

Fiscal Year
2006

**Compliance
&
Enforcement**

HIGHLIGHTS





“The Department of Environmental Protection’s compliance and enforcement work is built on a solid foundation of dedicated and professional staff committed to protecting New Jersey’s environment, its communities and its people. Our commitment is to provide the regulated community with the information it needs to meet environmental standards and New Jersey residents with a transparency that assures them we will aggressively pursue those that break environmental laws”

~Commissioner Lisa P. Jackson



“I am pleased to bring you another sampling of the varied work accomplished by the Department’s compliance monitoring personnel in our second annual Compliance and Enforcement Highlights Report. The Highlights Report is a work in progress and it supports the Department’s Action Plan goal of sharing information more effectively with the public, regulated community and other agencies. This year we have added new sections highlighting the work performed by the Office of Quality Assurance in the Department’s Division of Environmental Safety and Health and the Environmental Crimes Bureau in the Department of Law and Public Safety’s Division of Criminal Justice. We continue to be dedicated to ensuring that New Jersey’s environment is clean, safe, enjoyable, preserved and enhanced for future generations.”

~Assistant Commissioner Wolfgang Skacel

Fiscal Year 2006 Compliance & Enforcement Highlights

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

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

Dam Safety	
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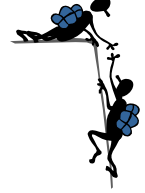
Compliance Assistance

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

1. When a new permit is issued so that the permittee understands all of the permit requirements.
2. When a new business starts and requests help “to get started off on the right foot”.

3. When a facility becomes regulated due to a rule change or change in business operations.
4. When a pattern of non-compliance shows a common misunderstanding in the regulated community.

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



Presentation of Data

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

Data Definitions:

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

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

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

Getting More Data

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

Air Quality Permitting and Reporting	Environmental Permitting Dashboard	Safe Drinking Water
Ambient Water Quality	Incidents/Complaints*	Site Remediation
Certified Laboratories	NJPDES Permitting Program	Water Allocation
Community Access	Pesticide Control Program	Pending Permit Progress Reports
Compliance & Enforcement*	Radiologic Technologists	What's New
DEP General Environmental Reports		

*For these two report categories, which provide access to the details of the data summarized in this report, you can find information for the following programs:

Air
Community Right to Know
DPCC
Hazardous Waste

Land Use
Pesticides
Radiation**
Site Remediation***

Solid Waste
TCPA
Water Supply
Water Quality***

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

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

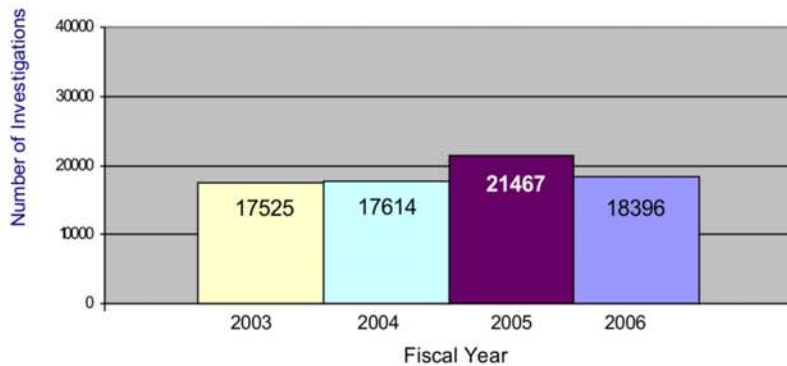
Acronyms used in this report:

ABS	Anti-lock Braking System	NEEP	Northeast Environmental Enforcement Project
ACO	Administrative Consent Order	NELAC	National Environmental Laboratory Accreditation Conference
ACR	American College of Radiology	NELAP	National Environmental Laboratory Accreditation Program
AFSP	Administrative and Fiscal Support Program	NEWMOA	Northeast Waste Management Official's Association
AONOCAPA	Administrative Order and Notice of Civil Administrative Penalty Assessment	NFA	No Further Action
BECS	Bureau of Enforcement and Compliance Services	NJEMS	New Jersey Environmental Management Sysyem
BRH	Bureau of Radiological Health	NJPDES	New Jersey Pollutant Discharge Elimination System
BSCM	Bureau of State Case Management	NOV	Notice of Violation
CAFRA	Coastal Area Facility Review Act	NRO	Northern Regional Office
CEHA	County Environmental Health Act	OLEM	Office of Local Environmental Management
CO	Conservation Officer	OPRA	Open Public Records Act
CRTK	Community Right to Know	OQA	Office of Quality Assurance
CT	Computed Tomography	PCB	Polychlorinated Bi-phenyl
CTDI	Computed Tomography Dose Index, volume basis method	PPM	Part Per Million
DCR	Discharge Cleanup and Removal	PT	Performance Test
DPCC	Discharge Prevention Containment and Countermeasures	PVC	Polyvinyl Chloride
EAF	Electric Arc Furnaces	PWB	Pure World Botanicals
ECB	Environmental Crimes Bureau	RCRA	Resource Conservation Recovery Act
EEMPR	Excess Emissions Monitoring Performance Report	RPPR	Release and Pollution Prevention Report
EPA	Environmental Protection Agency	SCI	Standard Compliance Inspection
FACITS	Facility and Chemical Information Tracking System	SEP	Supplemental Environmental Project
FRP	Facility Response Plan	SQG	Small Quantity Generator
FWWPA	Freshwater Wetlands Protection Act	SRO	Southern Regional Office
HCIA	Hudson County Improvement Authority	SRWM	Site Remediation & Waste Management
HIS	Hair Systems Inc.	TCPA	Toxic Catastrophe Prevention Act
IP	Freshwater Wetland Individual Permit	TRI	Toxics Release Inventory
IPM	Integrated Pest Management	TSD	Treatment, Storage and Disposal
LDAR	Leak Detection and Repair	UCAMPP	Urban Community Air Toxics Monitoring Project, Paterson City, NJ
MCL	Maximum Contaminant Level	UST	Underground Storage Tank
MCSCD	Morris County Soil Conservation District	VIN	Vehicle Identification Number
MMRR	Multi-media Release Report	WMA	Wildlife Management Area
MQSA	Mammography Quality Standards Act		

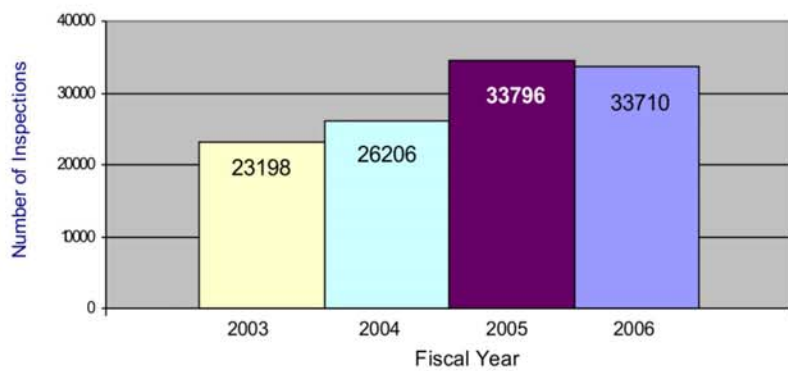


Summary of Investigations, Site Inspections, and Enforcement Actions - Fiscal Years 2003 to 2006

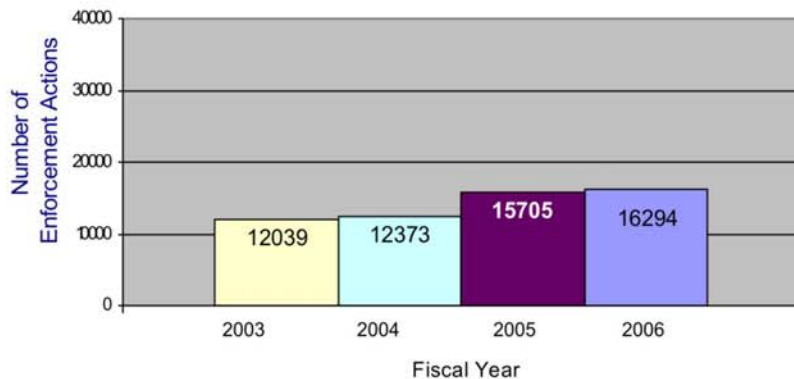
Number of Investigations Completed by Fiscal Year



Site Inspections Completed by Fiscal Year



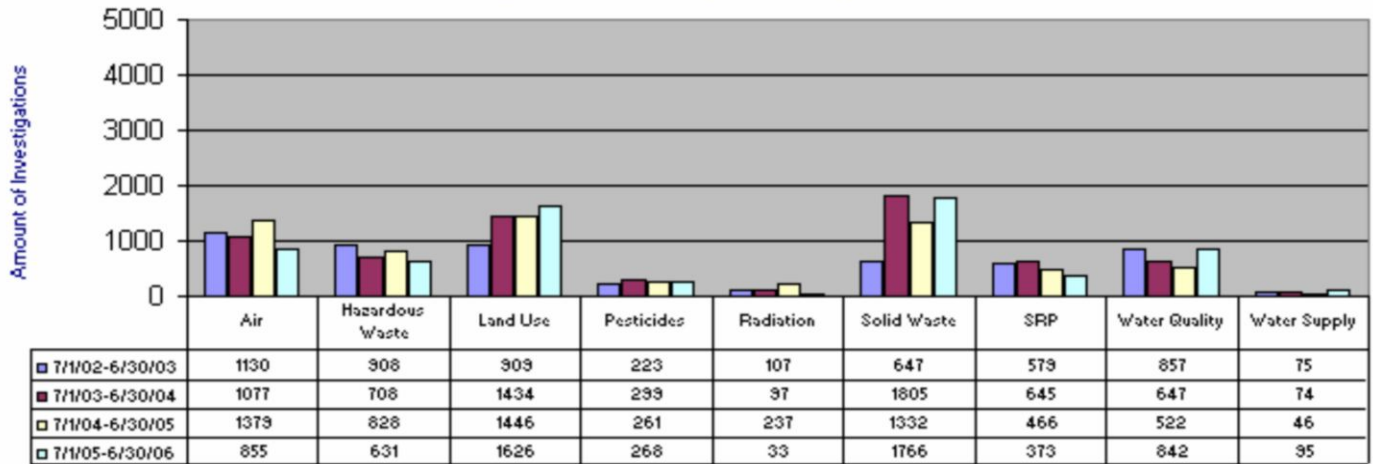
Total Enforcement Actions Issued by Fiscal Year



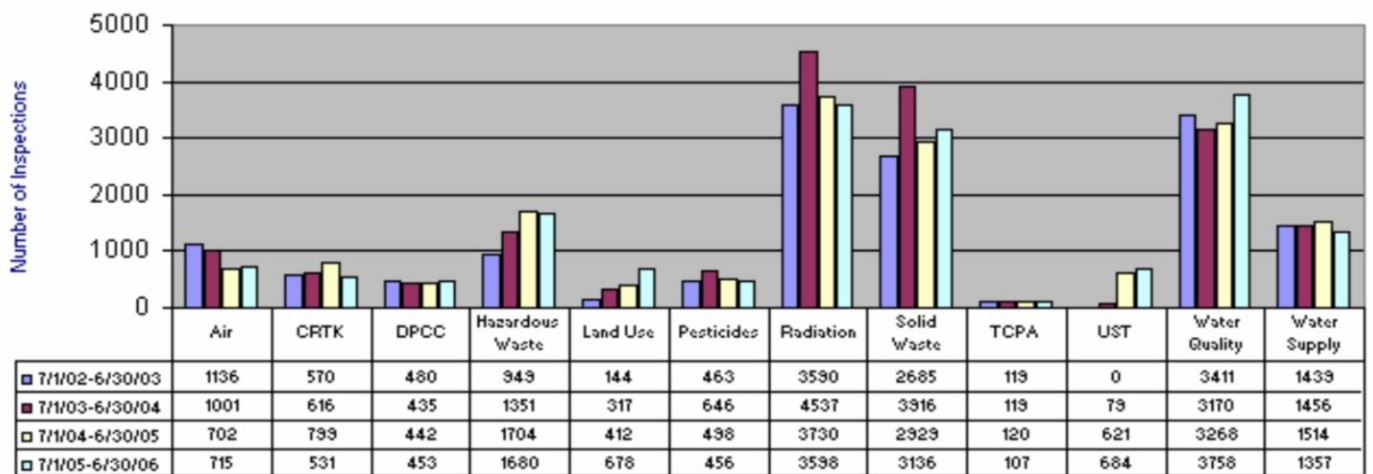
The following programs are included in the totals for each chart:

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

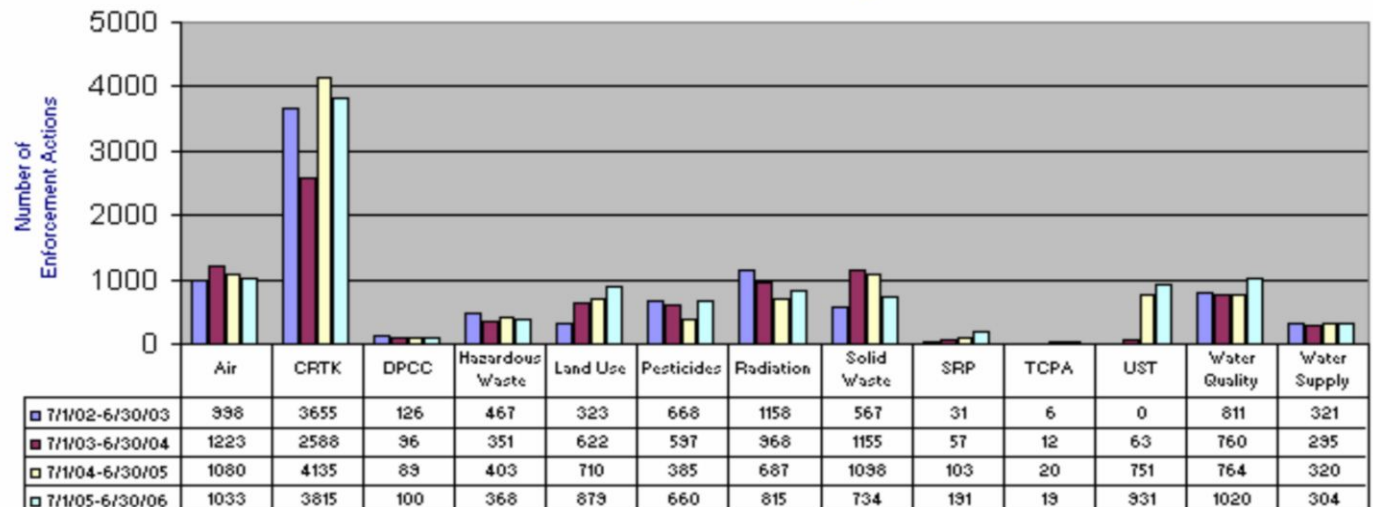
Investigations Completed by Fiscal Year



Inspections Completed by Fiscal Year



Enforcement Actions Issued by Fiscal Year



Strategic Plan

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

The following values will be demonstrated through our business operations:

▪Integrity

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

▪Environmental Dedication

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

▪Responsiveness and Effectiveness

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

▪Clarity of Communication and Accountability

C&E will continually strive to improve our

relationship with all of our stakeholders by expanding our outreach to the various constituents. We will accomplish this by providing clear purpose and goals, and sharing the results of our program's performance.

▪Continuous Improvement and Innovation

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

▪Fair and Just

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

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

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

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

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

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

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

Workgroups have been developed and strategies discussed for the first two goal areas.

Connecting the Dots

Compliance and Enforcement is not just about inspections and penalties, although that is what is reported on most. These figures are easy to track and report, but what do they mean? What about the things that are harder to quantify? Does what we do on a daily basis make a difference to the environment? How have we helped to better the lives of our citizens?

Answering these questions requires that we connect the dots between enforcement and the environment. This remains a significant challenge, but it is one well worth pursuing. Only by connecting the dots can we be sure our efforts are focused to do the most good. We believe that we owe this to the public and to all stakeholders in our activities. But as professionals dedicated to protecting the environment, we also owe this to ourselves.

There is much to be done. We are actively examining the growing volumes of data about the state of our environment. We have begun to monitor more refined figures of our performance, such as rates of compliance maintained by those we regulate. We continue a dialogue with our partners in the Federal government and with other states to share the best innovations and to move toward new models of excellence based on more than pre-determined volumes of workload. This report represents part of our effort to make the needed links. We hope you will get a sense from the case highlights in the following pages how we are striving in this direction.

For example, we were significantly driven by the concerns of growing incidents of asthma when we undertook focused enforcement on the illegal idling of diesel trucks and buses (page 4). We may not be able to demonstrate such actions cause any drop in illness rates but that should be our aim nonetheless. In lieu of such a link we can seek to gauge the impact we have had in reducing soot and other pollutants. From this knowledge we can consider comparisons with other sources and

attempt to identify where greater enforcement, assistance or education can have a bigger impact.

Some links are easier to make, such as our ability to tally the better than 69 acres of land restored and 30 acres permanently protected through deed restrictions directly as a result of our enforcement activities during the year (pages 16-19). But this connection too must go deeper and acknowledge the unseen positive multiplying effect of these actions as an example to others about the need to protect wetlands and other sensitive areas. And this connection must be broader as well to consider such acreage in terms of the vastness of the state's land and resources to ensure that we are providing maximum protection and are focused on the most critical of areas.

As you read through the highlights of our activities, we hope you will get a sense of the ways we are aiming for the highest of our goals - these being a clean, safe, healthy and enjoyable environment now and in the future. Through this and future reports, it is our sincere interest to clarify the links and "connect the dots" between our work and the environment.



Air

Initiatives

Vinyl Chloride Reduction Initiative

In 2002, the Environmental Protection Agency (EPA) developed a multimedia chemical targeting approach utilizing public health and environmental data to identify potential candidates for enforcement. EPA selected six chemicals, one of which was vinyl chloride. Most vinyl chloride is used to make polyvinyl chloride (PVC) plastic and vinyl products. Exposure to vinyl chloride emissions has been linked to adverse human health effects, including liver cancer, other liver diseases and neurological disorders and is classified as a Group A human carcinogen. As part of the Vinyl Chloride Facility initiative that the EPA is undertaking, Air C&E has participated in the following two major settlement agreements.

OxyVinyls Settlement

OxyVinyls is North America's largest PVC resin supplier and third largest PVC supplier worldwide. The federal consent decree requires quarterly leak detection and repair (LDAR) monitoring, the implementation of an equipment openings supplemental environmental project (SEP) that is anticipated to reduce the frequency of reactor openings thereby reducing emissions, a penalty payment to the Department and a \$125,000 payment to the University of Medicine and Dentistry of New Jersey for the purpose of conducting a dust and particulate deposition study in the Waterfront South area of Camden, NJ.

Odor Sweep - Camden Waterfront South

During the week of April 2-8, 2006, Air C&E's Southern Regional Office (SRO) conducted an odor sweep throughout the Waterfront South area of Camden. Twelve locations were randomly selected as odor monitoring locations. It was confirmed that odors are prevalent in Waterfront South



ranging from differing intensities, types and duration.

Two violations were issued to Camden County Municipal Utilities Authority to address odors that were determined by inspectors to be unreasonable. A penalty was assessed for the violations. The verified incidents were not initiated by residents, but were self-initiated by the Department and was above and beyond the scope of the Environmental Justice Action Plan for Waterfront South.



Paterson Air Toxics Project

Air C&E's Northern Regional Office (NRO) participated with the Office of Science and Research in the first year of a two year project called the Urban Community Air Toxics Monitoring Project, Paterson City, NJ (UCAMPP). The overall objective of UCAMPP is to obtain data which will assist the Department in formulating risk

reduction strategies related to air toxics. It is well established that air quality is a health concern

nationwide because concentrations of air toxics are above health benchmarks for most air toxics. Presently, the Department monitors air toxics by placing monitors so they capture general population exposures. Utilizing on going monitoring, including two of the monitoring stations located at Paterson public schools, combined with on site investigations conducted by the NRO in fiscal year 2006, UCAMPP will determine which pollutants are a health concern in an urban environment, where the pollutants come from, and then



identify risk reduction strategies.

Continued Idling Enforcement

The Department's surveillance of idling vehicles continued into 2006. The Department and County



Environmental Health Act (CEHA) inspectors have observed nearly 8,000 diesel vehicles and issued a total of 54 violations of the idling standard. This compares to observing over 21,000 vehicles and issuing nearly 240 violations since the initial idling sweep began

in August 2004 through the end of 2005. Current activities have been expanded to include idling school buses.



Out reach was performed for all Boards of Education and all private education facilities in the state. The Department has seen a significantly higher compliance rate since these activities

were initiated.



Efficiency Improvements

eEEMPR Training for Industry

Air C&E provided training on June 7, 2006, to the regulated community on how to submit electronic Excess Emissions Monitoring Performance Reports (EEMPR). Approximately 120 representatives of the 350 facilities required to submit EEMPRs attended. The training session provided step by step instructions on how to submit electronic EEMPRs. Air C&E has seen a 50 percent increase in electronic submittals due in part to the training course, outreach efforts of the Air C&E inspectors, permit modifications, and settlement agreements that require electronic submittals. It is expected that within the next two years over 80 percent of all EEMPRs will be submitted electronically, significantly reducing the resources needed to process these reports.

Interested Permit Holders Group

Air C&E and Air Permitting initiated quarterly meetings with representatives of industrial facilities in the regulated community. These meetings are to identify areas where improvements might be made in the Department's air program, options available and where appropriate, implementation of the recommended change. This is expected to be a good forum for exchanging ideas and addressing the regulated community's concerns.

Office of Local Environmental Management

The Office of Local Environmental Management (OLEM) oversees the administration of the CEHA program, the State's Noise Control program, and Greenstart, which is the Department's voluntary compliance assistance program. OLEM oversees the activities of 21 county health agencies, which employ over 200 environmental staff to conduct work delegated by the Department.

CEHA Activities & Performance

The Department relies heavily upon county health agencies to perform a variety of environmental activities. Each county health agency participates in the five core programs of water, air, noise, solid waste control and hazardous material emer-



gency response. The five coastal counties also conduct the coastal bathing beach monitoring program, to ensure the cleanliness of the ocean and bays during the summer months.

Special Environmental Projects

Each county health agency is encouraged to participate in additional departmental projects, and have the flexibility to develop and implement new environmental projects specific to the needs of their community. Examples of projects include the regulated underground storage tank (UST) program, the Community Right to Know (CRTK) enforcement project, and the Pesticides Control program. The regulated UST program involves nine county health agencies that have dedicated staff to conduct inspections and undertake enforcement. There are six counties participating in the CRTK project, to identify businesses that have not filed a CRTK survey with the Department and to return them to compliance. The long-standing Pesticides Control program is administered in 13 counties, with routine inspections of campgrounds, restaurants, and schools as well as commercial landscapers operating within the community.

Some county health agencies also inspect urban grocery stores and retail establishments for the sale of illegal pesticides. One example of a county-specific project is a stormwater management outreach program to municipalities to educate them about their regulatory obligations and how to maintain compliance with the new stormwater regulations.



Compliance Assistance Initiatives

OLEM is responsible for overseeing and administering Greenstart, the Department's voluntary compliance assistance program created to help small businesses and municipalities comply with their environmental regulatory requirements. The objective of Greenstart is to build trust, encourage joint problem solving and achieve compliance with the State's environmental laws.



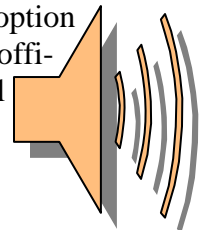
OLEM has found that sector-based compliance assistance is an effective mechanism to foster greater environmental responsibility and awareness. Sectors are chosen to include facilities that may have existing or potential environmental issues, which are usually due to a lack of on-site environmental expertise.

OLEM's present project is the school chemical management pilot, which has expanded to include 10 other CEHA agencies in 2006. The CEHA agencies conduct compliance assistance outreach at schools, and establish guidelines to effectively address chemical management practices and pesticides use throughout public and private school laboratories and buildings. The schools receive cost-free inspections and are educated on best management practices about chemical safety, inventory reduction, and all applicable regulations that apply to generation, transport and the proper disposal of hazardous wastes. The school project is OLEM's third sector-based compliance assistance project.

Noise Control

OLEM is responsible for the coordination of noise investigations by counties and municipalities. In 2006, OLEM responded to nearly 150 noise inquiries. Municipal noise ordinances are also reviewed by OLEM and approved or disapproved. A grant provided through OLEM helps fund the Rutgers Noise Technical Assistance Center, providing CEHA personnel and other local officials throughout the State with Noise Enforcement Certification training. Rutgers certifies an average of 50 CEHA personnel per year.

The Department is in the process of amending the Noise Control Regulations to address certain aspects of railroad noise, specifically idling train locomotives and rail car coupling. Adoption of these amendments will allow local officials to enforce the existing Federal noise standards for these activities.



Hazardous Waste

Initiatives

Camden Waterfront

On May 27, 2006, Hazardous Waste and Water C&E's SROs conducted an investigation of seven scrap yards in the Camden waterfront area and assessed compliance with the recycling rules, universal waste rules, hazardous waste requirements and water requirements. Three of these facilities were issued violations for discharge of a hazardous substance, failure to properly label used oil containers, and failure to ensure that used oil is stored in containers of good condition and not leaking.



Atlantic County "Big Box" Sweep

The Atlantic County "Big Box" Sweep was conducted from November 28, 2005, through December 9, 2005, at stores such as Home Depot, Lowes, Target, and others to assess compliance with the state's hazardous and universal waste requirements as well as the mandatory source separation and recycling requirements. No hazardous waste or universal waste violations were noted at the 56 facilities that were inspected, however four violations were issued for improper recycling. Certificates of Inspection were issued to those facilities that were found in compliance. Compliance rates were better than expected because of the focused outreach and renewed effort by the County to educate the public and business community.

A-901 Licensing

All prime contractors, subcontractors and brokers engaged in the business of solid or hazardous waste transportation or disposal are required to register with the Department and, after an integrity review, receive a license (commonly referred to as an "A-901" license). During the fiscal year Hazardous Waste C&E stepped up its efforts to identify these companies by sending out over 10,000 newsletter reminders to all the hazardous

waste generators throughout the State to remind them of this licensing requirement. During inspections, facility records are reviewed to identify entities requiring licensing. Thus far this effort has resulted in a significant number of companies applying for and receiving this necessary license.



RCRA Analysis Lab Certifications

Efforts began to assist the Office of Quality Assurance (OQA) to act as the enforcement arm of the Laboratory Certification Program. Any laboratory, which analyzes samples for the purpose of establishing compliance with any regulatory program, must be certified. OQA certifies these laboratories, but does not have the authority to enforce the regulations. As such, Hazardous Waste C&E will ensure that these laboratories are only performing analyses for which they have certification. In addition, Hazardous Waste C&E has been assisting OQA in its review of the State's hazardous waste treatment, storage and disposal (TSD) facility's laboratory certifications as they relate to the facility's waste acceptance, treatment and disposal requirements.

Removal of Mercury Switches from End-of-Life Vehicles

Automobiles have historically used mercury-containing switches for convenience lighting for the hood, trunk and doors and anti-lock braking systems (ABS). Mercury switches use liquid mercury within a capsule commonly known as a "bullet" that flows into position to close the switch and thereby conduct electricity. Mercury is a persistent and toxic pollutant that can be released into the air, soil and water from an end-of-life vehicle during crushing or subsequent management in

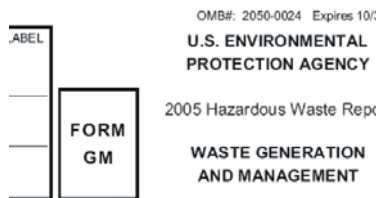


electric arc furnaces (EAFs). It has been estimated that as much as 10 tons of mercury may be released into the environment each year from these practices. After May 11, 2006, all scrap recycling facilities that accept end-of-life vehicles are required to remove the mercury switches from the end-of-life vehicle, maintain records documenting the number of mercury switches collected, the number of end-of-life vehicles containing mercury switches including vehicle identification numbers (VIN), and the number of end-of-life vehicles processed for recycling and handle all removed mercury switches in accordance with the Department's universal waste regulations. Scrap recycling facilities will be inspected to ensure compliance with this legislation.

Efficiency Improvements

In the fall of 2005, testing was completed for a new hazardous waste handler screen for the New Jersey Environmental Management System (NJEMS). This handler screen would allow the Department to process Hazardous Waste Handler Notifications (i.e., new generators/transporters/facilities, changes to existing generators/transporters/facilities, etc.). This information can then be automatically transferred to EPA's database (RCRAInfo) through a secure Internet connection. The Department's Bureau of Solid and Hazardous Waste Regulation is working with EPA to obtain permission to begin accepting notifications. This process will greatly enhance the Bureau's ability to target inspections; maintain an accurate universe; and will simplify our billing procedure for Hazardous Waste Compliance Monitoring Fees.

Last spring, representatives from the Bureau of Solid and Hazardous Waste Regulation and Solid Waste C&E initiated a contract to design a Manifest data entry screen in NJEMS. This screen would reflect the recent changes to the Uniform Hazardous Waste Manifest form, which take effect Sep-



tember 5, 2006. The detailed design and testing of this screen are scheduled for this fall. Upon implementation, manifest data from September 5, 2006, will be entered and readily available for review in NJEMS. In addition, the manifest processing fee will be processed through NJEMS and will make reporting on the amount of fees assessed and collected in this area easier.

Additionally, the Department has received a Federal Grant to work with other states to have our enforcement data transferred via secure Internet connection directly to RCRAInfo, EPA's database. Upon completion, this will alleviate dual data entry and ensure that EPA has the most current information available.

Compliance Assistance

Hazardous Waste Handler Seminars

The Department hosted its first free hazardous waste handler seminar on March 15, 2006. The seminar was open to all handlers of hazardous waste and used oils. It provided an overview of State and Federal Resource Conservation Recovery Act (RCRA) regulations as they apply to large, small and conditionally exempt generators of hazardous waste and used oils, transporters of hazardous wastes and used oils and handlers of universal wastes. A total of 160 individuals registered for the course. Survey results indicate that the seminar was very well received by the participants and a second seminar is scheduled for October 2006.

Household Hazardous Waste Collections Day Inspections

Beginning in March 2006 Hazardous Waste C&E initiated inspections of County Household Hazardous Waste Collection Day events. On Saturday May 20, 2006, staff inspected the collection event sponsored by the Hudson County Improvement Authority (HCIA). The HCIA received waste from over 300 vehicles in just a four hour period of time. Enough waste material (solid, universal, electronic, and hazardous) was collected that day to fill two straight-bed trucks, a

tractor trailer vehicle, and both a 20-cubic yard roll off and 40-cubic yard roll off container. The general public was surprised to find a State official working on a Saturday and appreciated the fact that the State was taking the time to oversee the collection operations and that the contractor was doing



the work properly and safely. Some minor safety issues with the contrac-

tor were observed during the collection process and were immediately addressed and rectified. All hazardous waste was properly classified, segregated for transportation, and properly manifested off site.

School Chemical Management Training

The Department provided training to County health inspectors on the management of chemicals in schools and hazardous waste management at dry cleaners so that they can recognize potential violations of hazardous waste regulations when they visit these sites. The County inspectors have been instructed to refer these potential violations to the Department for further action. A similar training will be conducted in the future on the subject of hazardous waste management at auto body shops.

Lecture Speakers

Throughout the year Hazardous Waste C&E has provided speakers to Rutgers University, Montclair State College, Northeast Waste Management Official's Association (NEWMOA) and a number of companies to lecture on hazardous waste and universal waste requirements. Staff also provided Hazmat/sampling training to participants of the Northeast Environmental Enforcement Project (NEEP).

Case Highlights

KBF/Veridium Corp/American Metals Recovery

KBF/Veridium Corp/American Metals Recovery Corp operated a precious and non-precious metal recycling facility in Paterson, NJ, handling cy-

nides, acids, bases and metal bearing wastes. From 1999 though 2004, the Air and Hazardous Waste C&E Programs issued seven enforcement actions against the company for operating process equipment (tanks, dryers, blender) without required air pollution permits, operating out of compliance with permit conditions for the onsite scrubber, failing to notify the Department regarding an air release during a fire, operating a rotary kiln without a RCRA Part B Permit, improperly storing 29,000 pounds of waste cyanides, acids/bases, and metal bearing wastes, failing to properly mark containers of wastes, failing to maintain sufficient aisle space, failing to keep hazardous waste containers closed, failing to familiarize police/fire department with the layout of the facility and the hazardous wastes handled, and storing acids and cyanides in the same vehicle. Penalties were assessed for these violations. The company requested an administrative hearing and on December 21, 2005, a global settlement was reached in which the parent company agreed to pay a penalty via time payments through December 2010. The company has subsequently ceased all facility operations and vacated the premises.

Pure World Botanicals Inc.

Pure World Botanicals (PWB) is a small quantity generator (SQG) of hazardous waste. PWB is a manufacturer of botanical extracts. PWB achieves this by taking in various plant material(s) and processing it into bulk raw material, which is then shipped to their various customers for finishing processes (tabletization). Alcohols (either methanol or pure ethanol) are the primary materials needed to eventually obtain PWB's desired product. In the process, halogenated & non-halogenated waste solvents are generated. Several container management violations, including lack of accumulation start dates, and the storing of hazardous waste for over 180-days were among the violations found. Initially a 55-gallon storage container was found to have a storage date from 2002. During the course of coming into compliance, PWB allowed an additional storage container to eclipse their 180-day onsite storage requirements. A penalty was issued. PWB has several UST's onsite, which store the alcohol needed to produce their products. PWB

was referred to the Department's newly formed UST enforcement unit because the facility was unable to produce a current UST registration form. As a result of the UST inspection, several violations were issued resulting in a delivery ban into these tanks until the violations are corrected.

Cycle Chem Inc.

Cycle Chem Inc. is a commercial hazardous waste TSD facility located in Elizabeth, Union County. From 2003 to 2005 Cycle Chem committed a number of facility violations such as operating with the fire suppression system out of order, storing restricted waste over one year, failing to date and inspect containers, storing containers holding ignitable wastes within 50 feet from the property line and failing to provide carriers with required placards. An Administrative Consent Order (ACO) was issued requiring upgrades to be made to the fire suppression system and the solidification chambers. Cycle Chem paid a penalty and submitted plans for the facility upgrades.

Hair Systems Inc.

Hair Systems Inc. (HSI) is a manufacturer of reactive hair care products including dyes, bleaches, and perm kits. Five fires have occurred at the facility in the in the past year. At least one of the fires can be attributed to the improper handling and storage of hazardous waste. On November 23, 2005, Notices of Violation (NOVs) were issued for numerous violations of the hazardous waste regulations in regards to that fire. On January 10, 2006, the Division of Criminal Justice Environmental Crimes Unit executed a criminal search warrant of HSI based on information provided by the Englishtown Fire Official and the Monmouth County Health Department. In the course of conducting the search it was determined that HSI was storing incompatible wastes in close proximity to each other, accumulating hazardous waste in open unmarked containers, storing hazardous waste in containers not in good condition and in containers with no accumulation start date. A compliance inspection conducted on April 24, 2006 revealed additional hazardous wastes stored

in containers that were not marked with an accumulation start date or properly labeled. HSI has hired an environmental consulting firm to address the deficiencies at the site.

Lorco

In September and October 2005 Lorco, a collector and re-processor of used oils, conducted a clean out of Tank 28, (a 1,514,436-gallon tank permitted for the storage and treatment of off-spec used oil) in order to conduct an internal exam of the tanks integrity. Prior to taking this tank out of service, Lorco constructed and put into service two unmarked 250,000-gallon processing tanks without applying for a permit modification from the Department. NOVs were issued for storing and processing used oil using an unapproved device, modifying the facility without Department approval, and failure to follow the used oil marking requirements. As part of the clean out approximately 40 tanker loads (94,021 gallons) of tank bottom sludge were removed from the tank and shipped on non-hazardous waste manifests as ID72 solid waste destined for landfilling. This sludge could potentially contain toxic metal contamination in excess of regulatory limits and Lorco was cited for failing to conduct analysis to determine if these wastes were hazardous. Lorco has also been cited in the past year for failing to store drums of used oil within secondary containment and failing to ship hazardous waste off-site within 90 days.

DuPont, Chambers Works

On June 20, 2006 DuPont Chemical Solutions Enterprise, Chambers Works Plant, signed an ACO with Hazardous Waste C&E for spills and discharges of hazardous waste at their Chambers Works facility from November 11, 2004, through October 26, 2005. Violations included several discharges of hazardous waste and hazardous substances as well as permit violations. A settlement was reached and DuPont has spent \$133,800 to correct problems identified in the ACO and another \$434,000 to modernize operational and safety equipment to prevent future spills.

TransWeb Corp.

On April 18, 2006, investigators from Hazardous Waste C&E and Cumberland County Health Department investigated TransWeb Corp as the result of an odor complaint. They were denied entry. On investigating the property surrounding the facility, they discovered a hose discharging from the facility into a retention pond that emitted an odor of solvents. Investigators from the Division of Criminal Justice and inspectors from Water C&E were called to help in the investigation. It was determined that TransWeb had been discharging a 4 percent solution of Isopropyl Alcohol and water, 24 hours a day, 7 days a week, from January, 2006 through April 18, 2006. Hazardous Waste C&E issued violations for failing to allow entry and discharge of a hazardous substance.

EnviroSound

On May 15, 2006, Hazardous Waste C&E and representatives from Atlantic County Health Department responded to a complaint of oil spills on the roadways around Pleasantville and at the EnviroSound facility. EnviroSound is a certified UST removal service. The majority of their work consists of the removal of #2 Fuel Oil USTs from private residences in the Atlantic County area. Tank pump-outs and oil contaminated soil were routinely drummed at the job site, transported by EnviroSound and staged at their facility. The facility, a private house, in a residential neighborhood, was storing used oil and oil contaminated debris. Hazardous Waste C&E issued NOVs for discharge of a hazardous substance, failure to notify the Department of the discharge, failure to utilize containers in good condition, and failure to correctly label containers.

Solid Waste

Initiatives

Recycling Sweeps

Between June 6 and June 17, 2005, Solid and Hazardous Waste C&E in partnership with HCIA, Hudson County Regional Health Commission and local municipal recycling coordinators conducted inspections as part of a recycling enforcement initiative in Hudson County. Facilities inspected included colleges, schools and educational service providers, hotels and motels, multifamily housing units, law firms, fitness facilities, motion picture theaters, sports and recreation clubs, bowling centers, photocopying and duplicating service providers, nonresidential building operators, insurance brokers, banks, department stores, bus and taxi companies, and convenience stores. The overall compliance rate was 78 percent.

Between November 28, 2005, and December 9, 2005, Solid and Hazardous Waste C&E in partnership with the Atlantic County Utilities

Authority, the Atlantic County and Atlantic City Health

Departments and numerous municipal recycling coordinators, conducted inspections as part of a recycling enforcement initiative in Atlantic County. Facilities inspected included colleges; schools and educational service providers; casinos, hotels and motels; multi-family housing units, mortgage banks; fitness centers; motion picture theaters; sports and recreation clubs; bowling centers; photocopying and duplicating service providers; nonresidential building operators; insurance brokers; taverns and restaurants; department stores; healthcare facilities; and convenience stores. The overall compliance rate was 77 percent. As a result of the recycling enforcement inspections and the proactive efforts of the Atlantic County Utilities Authority, business recycling increased more than 47 percent. There were similar overall county and municipality



compliance rates between Hudson and Atlantic Counties.

School Recycling

In March 2006 the Department began a School Recycling Initiative to examine recycling programs or efforts at Colleges and Universities throughout New Jersey. The purpose of these inspections is to determine how Class A, B, C, and D recyclables are managed and also determine compliance with the Solid Waste Management Act and the Mandatory Source Separation Recycling Act.

Thus far 2 State Colleges, 2 Universities, and 13 County Colleges have been inspected. Overall, most colleges only recycle cardboard, used oil and light bulbs, with little attention to other recyclables such as cans, bottles, paper, and leaves. Two notable exceptions were Camden County College (Blackwood Campus) Richard Stockton College of New Jersey which recycled everything possible. The program has been well received with significant recycling improvements achieved because of this effort. There have been at least two colleges that were not recycling and have since implemented recycling programs.



Major Tire Site Cleanups

During 2005 there was significant progress made in cleaning up the 22 large (> 20,000 tires) tire pile sites throughout New Jersey as detailed below:

- Nine sites have been fully cleaned-up; five were cleaned-up by the property owner and the remainder by using monies from the tire grant*.
- One site has been nearly cleaned-up by the property owner.



- Five sites are undergoing clean-up using tire grant monies.
- Three sites are actively being clean-up by the property owner.

The remainder of the sites are either slowly being cleaned up by the property owner or are the subject of enforcement actions.

*The tire grant is a \$2.3 million annual fund generated by a \$1.50 per tire fee on the sale of new motor vehicle tires, including tires sold as a component part of a new motor vehicle either sold or leased in New Jersey (P.L. 2004, c.46).



Case Highlights

Becker Tree Service, Colts Neck, Monmouth County

Becker's Tree Service has been operating an illegal Class B wood recycling operation since 1998. In 2002 and 2005, Administrative Order and Notice of Civil Administrative Penalty Assessments (AONOCAPA) were issued to both Mr. Becker and the property owner, Mr. Walter Pomanowski. On June 16, 2006, Monmouth County Superior Court Judge Alexander Lehrer issued an

Order pursuant to the State's application for preliminary injunctive relief. The Order

enjoined Becker from bringing new waste material of any kind on site; required the submission of a remediation plan to remove the solid waste and restore the disturbed wetlands; required the removal of tree parts and mulch off



site, and remediation of any imminent fire hazards at the site.

Ford Motor Company, Edison Township, Middlesex County

Pursuant to an Administrative Order issued in March of 2006, Solid Waste C&E is monitoring the removal of crushed Polychlorinated Biphenyl (PCB) contaminated concrete from Ford's former automobile assembly plant in Edison, as well as 11 other sites throughout the state where the material was deposited. Much of the material is being taken to the Apex sanitary landfill in Ohio for proper disposal. A small percentage is

being taken to the Gloucester County Utilities Authority Landfill in south Jersey where it has been approved for a variety of beneficial reuses within the confines of the lined landfill area.

Once all the contaminated material is removed, Ford will conduct post-excavation tests to make sure all of the PCB tainted material has been properly remediated. Solid Waste C&E is continuing its investigation as to how and why the material was transported from the Ford plant to various sites in Ocean, Middlesex and Mercer counties

Solid and Hazardous Waste Regulation

During fiscal year 2006, County Environmental & Waste Enforcement acquired the Bureau of Solid and Hazardous Waste Regulation. The Bureau consists of four units, each of which are responsible for an intricate part of waste management, tracking and compliance and enforcement in New Jersey. The License and Registration Unit is responsible for registering both licensed (A-901) and exempt transporters (which includes Solid, Medical, Hazardous and Public Entity), collecting fees, and issuing decals for all equipment used to transport waste in the State. The Hazardous Waste Report Unit works in conjunction with the EPA to verify hazardous waste reporting in New Jersey on a biennial cycle. The Economic Regulation Unit regulates fees for solid waste and handles all OPRA requests under the freedom of information act. The Manifest/Medical Waste Unit tracks hazardous waste on Uniform Manifest forms and registers medical waste generators.

Registrations

The License and Registration Unit processed 1,610 new registrations, of which 106 are A-901 approved companies and 1,576 are A-901 exempt (non-commercial) companies. For the first time the unit prepared and successfully

conducted the 5-year Solid/Haz Transporter Public Entity Registration

Renewals for over 700 public entities (federal, state and municipal). Next year the Biennial Renewals for over 10,000 entities, commercial and non-commercial Solid/Hazardous and Medical Waste transporters, will be conducted. Currently, there are over 11,000 active transporters registered and 22,833 vehicles/equipment with NJDEP decals. Registration fees generate nearly \$10 million in State revenues.

The License and Registration Unit also finished entering all transporter registration information in the Masterfile database. This information will enable enforcement officers to quickly verify if a company has a current NJDEP transporter registration.

Efficiency Improvements

In March 2006, the Department conducted an information session to train County Health Officers on the interview process for exempt transporters. Currently, 12 counties conduct transporter interviews which assists the License and Registration Unit and saves the applicant both time and travel expenses by not having to



commute to the Trenton office.

The Hazardous Waste Report Unit is currently working with the EPA to update the report books for the upcoming 2007 reporting cycle. This modification will help to make hazardous waste reporting more efficient.

Pesticides

Initiatives

Unregistered Pesticide Products

The Pesticide Control Program and representatives from the EPA conducted an initiative in the City of Camden, which targeted illegal pesticide products. Teams consisted of representatives from both the Pesticide Control Program and EPA, and at least one member of each team was bilingual, with Spanish as the second language. The initiative focused on Dollar Stores, bodegas, botanicas and variety stores, which were identified and mapped by utilizing various resources. Examples of some illegal products of concern are “Miraculous Insecticide Chalk” and “Tres Pasitos”, both very hazardous, and illegal for sale in the United States. These illegal products have been identified in other New Jersey urban areas. A total of 26 locations were inspected. Some storeowners stated that they were familiar with the illegal products, however it was encouraging that no stores were found to be selling any illegal products. This unregistered pesticide product initiative was a follow-up to addressing the issues and concerns of the residents of Camden that began with an overall Department-wide enforcement sweep in 2001. More illegal product inspections are planned in the future.



Integrated Pest Management (IPM) in Schools Act

The New Jersey IPM in Schools Act was signed

Economic Regulation

The Economic Regulation Unit processed over 10,000 OPRA requests, 4,397 of which were in the last quarter of the fiscal year. In addition, over 775 annual reports were reviewed and \$4.5 million in fees collected.

into law on December 12, 2002, and it required New Jersey Schools to begin implementing IPM on June 12, 2004. IPM is a careful approach to controlling pests by using preventive methods such as sanitation, structural maintenance to prevent pests, and non-pesticide alternatives when feasible and effective. Ultimately, the goal is to reduce the reliance on pesticides, and thus reduce risk of exposure to children.

During the 18 months between the act being signed into law and when schools throughout the state were to implement the law, Pesticide Control Program Staff worked with representatives from Rutgers University and the New Jersey Department of Education to develop a model IPM Policy for use by all New Jersey Schools. Also during this period the Pesticide Control Program began statewide compliance assistance to support the new law. Compliance assistance was conducted throughout the State until spring 2006.

One requirement of the law calls for schools to name and train an “IPM Coordinator” for each school or school district within the state. This person will be the lead pest control person for the school(s) they represent. It will be the job of the IPM Coordinator to try to control or eliminate the various pests that a school deals with, without the use of a pesticide. If it becomes necessary to use



a pesticide, by law, preference will then be given to least hazardous alternatives termed “low impact pesticides”. Only when no other option is thought to be effective can a school turn to conventional chemical pesticides. Also by law, the IPM Coordinators must be available to the school community to answer questions regarding pest control issues in their school.

The law also requires schools to provide an annual notification to the school community regarding IPM.

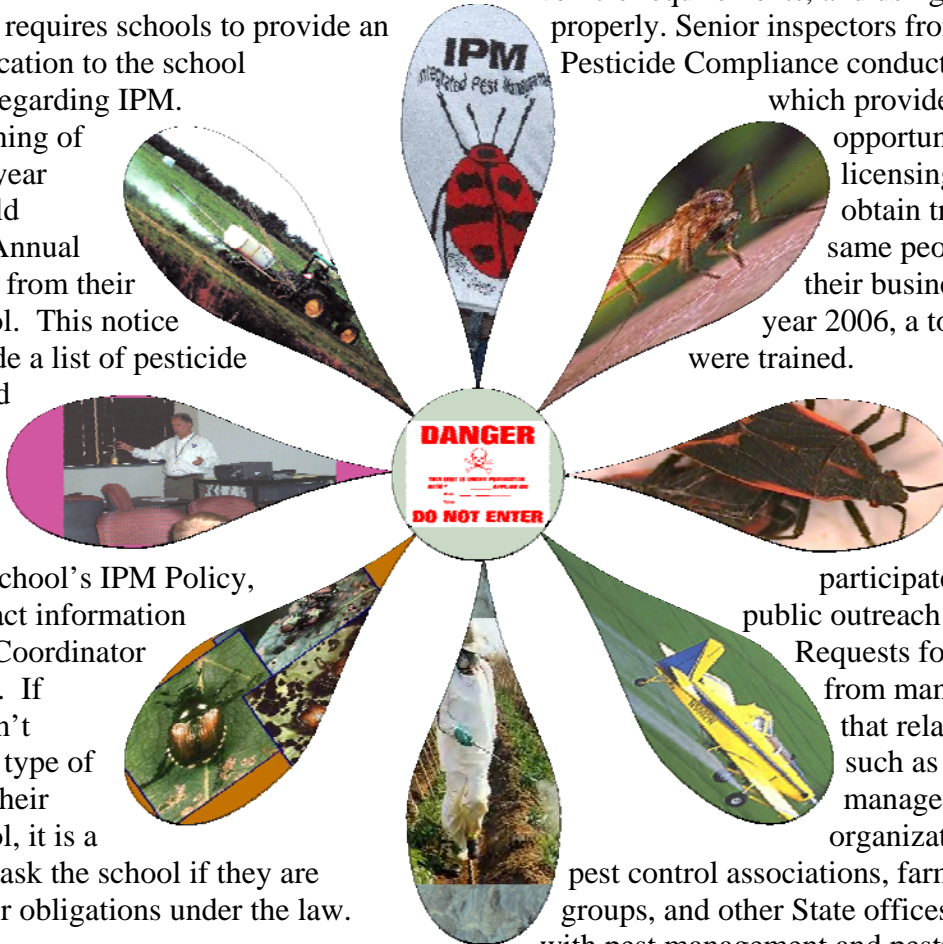
At the beginning of each school year parents should receive an “Annual IPM Notice” from their child’s school. This notice should include a list of pesticide products used in the school during the previous 12 months, a copy of the school’s IPM Policy, and the contact information for the IPM Coordinator in the school. If parents haven’t received this type of notice from their child’s school, it is a good idea to ask the school if they are aware of their obligations under the law.

To date approximately 1,300 IPM Coordinators have been trained through the generous efforts of groups such as The New Jersey Environmental Federation, Rutgers University Cooperative Extension program, Rick Cooper, a leader in the pest control industry, and others. These trained IPM Coordinators already represent approximately one third of the number that need to be trained.

Compliance offers a “Basic Training Course” for individuals who are planning to become licensed as commercial pesticide applicators or operators. The course also allows individuals who are already licensed to earn credits towards the maintenance of their licenses. The training includes a comprehensive review of pesticide licensing, record keeping, storage and service vehicle requirements, and using pesticides properly. Senior inspectors from the Bureau of Pesticide Compliance conduct the training, which provides a unique opportunity for the licensing candidates to obtain training from the same people who inspect their businesses. In fiscal year 2006, a total of 261 people were trained.

Public Outreach Events

The Pesticide Control Program participates in nearly 50 public outreach events per year. Requests for speakers come from many organizations that relate to pesticide use, such as turf or ornamental management organizations, structural pest control associations, farm advocates and groups, and other State offices that are charged with pest management and pesticide use. The Program also works very closely with Rutgers University Cooperative Extension Offices. Examples of outreach topics include park maintenance, dealer requirements for selling pesticides, Integrated Pest Management in Schools and farm worker protection from pesticide exposure. The Program tries to meet each outreach request, as it is a very important method for conveying information to the regulated community.



Pesticide Applicator and Applicator Business Training

Throughout the year, the Bureau of Pesticide

Case Highlights

Terminix Settlement

In May 2006, the Pesticide Control Program settled a case with Terminix International, Inc. as a result of a gross misapplication of the fumigant methyl-bromide during a cocoa-bean fumigation in a Pennsauken warehouse in 2004. Nine employees were exposed to the deadly pesticide; two suffered severe injuries and three required medical treatment following the incident.

The law requires employees to wear self-contained breathing apparatus during certain phases of the application and to test the air before allowing employees to re-enter the area to remove tarps that cover the large stacks of pallets containing the cocoa-beans. Inspectors determined that from start to finish, this was a gross misapplication of the methyl bromide. All safety requirements for protective equipment and atmospheric testing before re-entry were ignored.

In addition to a monetary settlement, the agreement prohibited Terminix International and any of its subsidiaries and franchises from participating in New Jersey's lucrative commodities-fumigation industry for at least a year. Once the one-year suspension has elapsed, Terminix can request the Department's permission to again perform these commercial fumigations – provided the company hires a consultant to review its operations and ensure its ability to comply with all regulatory requirements.

This warehouse fumigation incident prompted the Pesticide Control Program to conduct an overall assessment of the fumigation industry in New Jersey to prevent similar incidents from happening. No other companies were found to be in violation of safety requirements while fumigating.

Aerial Applicator License Revoked

Several complaints and two confirmed cases of pesticide drift resulted in the revocation of the aerial pesticide applicator license of Joseph DiOrio of DiOrio Aero Service, located in Bridgeton City, Cumberland County. With assistance from the laboratory at the Department of Health and Senior Services, the Pesticide Control Program was able to obtain sample results that confirmed the non-target applications. Additionally, coordination with the Federal Aviation Administration revealed that Mr. DiOrio had not held a valid pilot's license since 1995, and was not eligible to legally obtain one.

With the assistance of the Attorney General's Office, the Pesticide Control Program and DiOrio Aero Service entered into an ACO that permanently barred Mr. DiOrio himself from aerially applying pesticides in New Jersey. Additionally, the ACO establishes a 300-foot buffer zone from the property line of one of the application sites that is particularly prone to pesticide drift.

Land Use

Case Highlights

Deerfield Estates

Mt. Olive, Morris County

Deerfield Estates is a 17 luxury home housing development in Mt. Olive Township. In May of 2004, the Department issued a Freshwater Wetland Individual (IP) permit and Stream Encroachment (SE) permit to conduct regulated activities

on the site. A site inspection conducted in October 2004 found numerous violations of both permits. Due to over-clearing, soil erosion and subse-



quent siltation of waterbodies occurred. On December 17, 2004, the Department suspended the original permits and issued emergency permits to address and alleviate the sediment and soil erosion measures needed to control the off site erosion..

On June 2, 2006, an AONOCAPA was issued that requires the implementation of any temporary stabilization requirements from the Morris County Soil Conservation District (MCSCD), proper installa-

tion and maintenance of the all soil and sediment control devices, completion and stabilization of detention basins, cleaning and maintenance of stone sumps, all water quality outlets at least twice per year and that the outlets be checked after every major storm event. A penalty was assessed which included violations of the IP, SE permit and the New Jersey Pollutant Discharge Elimination System (NJPDES) permit.

In June a hearing in Office of Administrative Law occurred wherein Deerfield challenged the authority of the Department to suspend their permits in this matter. A settlement will require the site to fully comply with all soil erosion and sediment control measures prior to a reinstatement of the permits. The case is significant in that the Department's Division of Land Use Regulation, Land Use C&E and Water C&E's NRO partnered with the MCSCD, to halt site development and assess penalties for ongoing violations which had degraded a C1 trout production waterway.

Jumping Brook Country Club / Matrix Neptune Township, Monmouth County

On January 5, 2006, the Department issued NOV's to the Jumping Brook Country Club for violations of the FWWPA and the Flood Hazard Area Con-

trol Act. The violations concerned the deposition of fill material within freshwater wetlands, freshwater wetland transition areas and the floodway of the Jumping Brook. The Jumping Brook tributary travels southeast through Monmouth County where it ultimately connects with the Shark River within the defined coastal zone of New Jersey.



The structural failure of a water retention basin was caused by heavy rainfall that raised the water level beyond the capacity of the basin. As a result of the failure, rushing floodwaters scoured soil and vegetation. Erosion of the streambed and surrounding vegetation was evi-

dent on and off site. An investigation of the incident, revealed that silt and erosion had occurred over a mile downstream of the site of the failure.

The Department's Dam Safety provided technical assistance in rebuilding the damaged storm basin walls. Enforcement staff worked closely with Matrix representatives and local and county agencies to develop a restoration plan that would restore the stream and adjacent wetland communities to their former pristine condition. Pursuant to an ACO executed on May 18, 2006, Jumping Brook has removed all available fill to create conditions which will support complete and timely revegetation.

Windy Hill Farms Commercial Township, Cumberland County

The Department has negotiated a settlement with Windy Hill Farms Inc. following the inspection and prosecution of unauthorized regulated activities within a site involving the filling of approximately 4.7 acres of State regulated freshwater wetlands with crushed clamshells. In addition, the activity is considered a development since it occurred within the defined areas of the coastal zone. The regulated activities involve the operation of a solid waste facility / industrial develop-

ment providing for the processing of a food by-product. As a result of the processing, two 60-foot high piles of clamshell remnants were located on the farm property within freshwater wetlands. Ongoing restoration of the site has eliminated the piles and returned the grade of the freshwater wetland to its pre-disturbance condition. The property owner has agreed to donate the entire site to the State, to potentially be added to the nearby wildlife management area. The property owner has also made a penalty payment. The restoration of the Windy Hill site resulted in a return of 4.7 acres of non-functioning wetlands to the natural environment of Commercial Township. The donation of the property will ensure that this site remains public and undeveloped in perpetuity.

Winding Run Estates by Kara Homes Little Egg Harbor Twp, Ocean County

An AONOCAPA was issued for non compliance with an approved Coastal Area Facility Review Act (CAFRA) permit and Freshwater Wetlands Transition Area Waiver authorizing development of a 152 lot subdivision. The permit approval required Kara to deed restrict 28.66 acres of the site as forest preservation area, and 3.4 acres of the site as modified freshwater wetlands transition area. The deed restriction requirement is essential in assuring that the preserved area remains undis-

turbed in perpetuity, further it legally notifies future property owners of the restricted nature

of the property thereby limiting unknowing future violations. A field NOV was issued on November 16, 2005, after a site inspection determined that



construction had commenced, including the construction of 50+ homes on the site, without recording the required deed restrictions. In response to the field NOV, the required deed restrictions have now been recorded. Kara has been assessed a civil administrative penalty for these violations. Early detection of this major permit violation assured the legal recording of the deed restrictions and proactively prevented the destruction of preserved forest area and freshwater wetland transition area. Further, the aggressive nature of the enforcement action clearly established the Department's position on enforcement of administrative permit conditions written to protect our natural resources.

Pennrose Developers Long Branch, Monmouth County

On January 6, 2006, Long Branch community members phoned the Department's Environmental Justice Program with concerns regarding building activities on the former Seaview Manor Long Branch Housing Authority property. The Department's Division of Remediation Management & Response was monitoring a cleanup operation on site and had not issued a Letter of No Further Action (NFA) which was a condition of approval to build on the site. The complaint was referred to Land Use Regulation and Land Use C&E.

As a result of the permit compliance evaluation on January 11, 2006, a field NOV was issued to the developer who was advised to stop construction effective the end of the day due to non-compliance with 3 pre-construction permit requirements. City officials at Long Branch also advised that they would be issuing a Stop Work Order effective the next day. On March 22, 2006, an AONOCAPA was issued requiring compliance and assessing a penalty.

Pennrose Developers has pursued compliance with the permits. The Department received a copy of the approved deed restriction, as well as a copy of the CAFRA permit, both stamped as received by the Monmouth County Clerk on January 13, 2006. This case is an example of a coordi-

nated effort between community members and various sections of the Department that resulted in the safe and effective re-development of a formerly contaminated site.

Stella Oldmans, LLC and Edward Stella Jr., Oldmans Township, Salem County

On June 2, 2006, Stella Oldmans, LLC and Edward Stella of Oldmans Township, Salem County were issued an enforcement action and penalty for clearing up to 15 acres of freshwater wetlands and rerouting a stream on the property along Route 130 in Oldmans Township. Mr. Stella was fined and is required to restore the site to its predisturbance condition by regrading, replanting, and moving the stream back to its original location. Mr. Stella has agreed to suspend further clearing and grading activities at the site. Department staff are coordinating the preparation and submission of a plan to restore the site to its predisturbance condition.

**Dominick DiFlorio
Cranbury Township, Middlesex County**

SE violations at the site were first discovered by the Department in 1985. The violations consisted of the placement of fill material within the floodway of the Millstone River and the piping of 190 linear feet of an unnamed tributary to the Millstone River. The filling constituted an obstruction to flow, increased off-site flood damage potential, and the tributary piping resulted in a loss of natural stream conditions which negatively impact water quality. In 1990, the Bureau referred the case to the Attorney General's Office. Mr. DiFlorio subsequently filled for bankruptcy. In 2003, the Bureau successfully signed a Judicial Consent Order with Mr. DiFlorio for the restoration of the site. In an effort to move the restoration activities



forward, a staff Engineer from Land Use Regulation assisted in determining the depth of fill requiring removal based upon the State flood study maps and evaluated post-removal data provided by Mr. DiFlorio's surveyor to verify that the correct amount of fill had been removed. Activities including removal of 190 linear feet of pipe and restoration of the tributary channel were completed by Mr. DiFlorio in June of 2006. In total, the restoration encompassed 1.7 acres of the Millstone River floodway.

Pulte Lifestyle Communities/

Somerset Run

Franklin Township, Somerset County

An IP was issued in 2002 authorizing the disturbance of 0.602 of an acre of forested freshwater wetlands and 0.735 of an acre of associated wetland transition area. A permit compliance evaluation in early 2005 revealed that approximately 15,100 square feet of wetlands 54,250 square feet of wetland transition area had been disturbed beyond that which was authorized by the IP. In July 2005, an AONOCAPA was issued requiring permit compliance. Pulte has restored the affected areas and has agreed to a penalty settlement.

**Victor Seven Inc. / Wayne Commons
Wayne Township, Passaic County**

After several years of negotiations which also involved the engineering expertise of Land Use Regulation, an ACO was finalized in May 2006. In exchange for Department approval to construct a fifth medical office condominium, Victor Seven agreed to remove approximately 1,000 cubic yards of excess fill material from the floodway and 645 cubic yards from the flood fringe of a Packanack Brook tributary. Victor Seven also agreed to restore 6,000 square feet of wetlands, remove portions of several parking lots from the riparian corridor, relocate a large retaining wall out of the riparian corridor, enhance an additional 40,000 square feet of wetlands, transition areas and riparian areas, and pay a penalty settlement and a permit review fee.

Beazer Homes Corporation / Wellington Manor at Hopewell Hopewell Township Mercer County

The development by Beazer Homes comprises 115 single family homes in an over 55 community. At the request of Land Use Regulation's Mitigation Unit, a permit compliance investigation was conducted at this site. The investigation confirmed that Beazer Homes had violated multiple conditions of their Freshwater Wetland Permits and Freshwater Wetland Transition Area Waiver Averaging Plan including the failure to successfully perform 5.83 acres of freshwater wetland mitigation, the disturbances of approximately 2.17 acres of



freshwater wetlands and 1.62 acres of freshwater wetland transition area, as well as the failure to file a deed restriction as required by the permit approvals. The deed restriction serves to protect environmentally sensitive land from development in perpetuity to offset impacts allowed under the

permits. These disturbances to wetlands and transition areas have seriously impaired their ability to provide the functions and values of flood control, water quality and habitat. As a result of Beazer Homes' violations of their land use permit an AONOCAPA was issued.

Water

Initiatives

Fraudulent Monitoring and Reporting

Water C&E reviewed monthly operating reports that William Horton, former Licensed Operator for the Strawberry Point Homeowners Association in Byram Township, Sussex County submitted from January through May 2005. All of the reports showed identical daily chlorine residual measurements, required to prevent bacterial after-growth, prompting inspectors to question the data's veracity. Though Mr. Horton had signed and certified the reports as accurate, he admitted to inspectors that he did not conduct the mandatory, daily chlorine residual analysis. In April 2006 the Department fined Mr. Horton and ordered a two-year suspension of his operator license for violating the state's Water and Wastewater Operators Licensing Act by submitting false and inaccurate data to the Department. The

Strawberry Point Homeowners Association also received a penalty for failing to conduct water-quality monitoring required under New Jersey's Safe Drinking Water Act.



Inspectors uncovered similar violations at Roxbury Water Company. From July through December 2004, John F. Hosking, president of the privately owned water company and its operator, filed monthly operating reports that consistently documented the same daily chlorine residual measurements. In February 2005, the Department's Bureau of Safe Drinking Water launched an investigation and collected chlorine residual

samples at three points within the water-supply system. The sampling revealed inadequate chlorine residual concentrations in the distribution system. Mr. Hosking received a NOV on March 1, 2006, for failing to outline in an operation-and-maintenance manual the standard operating procedures for collecting and analyzing daily chlorine residual monitoring and failing to properly operate and maintain chlorine analysis equipment. In April 2006, the Department issued a penalty to the Roxbury Water Company and a penalty to Mr. Hosking's and ordered a two-year license suspension.



The Department also determined that at United Water Toms River drinking-water sources were manipulated so compliance sampling would conceal

actual water quality. Specifically, in September 2005, United Water Toms River managers, George J. Flegal and Richard Ottens both shut down the system's Well No. 35 before a scheduled compliance sampling for radionuclides because they apparently believed that high levels in that water source would trigger an exceedance of the maximum contaminant level for radionuclides. The water system had previously exceeded the maximum contaminant level for radionuclides, the Department fined United Water Toms River for failing to provide timely notification to the Department and to notify the public in February 2006. Mr. Flegal, a former general manager at United Water Toms River, and Mr. Ottens, the system's former operations manager, were fined each and also face two-year license suspensions.

Under the New Jersey Water and Wastewater Operators Licensing Act, every public water system must employ an operator licensed by the Department. In addition to licensing, the Depart-

ment, an appointed licensing board and an advisory committee develop training courses with Cook College and establish continuing education requirements and performance standards to ensure qualified, experienced people are operating New Jersey's public utilities. Both the water systems and the licensed operators can appeal the penalties and suspensions before a judge in the Office of Administrative Law

Case Highlights

Berkowitz Fat Co., Inc.

On June 17, 2005, a representative from the Department conducted an investigation at Berkowitz Fat. During the visual inspection, discharges of pollutants into unpaved areas of the yard were observed. A field NOV was issued on June 17, 2005, for unpermitted discharges of pollutants to groundwater. On August 4, 2005, a representative from the Department conducted a follow-up inspection at Berkowitz Fat. During the visual inspection, discharges of pollutants into unpaved areas of the yard were observed. There was also evidence of previous spills of pollutants in unpaved areas. An NOV was issued on August 25, 2005, for discharging pollutants to the waters of the State of New Jersey without a valid NJPDES permit issued by the Department. On October 6, 2005, a representative from the Department conducted a follow-up inspection at Berkowitz Fat. During the visual inspection, discharges of pollutants into unpaved areas of the yard were observed including a petroleum product spill. There was also evidence of previous spills of pollutants in unpaved areas. An NOV was issued on November 16, 2005, for discharging pollutants to the waters of the State of New Jersey without a valid NJPDES permit issued by the Department. On May 3, 2006, the Department issued an AONOCAPA for the unpermitted discharge. The facility filed an administrative hearing request.

Trenton Parking Garage Mercer County

On October 4, 2005, C&E was notified about a discharge of wastewater to the Assunpink Creek from construction activity at the Trenton Parking Authority facility. The resulting investigation revealed that a hydro-demolition unit was utilizing 75 gallons per minute of city water to remove 3 inches of concrete, as part of a restoration project of the Trenton Parking Garage at 132 East Front Street. The project had been ongoing for about a week and was expected to last another week. The General Contractor (National Restoration Systems, Inc.) had no controls for the

wastewater and did not receive Department approvals for the discharge. The resulting discharge was a gray slurry of cement dust that has left noticeable quantities of sediment in the stormwater system and the creek. A NOV was issued to the Trenton Parking Authority citing the activity as an illegal discharge. The Department negotiated a settlement with the Trenton Parking Authority. This case addressed a new issue of Hydro-demolition and an Enforcement Alert was created in March 2006 and is located on the C&E website.

Underground Storage Tanks

Fiscal year 2006 was the second full-year cycle since the implementation of the UST enforcement program in the fall of 2004. In this fiscal year the program conducted 661 UST Standard Compliance Inspections (SCI).

Initiatives

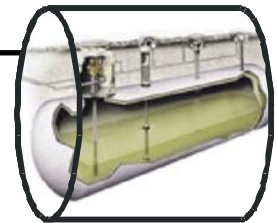
ACO with Department of Treasury

The Department signed an ACO with the New Jersey Department of Treasury to address testing and temporary operating authority, registration, closure and upgrade of regulated state-owned fuel oil and emergency generator USTs. The ACO addressed 35 USTs at 18 facilities throughout the state, with UST capacities ranging from 500 to 30,000 gallons.

Efficiency Improvements

The program worked in cooperation with the Office of Accountability within the Division of Site Remediation & Waste Management (SRWM) to design and test an automated NJEMS referral process. This enables staff to quickly make the

appropriate referral when evidence of a spill has occurred.



The program also worked with SRWM in the design and implementation of a dataminer report available to the public for “DEP Certified UST Firms.” The report enables the requester to receive a list of all contractors that have been certified by the Department to provide services on USTs and what type of certification (installation, closure, tank testing, subsurface evaluation and corrosion testing) they currently hold.

The program worked with both OLEM and BECS in the design and preparation of an NJEMS training course for CEHA UST inspectors as part of a Department pilot program to allow limited direct read/write NJEMS access to an outside agency.

Case Highlights

C&E inspects sites referred by SRWM based upon information supporting on-going or additional releases or UST registration issues.

Dover Gas, PI # 025975, Dover, Morris County: Based upon complaints of vapor intru-

sion in adjacent neighborhood buildings, an investigation was conducted on August 31, 2005, in conjunction with Emergency Response. There was evidence of recent large release from a 8,000 gallon unleaded gasoline UST.

This site was an active pre-existing C-2 remedial case in the Bureau of State Case Management (BSCM). A new release of motor fuel into the groundwater was confirmed, the tanks were emptied the same day and the case was immediately referred to SRWM for tank closure and remedial oversight.

Colonial Club, PI # 021722, Princeton Borough, Mercer County:

This eating club had been operating an unregistered 3,000 gallon heating oil tank that had not been properly upgraded in accordance with the December 1998 requirements for monitoring and release detection, corrosion protection, spill prevention and overfill protection. The August 17, 2005, SCI resulted in an immediate Delivery Prohibition and a field NOV.

The operator chose to close the tank and the site is currently undergoing a Site Investigation with oversight by SRWM.



active remediation case in BSCM. Review of recent leak detection data during the June 1, 2006, SCI revealed a history of overfills, high product and max product alarms. Visual staining indicative of a recent overfill was photo-documented draining toward a monitor well with recent high

contaminant levels. A field NOV was issued for the owner to verify functional overfill protection. Documentation of a new release was referred to BSCM's Case Manager for investigation.



Crescenzo Management Co., PI 004317, Hammononton, Atlantic County:

A March 21, 2006, SCI found that this facility was operating with an expired (09/02/2004) registration certificate, the site had been operating steel tanks without properly tested corrosion protection equipment since 2000 and that one of the three USTs on-site also lacked overfill prevention equipment. The corrosion protection equipment was found turned off the day of the inspection. A Delivery Prohibition and Cease Use were immediately established.



Jersey Gas, PI 007365, Allenhurst, Monmouth County:

A referral from SRWM was made due to a spike in routine ground water monitoring data for this

Administrative & Fiscal Support

The Administrative and Fiscal Support Program (AFSP) provides administrative guidance, fiscal, human resources, employee services and computer support to all programs within C&E. Issues addressed by AFSP staff include budget, procure-

ment, database design and all aspects of personnel management, including training, travel, health and safety and assisting employees navigating



through the myriad of benefit services and workplace issues within the department.

Initiatives

AFSP participated in ongoing workgroup discussions advancing the fair and productive work environment goal area of the division's strategic plan.

Graphics design is a new initiative available. We now have the capability to produce colorful placards to be displayed on our state vehicles during various inspection activities.

Efficiency Improvements

Database design members produced state of the art procurement and inventory database systems

and reports which have been instrumental in short and long term budget planning and allocation of resources resulting in the best use of limited state monies. Other databases with reporting capability were developed for storage and management of employee training records.

Training

A total of 206 technical training requests were processed for C&E staff during 2006 as follows: 89 in the Air program, 27 in the Bureau of Hazardous Waste, 31 in the Bureau of Solid Waste, 5 in the Water program, 5 in the Bureau of Local Environmental Management, 9 in Bureau of Enforcement Compliance Services, 7 in the Pesticides Program and 33 in Coastal and Land Use Enforcement. Meeting technical and all other training issues for C&E continues on a daily basis and remains challenging .

Enforcement & Compliance Services

The Bureau of Enforcement and Compliance Services (BECS) performs a variety of functions that are integrated directly with the day to day operations and outputs of all the programs performing enforcement activities throughout the Department. Functions include managing responses to Open Public Records Act (OPRA) requests, supporting and advancing the use of data and technology, producing outreach materials, web page development and processing collections. While carrying out these functions, the bureau has an overriding responsibility to encourage innovation and seek improvements in order to advance the Department's Action Plan and C&E's strategic plan. During fiscal year 2006, BECS staff were reduced from 14 to 12 as enforcement case management functions were handed over to the program field offices.



Outreach

BECS continues to be the lead on the highly successful Compliance Advisory system. During

fiscal year 2006, 12 advisories were posted and distributed to 1,200 subscribers listed in the advisory listserve. The

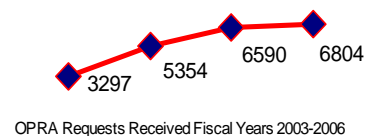


Compliance Advisory system was selected for presentation at a workshop to review and highlight the 2005 best practices in New Jersey state government, held on October 19, 2005.

OPRA

OPRA oversight is one of several core functions performed by BECS. The bureau managed the response to 6,804 requests in the year, an increase of 3 percent over the 6,590 in fiscal year 2005. The slowing

growth rate of requests is a hopeful sign that efforts to fine tune the request



referral process along with the steady publication and promotion of on-line enforcement data are having a positive effect to stabilize the resource demands of this function.

Technology

BECS continues to provide significant support in service of the data and technology needs of enforcement staff. In the 2006 fiscal year, BECS handled a steady stream of support requests. Most requests were related to enforcement uses of NJEMS, the Department's integrated, enterprise data management tool. The following support was provided by BECS in the 2006 fiscal year.

- 650 support requests for data corrections, requirement library updates, de-bugging/troubleshooting and system enhancement designs
- 160 requests for new or modified Business Objects reports
- 140 new or modified system document templates

Enforcement Case Management

Fiscal year 2006 was the last full year that BECS provided case management and document production services. This support was provided to the three bureaus covering five programs that deal with Radiation (Radiological Health - License & Registration, Machine Source and Technologist Certification; Environmental Radiation; and Nuclear Engineering). The bureau issued 593 formal documents in its final year of this service, up from 526 the year before. It is notable that with an increased workload, there was no disruption or delays in this service, even though the bureau was heavily engaged throughout the year in the transition to performing this function in NJEMS. Managing the process in NJEMS is what primarily enables the programs to take over this function in the following fiscal year.

Efficiency Improvements

One new service was added in the year for the storage and indexing of digital images as an interim solution until a more automated Department-wide strategy can be implemented. The new process requires staff to supply BECS with images and their descriptions. These records are then filed in a shared image server and manually linked back to NJEMS. This ensures consistent filing, secure storage, and enables staff to navigate back to images from associated NJEMS records with just a mouse click. To get the process rolling, BECS provided multiple presentations at field office locations to familiarize the staff. A total of 3,633 individual images have been filed and linked back to 274 activities.

This year was the first to see systematic remote, web-based access to NJEMS for county health agencies that are not part of the Department's internal network. The first 19 county inspectors doing underground storage tank inspections have been trained and provided access to the system. This is the first step in eventually enabling all of those partnered with the Department to make use of our significant data and information technology tools.

While the Department is continuously consolidating into NJEMS, not all data is yet available in one place. Another technology development this year included the creation of a New Jersey Water Watch web site. This involved modifying a web-based interface to a Federal data system allowing access to critical drinking water data for county health agency staff members who oversee some of the drinking water purveyors. The effort leveraged existing work by building on similar tools used in other states.

Environmental Crimes

For two decades, the Environmental Crimes Bureau (ECB) within the Division of Criminal Justice has investigated and prosecuted violations of the State's water pollution, air pollution, hazardous waste and solid waste laws, as well as traditional crimes that have an impact on public health and safety and the environment. ECB staff meet regularly with C&E staff. During fiscal year 2006, in addition to responding to pollution incidents statewide, the ECB, working closely with the Department and local officials, focused its efforts on identifying and prosecuting those who illegally dispose of hazardous or solid waste in vulnerable urban areas, and those who file false information with the Department. During fiscal year 2006, the ECB and the Department provided training on environmental crimes to all C&E inspectors.

In fiscal year 2006, the ECB obtained 19 indictments and accusations against a total of 21 defendants. Successful ECB prosecutions secured fines and restitution and two and one half years jail time. During fiscal year 2006, the ECB opened and completed over 60 criminal investigations and responded to 68 emergent pollution incidents throughout the State.

URBAN INITIATIVE

The Urban Environmental Initiative is a partnership between C&E and ECB that is geared to the response, investigation and prosecution of environmental crimes in urban, suburban and rural communities and industrial areas and targets criminal activity such as the illegal dumping of construction debris and other solid waste, illegal discharges of pollutants into waterways and the air, and other activities which negatively impact the quality of life for the residents in urban areas and communities.

In fiscal year 2006, the ECB worked closely with the Department and officials in Paterson, Newark, Jersey City and Camden to address chronic solid

waste dumping problems in each of these cities and throughout the State.

As part of the Urban Initiative, the ECB, with the Department, conducted statewide training of county and local officials to assist them in responding to local dumping incidents. Listed below are examples of some of the successful prosecutions from this ongoing initiative.

State v. Nesbitt (Indictment No. 05-08-001310-S)

A State Grand Jury indicted Nesbitt, a supervisor for the Jersey City Incinerator Authority, for illegally collecting construction and demolition debris from several residential construction sites in Jersey City and illegally dumping the debris on a city-owned lot on Garfield Avenue. Nesbitt pled guilty to third degree unlawful disposal of solid waste and was sentenced to one year in the Hudson County jail and three years probation and ordered to pay restitution for the cost of clean up.



State v. Rovcanin (Indictment No. 05-03-0030-S)

A State Grand Jury indicted Rovcanin for obtaining at least four separate contracts to remove asbestos and other construction debris from construction sites spanning four counties without a license to perform such work. Rovcanin collected the debris, placed 33 bags of asbestos material, in a trailer and then abandoned the trailer on 38th street in Paterson. The trailer also contained construction debris, soil, wood, metal, carpet, and pieces of fiberglass boat hulls. Rovcanin pled guilty to three separate counts of unlawful, unli-



censed asbestos abatement, third degree and one count of unlawful solid waste collection and was sentenced to an aggregate three years probation with a fine, and ordered to provide for full clean up and removal of debris in the trailer he abandoned and was barred from the asbestos abatement industry, unless licensed by the New Jersey Department of Labor. This successful prosecution was the first-ever under the 2005 Asbestos Control and Licensing Act.

State v. Wilenta Feed, Inc. (Accusation No. 5-9-741A)

The ECB filed an accusation against Wilenta Feed for transporting solid waste, food waste, to an unlicensed facility in Newark near a housing project. Wilenta Feed pled guilty to third degree reckless unlawful transportation of solid waste to an unauthorized place and the Court imposed a fine.



ENVIRONMENTAL FRAUDS

Working closely with the Department, the ECB has made it a priority to target and prosecute those who submit false information to the Department. Such fraudulent submissions jeopardize public health and the environment and undermine the integrity of the Department's regulatory programs. Listed below are a few examples of successful prosecutions in this area.

State v. Gerald Portee (Indictment No. 05-02-0006-S)

Following a two week trial, the Court sentenced the defendant, former director of the UMDNJ-Newark physical plant, to a one year probationary term, fined him and permanently disqualified him from public office for third degree witness tampering relating to the ECB's investigation into the unlawful discharge of acidic wastewater from the UMDNJ physical plant into the sewer system and falsifying of facility records relating

to the handing of the wastewater.

State v. George Flegal and Richard Ottens, Jr.

(Indictment No. 06-06-00070-S)

The State Grand Jury charged defendants with two counts of third degree tampering with public records and two counts of fourth degree falsifying records for causing United Water Toms River to submit to the Department sample analysis of drinking water samples that did not accurately reflect the sources of water tested. The defendants shut down one of three wells that led to the point of entry for the utility's drinking water distribution system during a scheduled compliance sampling for radionuclides. The defendants were allegedly concerned that high levels in the one well would cause the system to exceed the maximum contaminant levels and the water system had previously exceeded the Maximum Contaminant Level (MCL) for radionuclides.



Division of Fish & Wildlife Bureau of Law Enforcement

Conservation Officers (COs) have served as the enforcement branch of the Division and stewards of New Jersey's wildlife since 1871. A CO's fundamental duty is to provide service to the public by enforcing the laws that protect and enhance our wildlife resources. COs must possess a Bachelor's degree in wildlife, fisheries science or a related field. All COs must attend an accredited police academy and meet all of the requirements of the Police Training Commission. Additionally, they must successfully complete the Bureau of Law Enforcement's 10 week pre-service training. This training prepares the officers to meet the variety of challenges that a career in wildlife law enforcement presents. A CO may receive a radio call for assistance that could lead to boarding a commercial vessel in rough seas, pursuing a deer poacher at midnight, making an undercover purchase of an endangered species from an international smuggler, or assisting in the capture of waterfowl injured due to a massive oil spill. Although their work takes place under difficult and often dangerous circumstances, COs are rewarded with the opportunity to assist in providing a stable and healthy wildlife legacy for future generations.

Case Highlights

Illegal Possession of Game Species

In March 2005, COs acted on information

received regarding an Essex County Taxidermy Shop receiving illegal wildlife parts and failing to maintain required re-



records. Parts of at least twenty-five white-tailed deer not properly labeled were seized as well as the shop's logbook. Over the course of the next year, the officers conducted interviews of dozens of individuals noted in the logbook. Approximately twenty patrons were found to have parts of more than thirty deer at the shop, which were not properly tagged or registered. One individual was found to be responsible for twelve of the deer. It was determined that one of the twelve deer was killed while it's antlers were in velvet at a time of year when hunting was not allowed. The velvet was scrubbed from the antlers in an attempt to make them appear legal. At the conclusion of hundreds of hours of investigative work more than twenty individuals were charged with over fifty violations. The majority of defendants plead

guilty to the charges. In May of 2006, the COs were selected by the New Jersey Public Service Recognition Awards Program to receive a Teamwork/Achievement Award for their activities relating to the investigation.

A CO received information that a hunter from Monmouth County had illegally shot a bear at the Newark Watershed property in Passaic County. The hunter, whose privilege to hunt was revoked,



obtained a license with false information and a permit to hunt on the Watershed property along with another hunter. The hunter had obtained a hunting license at a local Kmart. The hunters admitted to shooting two bears (a large female and a young male) and not checking them in. The main suspect also admitted to hunting while revoked, falsifying information to a license agent and possession of untagged bears. The bears were skinned by a Middlesex County butcher. Summonses were issued to all individuals involved.

While driving past an exclusive farm residence located in Marlboro Township, Monmouth County, COs observed a vehicle parked on the property that seemed out of place. At that point, one CO remembered a prior incident in which illegal hunting had been reported on the property. When the COs proceeded up the driveway to investigate they observed a man dressed in camouflage and holding a shotgun duck into the brush in an attempt to conceal himself from the officers. The man was too far away to apprehend and could easily flee from the officers. One CO was secretly dropped off as the other officer exited the property in an attempt to make the hunter believe that both officers had driven away. The ploy worked and the CO was able to apprehend the subject while still in possession of a loaded shotgun. In addition to not wearing hunter's orange, it was discovered that he had no valid shotgun permit for that zone. During questioning, the subject acknowledged that five of his friends were still hunting somewhere on the property. When the officers searched the woods, they located the other hunters along with three untagged deer. When the COs completed their investigation, the hunters were issued a total of eight summonses. They included three for hunting without a valid shotgun permit; three for the possession of untagged deer; one for hunting without a license; and one for failing to wear the required hunter's orange clothing.

Potentially Dangerous Pets

Potentially dangerous species are increasing in popularity in the pet trade. A multi-million dollar industry has developed involving everything from baboons and crocodiles to tigers and cobras. This

often poses a substantial risk to their owners, the community, enforcement officers and to our native wildlife populations. Regulations are in place to curtail the practice of holding these animals as pets, and it is the COs responsibility to enforce these regulations.

A CO responded to a complaint in Egg Harbor Township, Atlantic County, about a female who was hospitalized for a venomous snakebite. At the hospital the victim refused to tell the officer anything about the incident or the location of the snake. The officers explained that it was their shared duty to remove this dangerous animal from the community before someone else was injured. They also pointed out that without a determination of the exact species of snake, proper selection of anti-venom and treatment would be questionable and further jeopardize her chances of recovery. She still refused to cooperate, stating that she didn't want others to get into trouble with legal authorities. COs then realized that an intensive investigation would be required. After a week of interviews and tracking down small leads with cooperation from the Atlantic County Prosecutors office, Egg Harbor City Police Department and the Galloway Township Police Department, the CO was able to locate the likely owner of the snake and obtain a search warrant. The officers were alerted by local authorities of the potentially violent nature of certain individuals that might be located at this residence. As a result, COs served the warrant with the assistance of the New Jersey State Police TEAMS Unit, the Egg Harbor City Police Department and the Atlantic County Prosecutors Office. A search of the dwelling yielded a pygmy rattlesnake which was confiscated and transported to the Philadelphia Zoo by Division permit personnel. Additional evidence, including illegal drugs, was turned over to the prosecutor's office and the local police department. An individual that misled investigators was issued a summons for interference and the suspect who possessed the rattlesnake was issued two summonses for possessing the potentially dangerous species and possessing a regulated species without a permit.

Lobsters and Law Enforcement at Sea

Conservation Officers conducted an at-sea operation specifically intended to enforce regulations regarding the tagging of lobster pots. Pursuant to federal regulations, fishing effort is controlled via size limit restrictions on retained lobsters and "catch effort", specifically regulating how many lobster pots can be employed by any one vessel. To that end, each lobster pot deployed by a vessel must bear a numbered "pot tag" of which only so many are issued per boat. In this manner, the total number of pots deployed is limited by the number of tags issued to a vessel and hence fishing effort is controlled.

COs encountered a lobster vessel approximately eight nautical miles off the coast of Sea Bright, New Jersey. They had just completed hauling a line of 12 lobster pots aboard their vessel when approached by the COs. Upon seeing the officers, the operator of the vessel suddenly threw the boat into gear and began turning the vessel into a tight high speed circle towards the officer's patrol boat. Simultaneously, the crewman began dumping both the hauled pots and lobsters overboard. Eventually, because of the tight turn and the re-deploying lobster pots, the COs found themselves "cornered" by the fishing vessel and the vessel's ground line. At this time, the COs attempted to back away from the ground line to prevent their engines from becoming ensnared and thus disabled, only to find that the vessel had now become "bow-on" to the patrol boat and was heading towards the patrol boat amidships. A ramming was imminent. As a last resort, a CO exited the cabin of the patrol boat armed with a .223 caliber patrol rifle and ordered the operator to stop the vessel. The operator immediately threw the boat into neutral, threw his hands up, and exited the pilothouse.

A second lobster vessel was fishing approximately 12 nautical miles off the coast of Bradley Beach, New Jersey. COs boarded the fishing vessel and documented that the vessel was attempting to dispose of 12 lobster pots which were not fitted with the proper federal tags. All of the 12

untagged pots were recovered and seized along with 106 pounds of American Lobster which were subsequently measured and returned to the water.

A third vessel was also encountered that was actively engaged in hauling lobster gear. Upon seeing the patrol boat, the captain removed the pot's ground line from the vessel's pot hauler and pushed the pots which were already aboard the lobster vessel overboard. A CO was able to quickly grab the ground line before it was dragged beneath the surface of the water, almost falling overboard in his effort to secure the evidence. Twenty-one untagged lobster pots attached to the line were recovered. All of these pots were seized along with 235 American Lobsters which were subsequently measured and returned to the water.

The prosecution of commercial lobster violations for these three cases was handled by COs in conjunction with the National Marine Fisheries Service.

Shellfish: Protecting the Public from Health Risks and Curtailing Over Harvest

COs were conducting a boat patrol along the houses behind Brigantine. As they approached the waterway near Little Panama, they noticed three clambers harvesting in closed waters. Due to the falling tide, a CO dropped a second officer off on a dock so he could apprehend the clambers from land. As the officer was making his way down the dock, the clambers recognized who he was and started to flee. The CO proceeded approximately 80 yards down the dock and across two yards out to Brigantine Boulevard. At that time the clambers were inside their vehicle and attempting to escape. The CO was caught in their path as the vehicle started to accelerate towards him. The CO stopped the vehicle, gained control of the situation and Brigantine Police arrived for back up. A total of 25 summonses were issued to the 3 clambers for clamming in condemned waters, untagged shellfish, sublegal clams, clamming without a license, littering, trespassing, forfeiture of gear and vehicle, and open container of alcohol in a vehicle.

COs set up surveillance of the dock at Cold Spring Fish Company in Cape May. The objective of the surveillance was to detect any over harvest of sea scallops landed by general permit category vessels. Currently a general category permit holder can land up to 400 pounds of shucked sea scallops per day. During the surveillance, three fishing vessels docked and landed their trip limit. Three trip limits were documented by counting the number of bags offloaded, or eight 50 pound bags. Shortly after the third vessel offloaded eight bags, a truck backed in next to the dock. One individual (later identified as the Captain) was seen carrying two five gallon used oil buckets that were placed in the truck. As the truck was leaving, a CO stopped the vehicle in the parking lot. Inside the used oil buckets, the officer found an additional 105 pounds of sea scallops. After determining through records provided by Cold Spring Fish company that the vessel had already offloaded 400 pounds, the Captain was notified that his whole trip of 505 pounds would be seized. The Captain and vessel owner were issued a summons for false reporting and landing sea scallops in excess of the daily trip limit.

Protecting State Lands

A CO was able to retrieve a name and address off of old pay stubs found in construction debris dumped on the Assunpink Wildlife Management Area (WMA). After contacting the business named on the pay stubs, she was informed that the

employee had suffered a massive stroke last fall and had moved

back to Puerto Rico with his family. The CO went to the address on the pay stubs and found that the building was under renovation. The Trenton Building Department was able to give her the name of the building owner who put her in contact with the contractor that was paid to remove the debris from the building. The CO spoke with the contractor by phone and the man admitted to discarding the refuse. The officer arranged to meet him several days later to pick up the debris. Two days before they were to meet, COs found another pile of debris with similar pay stubs about a mile away. Creek. Later that evening, the contractor came to clean up the debris and receive his summonses. When the contractor met with the CO, he was surprised to learn that she was aware of both dump sites. He was charged with two charges of dumping on a WMA. In the plea agreement, the contractor was fined and sentenced to 90 days of community service. The judge also informed the contractor that if he failed to meet his obligations, he would face incarceration in the county jail.



Pollution Prevention & Right to Know

Initiatives

The Office identified facilities, based on their CRTK inventory reporting, that could be subject to the Release and Pollution Prevention Report (RPPR) and Federal Toxics Release Inventory (TRI) reporting requirements. As a result of this initiative, the Office discovered one facility, Chart Corporation, located in Paterson that stated that

they released approximately 150,000 pounds of methanol to the atmosphere in 2005. Utilizing the Department's Multi Media Release Report (MMRR), it was discovered that this facility did not have any air environmental permits from the Department. A compliance investigation by



Northern Air C&E uncovered numerous air permitting violations along with potential discharge violations. Subsequently, the facility submitted RPPR's for the years 2000 to 2004 and reported the following releases of methanol.

Year	Stack Emissions (pounds)	Fugitive Emissions (pounds)
2000	370,157	79,935
2001	317,092	84,076
2002	445,193	88,216
2003	569,734	92,357
2004	551,662	95,334

Efficiency Improvements

All inspectors in the Office have participated in audits under both Right to Know and Pollution Prevention, thereby increasing the knowledge base of the inspectors and increasing the efficiency of the program's inspections.

The Department's readopted Worker and Community Right to Know regulations provide an exemption from reporting for facilities that do not use or store environmental hazardous substances above reporting thresholds. Implementation of this new rule requirement reduced the number of CRTK Surveys mailed by the Office from over 31,000 in 2004 to approximately 21,000 in 2005. This change allows the program to focus on the collection of Surveys from facilities possessing chemicals of greatest concern to the community. The Office is conducting random inspections to verify the accuracy of reporting under this new provision.

Office of Quality Assurance

OQA has responsibility for leading the department's activities related to establishing and maintaining effective quality systems and for assuring the quality of analytical data used by the department, industry, local government, municipal authorities and private citizens. As part of its activities the OQA certifies businesses conducting environmental analyses. Businesses can either be certified using standards generated by the State of New Jersey or accredited using standards generated through the National Environmental Laboratory Accreditation Conference (NELAC). New Jersey is one of twelve states in the United

States approved as a Recognized Accrediting Authority in the National Environmental Laboratory Accreditation Program (NELAP); and able to grant businesses national status as a



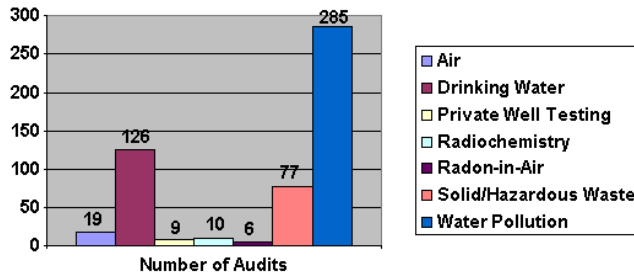
NELAP Accredited laboratory. Over 125,000 certifications/accreditations are granted each year to over 800 businesses. These businesses are located throughout the United States, Canada, Europe and Asia. New Jersey has one of the most analytically complex programs in the nation and grants certifications/accreditations to businesses that analyze drinking water, wastewater, ambient water, soils, solid/hazardous waste, sludge and air samples for microbiological, inorganic, organic, radiochemical, radon and biological properties.



To become certified/accredited, and to maintain this status, businesses are required to conduct a variety of activities. These include



Performance Test (PT) Samples and On-Site Audits to demonstrate compliance. Following are the Fiscal Year 2006 numbers relating to these two activities:



	Total Analyzed	Total Found Unacceptable
Drinking Water	10000	438
Radiochemistry	51	1
Radon in air	10	0
Solid/Hazardous Waste	15630	912
Water Pollution	15800	543

**On-Site Audits
Performance Test Samples**

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



Radiation

The goal of the Bureau of Radiological Health (BRH) is to improve quality of life by protecting the public and radiation workers from unnecessary exposure to ionizing radiation from machine sources and reducing medical misdiagnosis caused by faulty x-ray equipment and operator error. In fiscal year 2006, BRH inspected 6,822 x-ray machines at 3,357 facilities throughout the State. There were 619 quality assurance violations and 627 other radiation protection violations. These violations resulted in the issuance of 397 NOVs, 195 Administrative Orders and 135 Notices of Penalty. The Mammography Quality Standards Act (MQSA) program within BRH consists of five inspectors who are certified by the

Food and Drug Administration to conduct the required annual inspection of all mammography facilities within the State. In fiscal year 2006 they inspected 241 FDA certified facilities and 48 Stereotactic mammography machines. The national violation rate average is 27 percent; New Jersey’s violation rate is 21 percent. The Technologist Certification Section of BRH issued 1,153 new licenses for radiologic technicians. They also conducted 33 investigations of schools for possi-



ble license issues which resulted in the issuance of 37 enforcement actions for taking x-rays without a license or with an expired license. A total of \$26,150 in penalties was assessed..

Initiatives

Backlog of Overdue X-ray Machine Source Inspections is Reduced

BRH accomplished a milestone during fiscal year 2006 by reducing the number of facilities and x-ray machines overdue for inspection as compared to numbers reported in its April 2004 backlog analysis report. At that time, BRH reported that 2,173 facilities and 5,866 machines were overdue for inspection one or more years. Of that backlog 22 percent (487 facilities and 1,381 machines) were overdue for inspection five years or more. As of June 30, 2006, BRH has reduced its backlogged inspections by nearly 50 percent and no facility is more than one year overdue for inspection. The chart represents the x-ray machine backlog status over the past five years.



New Jersey Radiation Dose for Computed Tomography (CT) Radiological Examinations Below National Average

In November 2004, BRH along with New Jersey Certified medical physicists established a standardized method of measuring and reporting CT patient radiation dose in New Jersey. The method selected was the computed tomography dose index, volume basis method (CTDI_{vol}). Once established, BRH required all CT facilities to begin reporting their annual average patient dose measurements using CTDI_{vol} standards as part of their annual quality assurance program report. Standardizing the method for reporting CT dose permits BRH to compile meaningful data and calculate averaged patient radiation dose for typical CT examinations. These averages are then compared to national averages to assess the

performance of New Jersey facilities. BRH calculated its first year average dose for three common CT examinations, head, adult abdomen and pediatric abdomen. These averages were calculated from more than 300 New Jersey CT machine measurements. The results of its first year averages were presented to New Jersey Certified medical physicist at a March 2006 meeting hosted by BRH. This information is vital to the medical physicists who establish the technique factors that affect patient dose. The medical physicists will use this dose information along with other information to reduce patient radiation dose without sacrificing medical image quality wherever possible.

New Jersey facility average CT doses were below the voluntary recommended dose limits of the American College of Radiology (ACR) for all three studies (See Table). BRH attributes these results, in part, to the stringent quality assurance regulations that have been in place in New Jersey since January 2001. BRH continues to collect CT dose data and will investigate any high CT dose to ensure that appropriate corrective actions are taken. The reduction in patient dose for CT examinations is significant as a recent study conducted by the United States Food and Drug Administration estimates that 46 million CT procedures are performed annually in the United States.

	Adult Head	Adult Abdomen	Pediatric Abdomen
NJ Mean CT Dose*	49.1 mGy	19.3 mGy	15.3 mGy
ACRs Voluntary Recommended Limits	60.0 mGy	35.0 mGy	25.0 mGy

*New Jersey data collected from 12/04 to 2/06

Although this represents approximately 16 percent of all x-ray procedures performed, CT procedures account for 65 percent of the radiation dose received by patients having x-ray procedures.

Release Prevention

The Bureau of Release Prevention constitutes two programs, the Discharge Prevention program, and the Toxic Catastrophe Protection Act, or TCPA, program. The Discharge Prevention program provides assistance to New Jersey facilities that are required under the Spill Compensation and Control Act, to develop Discharge Prevention, Containment and Countermeasure (DPCC) and Discharge Cleanup and Removal (DCR) plans. The TCPA program assists and supports owners or operators that handle, use, manufacture, store or have the capability of generating a toxic, flammable, or reactive extraordinarily hazardous substance at or above specified threshold quantities in a process. The program verifies that these facilities comply with state and federal accidental release prevention requirements.

DISCHARGE PREVENTION PROGRAM

The Discharge Prevention program continues to provide compliance assistance and compliance confirmation to its entire regulated community. Compliance evaluations were conducted at all regulated major facilities; a total of more than 350 site visits were conducted.

Using data contained in the Department's Facility And Chemical Information Tracking System (FACITS) concerning substances stored at facilities in New Jersey, the Discharge Prevention program has been inspecting facilities that may be major. Over 110 such inspections were conducted and resulted in the discovery of 20 major facilities that had not prepared and submitted the required DPCC/DCR plans. The program is working with these facilities to determine their compliance options, and they are all expected to be in compliance by the end of 2006.

Coordination with EPA Region 2 has continued and been expanded during the past year. Staff members from the Discharge Prevention program

have participated in seminars held by Region 2 on the Facility Response Plan (FRP) program. In New Jersey, the FRP



and Discharge Prevention programs overlap. Also, the revisions to the federal Spill Prevention regulations has increased the need to coordinate between that federal program and the State's Discharge Prevention program.

The Discharge Prevention regulations, N.J.A.C. 7:1E, are scheduled to sunset in August 2006. As part of the preparation of the proposal of the re-adoption, the Discharge Prevention program convened a workgroup on the integrity testing of aboveground storage tanks consisting of interested persons from the regulated community, industrial associations and tank testing companies. This group provided valuable input into the standards for integrity testing of all types of aboveground storage tanks.

TCPA PROGRAM

The TCPA program performs audits of covered facilities to monitor and evaluate implementation of their risk management programs to verify compliance with the TCPA Act and rule. A risk management program includes elements such as process safety information, standard operating procedures, operator training, mechanical integrity/preventive maintenance, process hazard analysis with risk assessment, management of change to operations/equipment, safety review, and emergency response. Program staff review annual reports submitted by facilities which summarize risk management program activities over the previous year. Staff also review submitted risk management plans, which include registration information and data on worst case releases from the facility.

The TCPA program's chemical safety engineers perform a comprehensive audit of the management



system for the facility's risk management program including the procedures, records and reports, and tracking systems, along with an inspection of the equipment and controls of the covered process. If the TCPA program finds material deficiencies, which are inadequacies or omissions of an owner's or operator's risk management program that reduces the effectiveness of the risk management program, a consent agreement, which includes the description of the finding and a corrective action, is issued.

Currently, there are 102 sites covered by the TCPA rule. The Bureau completed audits of 60 sites last year. Consent Agreements were issued to four new covered processes, and 28 Consent

Agreement Addenda were issued for existing facilities. Twenty-eight sites received letters stating that no violations or material deficiencies were found.



Site Remediation Waste Management

The SRWM Program is in transition, with many exciting initiatives underway. Recent enforcement initiatives, such as the establishment of the Office of Accountability and the adoption of the Grace Period Rule, signal the start of a more assertive stance in the face of noncompliance with remediation requirements. Specifically, FY06 brought another dramatic increase in the number of enforcement actions issued. The number of Administrative Consent Orders executed, wherein parties agreed to conduct remediation, more than doubled. The SRWM program increased the number of Spill Act Directives issued by nearly 50 percent putting parties on notice of their obligation to conduct or pay for remediation.

In order to implement the Grace Period Rule, which became effective in September 2006, the SRWM program is in the process of migrating to full use of NJEMS, an integrated environmental information management system. Use of NJEMS allows Case Managers to record violations and promptly issue enforcement actions. It also furthers the Department's goal of information sharing in that data concerning SRWM's enforcement

actions is now available on the Department's web site.

Case Highlights

Lail Property, East Greenwich, Borough of Paulsboro, Gloucester County

On October 4, 2005, the Department executed an ACO with Exxon Mobil Corporation for the remediation of the Site which is heavily contaminated with the PCB Aroclor 1254. The Site includes uplands, tidal wetlands and an embayment off of the Mantua Creek, which discharges to the Delaware River. PCBs were detected in the sediments at levels up to 1200 parts per million (ppm). All sampling results exceeded the ecological screening level of 0.6 ppm for freshwater sediments. It is estimated that the PCB laden aluminosilicate material is up to nine feet thick. Approximately 30,000 cubic yards of material exists in the embayment, wetlands and adjacent uplands. The estimated cost of remediation is \$15 million.



Ringwood Mines Landfill Site, Ringwood, Passaic County

On October 31, 2005, the Department issued a Spill Act Directive to Ford Motor Company to pay the Department to conduct a limited removal action of paint sludge materials on residential properties, and to conduct a remedial investigation of all the residential properties throughout the borough. Ford Motor Company was willing to conduct remediation however property owners would not grant access to Ford. The Department conducted removal actions on three residential properties and is moving forward with a remedial investigation on the areas of concern.

NYS&W Rail Road, Ridgefield Park, Bergen County

On April 13, 2006, the Department issued a NOCAPA to the NYS&W Rail Road for a discharge of 2,100 gallons of diesel fuel from a locomotive that was located in the rail yard. The discharge went through the oil water separator on the site and discharged through the storm sewer into the Hackensack River. The remediation was conducted by the Department and later taken over by the Rail Road.

Shieldalloy Site, Newfield, Gloucester County and Vineland, Cumberland County

On February 1, 2006, the Department executed an ACO for the Shieldalloy Site in which TRC Companies Inc. will be remediating the Site. Shieldalloy has an existing ACO with the Department. This new agreement was negotiated with the intent of TRC Companies Inc. to move the remediation of this old industrial site into and through its final phase of cleanup. The estimated cost of the remediation is \$13.5 million dollars. Shieldalloy will maintain the requirements to address radioactive soils and perchlorate in the ground water



Tilcon New York Inc., Totowa Boro, Passaic County

On February 22, 2006, the Department issued a NOCAPA to Tilcon New York Inc. for a discharge

of fuel oil from an above ground storage system on their site. The oil went across the property and into a tributary to the Passaic River. Tilcon failed to notify the Department and failed to remediate either the tributary or the Passaic River. After the Department initiated the cleanup Tilcon agreed to assume responsibility for remediation and to pay the Department for the costs it incurred.



Chevron Site, Perth Amboy, Middlesex County

On March 29, 2006, the Department issued a NOCAPA to Chevron for a discharge of approximately 13,000 gallons of oil. The discharge originated from a broken pipeline during product off-loading from a tanker. This discharge affected both

New Jersey and New York shoreline and closed the Arthur



Kill Port for two days. Chevron, the Department and the US Coast Guard conducted the remediation. Chevron paid the penalty in full.

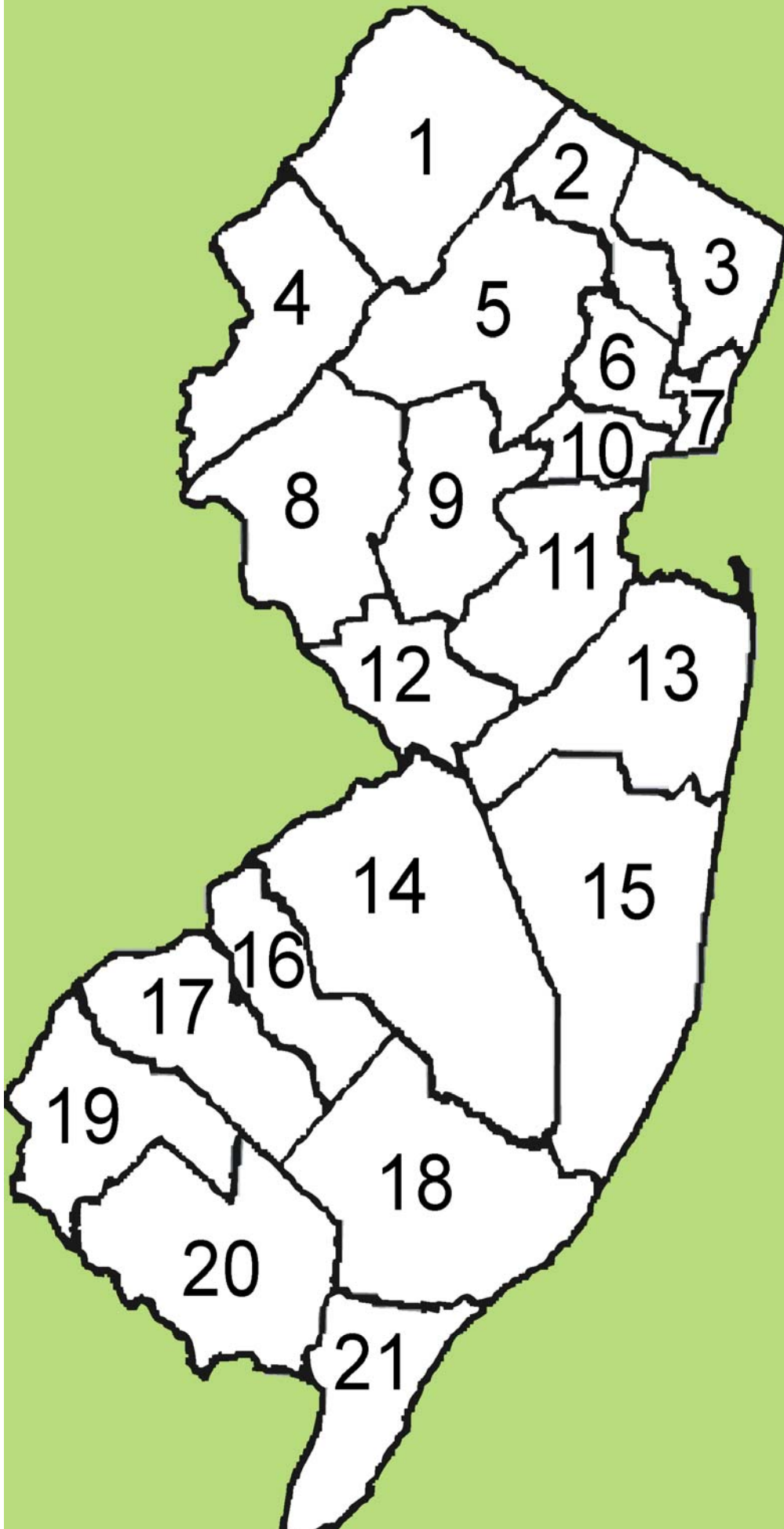
Bermuda Islander, Delaware Bay, Cumberland County

On April 25, 2006, the Bermuda Islander Container vessel discharged 2,000 gallons of fuel oil into the Delaware Bay, affecting shellfish beds and shorelines in both New Jersey and Delaware. On June 16, 2006, the Department issued a NOCAPA to J.R. Ship Management P.V. for the discharge to the Bay and for their failure to notify the Department of the incident.

J.R. Ship Management P.V. assumed responsibility for the



and conducted the cleanup in both New Jersey and Delaware. J.R. Ship Management is currently appealing the penalty action.



1. High Point State Park
2. Lambert Castle, Paterson
3. George Washington Bridge, Ft. Lee
4. Pequest Fish Hatchery
5. Farm in Boonton
6. City of Newark
7. Statue of Liberty
8. Reliant Energy Complex, Holland Twp.
9. Park in Bernardsville
10. Ash Brook Reservation
11. Old Rt. 35 Drawbridge
12. State House, Trenton
13. Twin Lights, Sandy Hook
14. Batsto Mansion
15. Frank Farley State Marina, Forked River
16. Camden Waterfront
17. Mantua Creek Watershed
18. Boardwalk, Atlantic City
19. Fort Mott State Park
20. Maurice River Cove
21. Cape May Lighthouse