u>Lead Investigator</u>	<u>Other Investigators</u>	<u>Persons Interviewed</u>	<u>Witnesses</u>
Rotondo, Anthony		Brian Hawkins, Owner (609) 516-6630	Brett Callanan, CBWCE

## General Comments

Inspection Attribute(s):

Quantity(s)

Number of Attributes: 0

## 130208 GDR 0 - General Discharge Requirements

Requirement	Status RTC	Results or Comments	Reqt Source Ref # Req. Type
Access to Information.	S		DST 120001 23 T
Did the permittee allow an authorized representative of the Department, upon the presentation of credentials, to enter upon a person's premises, for purposes of inspection, and to access / copy any records that must be kept under the conditions of this permit?. [N.J.A.C. 7:14A- 2.11]	IC		DST 120001 24 T

## 130208 RVR 0 - Vehicle Recycling Stormwater (GP)

IC - In Compliance	ND - Compliance Not Determined	N - No	NA - Not Applicable	PV - Potential Violation	H - Heading	NI - Not Inspected
NC - No Obvious Concern	ON - Out of Compliance, Non-referred	Y - Yes	OC - Out of Compliance	DC - Data Collection	S - Sub-Heading	RTC - Return to Compliance

Requirement	Status RTC	Results or Comments	Reqt Source Ref # Reqt. Type
Hawks shall immediately drain and dismantle parts that contain fluids in a designated area that is either: 1) indoors; 2) on an impervious surface (e.g. concrete pad) that is contained (e.g. bermed) and under cover, or 3) stormwater must be collected or drain in a manner that does not discharge to surface water or ground water. [N.J.A.C. 7:14A- 6]	IC		PEA 220002 T
Implement Vehicle Parts Storage Area BMPs in accordance with the Permit within 30 calendar days of receipt of this Order. After being drained per the Permit, all engine blocks, cores, transmission/drive components, components with fuel, filters, coolant or lubricant residues and other oily materials shall be managed in any of the following ways: 1) indoors; 2) in leak-proof containers under cover; 3) on a bermed impervious surface under cover, or 4) in an area where stormwater is discharged into a properly maintained oil/water separator. [N.J.A.C. 7:14A- 6]	ON	See below	PEA 220002 T
Implement Facility Hydraulic Equipment BMPs in accordance with the Permit within 5 calendar days of receipt of this Order inclusive of, but not limited to, eliminating and addressing the excavator leak depicted in Appendix A [N.J.A.C. 7:14A- 6]	IC		PEA 220002 T
Immediately store batteries in a location not exposed to storm water. [N.J.A.C. 7:14A- 6]	IC		PEA 220002 T
Implement Spill Prevention and Response BMPs as required by the permit within 30 calendar days of receipt of this Order [N.J.A.C. 7:14A- 6.2]	IC		PEA 220002 T
Stormwater Pollution Prevention Plan (SPPP).	S		DST 120001 2 T
SPPP Recordkeeping.	S		DST 120001 16 T
Did the permittee sign the SPPP and retain the original at the facility for use and Department inspection, and make it available for review by the owner/operator of the collection system receiving the stormwater discharge and the public?. [N.J.A.C. 7:14A- 4.9(a)]	IC		DST 120001 17 T
Required Components of the SPPP.	S		DST 120001 24 T

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**130208 RVR 0 - Vehicle Recycling Stormwater (GP)**

Requirement	Status RTC	Results or Comments	Req Source Ref # Req. Type
Did the SPPP contain a site map of the process line diagram showing the process of vehicles through inbound vehicle inspection area, fluid draining and dismantling area, vehicle storage parts area, parts cleaning/solvent degreasing, fluid storage, processed vehicle storage, operable vehicle storage, vehicle crusher, proposed and implemented BMPs, structures, concrete pad, oil/water separators, septic systems (if applicable), potable wells (if applicable), and stormwater flow, drainage, outfall and surface water areas of the facility?. [N.J.A.C. 7:14A- 6.2(a)1]	IC		DST 120001 29 T
Did the SPPP include a list of all source materials found anywhere on site that are used, loaded/unloaded, stored, treated and/or disposed?. [N.J.A.C. 7:14A- 6.2(a)1]	IC		DST 120001 48 T
Did the SPPP identify a team leader, spill prevention coordinator, names, titles and responsibilities of its members? . [N.J.A.C. 7:14A- 6.2(a)1]	IC		DST 120001 50 T
Did the SPPP establish a minimum quarterly regular inspection schedule to verify that the BMPs are being implemented? . [N.J.A.C. 7:14A-24.9(a)2i]	IC		DST 120001 54 T
Did the SPPP include a detailed inspection log according to permit requirements?. [N.J.A.C. 7:14A- 6.2(a)1]	IC		DST 120001 56 T
Did the permittee conduct annual inspections of the facility and prepare and maintain on site an annual report according to permit requirements on or before October 1?. [N.J.A.C. 7:14A-24.9(a) 2ii]	IC		DST 120001 58 T
Are the annual reports and certifications maintained on-site with the SPPP for a period of at least five years?. [N.J.A.C. 7:14A-11.2(a)3iii]	IC		DST 120001 68 T
Site-Specific Best Management Practices (BMPs) .	H		DST 120001 69 T
BMP - Inbound Vehicle Inspection Area.	S		DST 120001 70 T

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**130208 RVR 0 - Vehicle Recycling Stormwater (GP)**

Requirement	Status RTC	Results or Comments	Reqt Source Ref # Req. Type
Are all vehicles inspected for evidence of discharges and stored with hoods down upon arrival in a designated Inbound Vehicle Inspection Area, and are all leaks contained? . [N.J.A.C. 7:14A- 6.2(b)1]	DC	Reportedly	DST 120001 71 T
BMP - Fluid Draining and Dismantling Area.	S		DST 120001 76 T
Are all fluid draining and parts that contain fluids in an area that is either indoors; on an impervious, bermed surface; under permanent cover; or where stormwater must be collected or drain in a manner that does not discharge to surface water or ground water? . [N.J.A.C. 7:14A- 6.2(b)1]	IC		DST 120001 77 T
Are all fluids drained from vehicles in the Fluid Draining and Dismantling Area? . [N.J.A.C. 7:14A- 6.2(b)1]	IC		DST 120001 78 T
Are mercury switches and batteries, removed from vehicles prior to leaving the designated Fluid Draining and Dismantling Area and properly stored and/or disposed of? . [N.J.A.C. 7:14A- 6.2(b)1]	IC		DST 120001 83 T
BMP - Vehicle Parts Storage Area.	S		DST 120001 85 T
Are all engine blocks; cores; transmission/drive components; components with fuel, filter(s), coolant or lubricant residues and other oily materials either indoors, in leak-proof containers under cover, on a bermed impervious surface under cover, or in an area where stormwater is discharged into a properly maintained oil/water separator?. [N.J.A.C. 7:14A- 6.2(b)1]	ON	Failure to implement Vehicle Parts Storage Area BMPs in accordance with the Permit. Specifically, the remaining parts pile in the northwest portion of the facility remained exposed to stormwater	DST 120001 86 T
BMP - Parts Cleaning/Solvent Degreasing.	S		DST 120001 90 T
Is all cleaning and degreasing of parts performed indoors, in leak-proof containers on an impervious surface and under cover?. [N.J.A.C. 7:14A- 6.2(b)1]	DC	No cleaning observed during the inspection	DST 120001 91 T
BMP - Fluid Storage Area.	S		DST 120001 93 T

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**130208 RVR 0 - Vehicle Recycling Stormwater (GP)**

Requirement	Status RTC	Results or Comments	Req Source Ref # Req. Type
Are all fluids stored in a designated Fluid Storage Area that is either indoors, or on a contained/bermed impervious surface under cover? . [N.J.A.C. 7:14A- 6.2(b)1]	IC		DST 120001 94 T
Are all drained fluid(s) placed in leak-proof containers with secondary containment and labeled for easy identification of contents? . [N.J.A.C. 7:14A- 6.2(b)1]	IC		DST 120001 95 T
BMP - Processed Vehicle Storage Area.	S		DST 120001 99 T
Are sealed units leak-free and drained vehicles stored in the Processed Vehicle Storage Area drained of fluids and with hoods down? . [N.J.A.C. 7:14A- 6.2(b)1]	IC		DST 120001 100 T
BMP - Operable Vehicle Storage Area.	S		DST 120001 108 T
Are all operable vehicles not leaking fluids, and stored in a designated area with their hoods down or with the engine compartment covered? . [N.J.A.C. 7:14A- 6.2(b)1]	IC		DST 120001 109 T
BMP - Facility Hydraulic Equipment.	S		DST 120001 112 T
All hydraulic equipment (e.g. front end loader) shall be maintained to prevent leaks and hydraulic line ruptures (e.g., routine and preventative maintenance). Hydraulic hoses shall be inspected quarterly for cracks or leaks where inspections shall be documented in the SPPP inspection report. [N.J.A.C. 7:14A- 6.2(b)1]	IC		DST 120001 116 T
BMP - Spill Prevention and Response .	S		DST 120001 117 T
Are all impervious surfaces and bermed areas regularly maintained and kept free of fluids? . [N.J.A.C. 7:14A- 6.2(b)1]	IC		DST 120001 118 T
Are Spill Kits kept in central areas and accessible to all employees and dedicated spill kits kept in all Inbound Vehicle Inspection Areas, the Fluid Draining and Dismantling Areas, and the Fluid Storage Area? . [N.J.A.C. 7:14A- 6.2(b)1]	IC		DST 120001 119 T

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**130208 RVR 0 - Vehicle Recycling Stormwater (GP)**

Requirement	Status RTC	Results or Comments	Reqt Source Ref # Reqt. Type
Are all employees trained annually on spill response where the date of training is documented in the SPPP? . [N.J.A.C. 7:14A- 6.2 (b)1]	IC		DST 120001 120 T
BMP - Site Stabilization and Dust Control; Erosion Control .	S		DST 120001 124 T
Does the facility prevent or minimize disturbance of unstabilized areas to prevent disturbance of vegetative covers and/or other dust control mechanisms?. [N.J.A.C. 7:14A- 6.2(b)1]	IC		DST 120001 125 T
Does the facility conduct entrance/exit stabilization to prevent or minimize transport of sediment, dust or any pollutant outside the property line?. [N.J.A.C. 7:14A- 6.2(b)1]	IC		DST 120001 129 T
Facility Management.	H		DST 120001 132 T
Discharge Requirements.	S		DST 120001 133 T
Does the facility routinely visually monitor its effluent? Does the stormwater to surface water and/or the ground exhibit a visible sheen, foam, odor or other discoloration associated with the regulated activity? . [N.J.A.C. 7:14A-12.8(c)]	DC	Visual monitoring reported. No sheen on standing water observed during inspection	DST 120001 134 T

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