

2005 ANNUAL REPORT

OF THE

CLEAN WATER ENFORCEMENT ACT

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

Calendar Year 2005



October 2006

New Jersey Department of Environmental Protection

**2005 ANNUAL REPORT
OF THE
CLEAN WATER ENFORCEMENT ACT**

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September 2006

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EXECUTIVE SUMMARY

In 1972, Congress enacted the first comprehensive national clean water legislation in response to growing public concern for serious and widespread water pollution. The Clean Water Act (CWA) is the primary federal law that protects our nation's waters, including lakes, rivers, aquifers and coastal areas.

The CWA established the basic structure for regulating discharges of pollutants into the waters of the United States by making it unlawful for any person to discharge any pollutant from a point source unless a permit was obtained under its provisions. It also gave the United States Environmental Protection Agency (EPA) the authority to implement pollution control programs such as setting wastewater standards for industry and to delegate the primary responsibility to issue permits for discharges of pollutants and to enforce the permit system to individual states.

In 1990, the New Jersey Legislature enacted substantial amendments to the Water Pollution Control Act (WPCA), commonly known as the Clean Water Enforcement Act (CWEA), P.L. 1990, c.28. which included the imposition of mandatory minimum penalties for certain violations of the WPCA.

The CWEA requires the Department to prepare an annual report on the implementation of the Act and enforcement actions which the Department and delegated local agencies (DLAs) have taken during the preceding calendar year. The statute also specifies the items that the report must contain. The Department has been implementing the major provisions of the CWEA, including the mandatory penalty scheme, since July 1, 1991; therefore the information contained in this report enables the Department and the Legislature to reflect on more than fourteen years of implementation and enforcement of the CWEA.

Permitting

The Department's Division of Water Quality (DWQ) issues Discharge to Surface Water (DSW), Discharge to Groundwater (DGW), Stormwater discharges (DST), and Land Application of Residuals permits to regulate "discharges" of pollutants to the surface and ground waters of the State. The DWQ also issues Significant Indirect User ("SIU") permits that regulate the discharge of industrial wastewater into sewage treatment plants. The DWQ, at times, issues permits for "discharge types" rather than facilities, therefore a facility with more than one discharge type may have more than one permit. The number of permitted discharges regulated by the DWQ has been growing steadily over the past several years, mainly due to increased efforts to address backlogged applications in the ground water permits program and the permitting of previously exempt and/or unidentified facilities now requiring a stormwater discharge permit. The DWQ continues to issue permits to new facilities, while other facilities' permits are being terminated or not renewed. Most permit actions are for new general permit authorizations.

The DWQ has increased the practice of providing a predraft of an individual permit to permittees prior to the formal public notice period. This provides the permittee with an opportunity to correct factual information used in the permit development before issuance of the formal draft permit. General permits contain certain conditions and effluent limitations that are the same for similar types of discharges. Once a general permit is issued, applicants may request authorization to discharge under the final general permit. In such cases, applicants are aware of the permit conditions and effluent limitations before they apply for the permit. Understanding the permit conditions prior to applying for a general permit and providing an opportunity to correct factual information for regular permits greatly improves acceptance of the permit by the permittee and thereby diminishes the filing

of hearing requests. This practice has allowed the DWQ to focus its resources on the issuance of permits.

The Department's DWQ regulated 729 facilities that discharged to the surface waters of the State in 2005, as compared to the 759 facilities regulated in 2004. The Department also regulates facilities discharging to ground water and to POTWs, discharging stormwater only, or that handle, distribute or land apply residuals. These additional types of facilities that the Department also regulates are listed in this report as "Other". In 2005, the DWQ regulated 4,949 of these other facilities (either separately or combined with a DSW), as compared to the 4,256 regulated in 2004, an increase of 16 percent. The DWQ regulated a total of 5,397 facilities in 2005, compared with 4,750 facilities in 2004, an increase of 14 percent.

Since the Department issues permits for "discharge types" rather than facilities, a facility with more than one discharge type may have more than one permit. As of December 31, 2005, the Department permitted 5,845 discharge types for 5,397 facilities.

In 2005, the Department took 1,683 formal permit actions, reflecting a 5 percent decrease in permit actions from 2004.

The Department issued DSW permit renewals to 24 major facilities in 2005. Over the past few years, DWQ has focused its permitting resources on renewing major DSW permits. The Department also issued 365 new permits and received no hearing requests on these actions. The Department issued 431 permit renewals and received 12 hearing requests on these actions.

For the Stormwater Permitting Program in 2005, 2 Master General Permits were renewed along with 261 general permit renewal authorizations, 5 Master General Permits modifications were issued, 253 new general permit authorizations were issued, 670 were modified, and 115 general permit authorizations were terminated. In addition, 2 new individual permits were issued, 19 were renewed, 8 were terminated, and 9 individual permit modifications were completed. The DWQ has also received 9,358 Nonapplicability Forms to date, with 25 received in 2005.

Enforcement

Inspections

The Department is required to inspect permitted facilities and municipal treatment works at least annually. Additional inspections are required when the permittee is identified as a significant noncomplier (SNC). The inspection requirement applies to all facilities except those that discharge only stormwater or non-contact cooling water and to those facilities which a DLA is required to inspect.

In 2005, the Department conducted 1778 facility inspections. Of the 1778 facility inspections performed, 1759 were full inspections and 19 were interim inspections.

Violations

In 2005, the Department assessed penalties against 100 facilities for 509 violations of the WPCA.

The 509 violations addressed by the Department's actions were less than the number of violations addressed in 2004 (648). For penalty actions concerning effluent violations, 27% of the actions (27 of 100) were in response to just a single violation. Fourteen actions (14%) were in response to facilities with just two effluent violations.

Effluent violations comprised 38.7 percent (197) of the 509 violations for which the Department assessed penalties in 2005. Of the 197 effluent violations in 2005, 82 percent (161) concerned discharges of nonhazardous pollutants, such as suspended solids, nutrients and fecal coliform. The other 18 percent (36) concerned discharges of hazardous pollutants, such as chlorine residual, metals, pesticides and organics.

Reporting violations accounted for 49.3 percent (251) of the violations for which the Department assessed a penalty. Reporting violations decreased in 2005 (2004 had 273 reporting violations).

The remaining 12 percent (61) of the violations for which the Department assessed a penalty included unpermitted discharges, exceedances of facility design flow, improper sampling, sewer connection/extension violations and ACO compliance schedule violations.

Serious Violations

In 2005 the Department identified and issued formal enforcement actions for 172 serious effluent violations (49 were from local permittees and 123 from nonlocals). These violations involved discharges from 49 facilities. Of the 172 serious violations, 81.9 percent (154) involved violations of limitations for nonhazardous pollutants, and the remaining 18.1 percent (34) involved violations of limitations for hazardous pollutants. Serious violations have decreased from a reported high figure of 847 in 1992.

Significant Non-Compliers (SNC)

In 2005, the Department issued formal enforcement actions to 16 permittees designated as SNCs. Four of the permittees have contested their individual designations as SNCs through the filing of adjudicatory hearing requests on the AONOCAPA's issued to them. Appendix III-A of this report identifies each SNC and sets forth information concerning each SNC's violations. In 2005, of the 16 SNC permittees 10 were nonlocal agencies and 6 were local agencies. Ten of the permittees violated a DSW permit, 3 violated a DGW permit, 2 violated a SIU permit and 1 was for a Stormwater Permit. In 2005, there were no permittees that continued to be an SNC violator from 2004. In comparison, the number of permittees identified in the 1993 report that continued to be or were repeat SNC violators was 18.

As has been the case since 1996, the percentage of permittees in significant noncompliance in 2005 was less than 2.0 percent of the total NJPDES permittees with monitoring and reporting requirements in their permits.

Enforcement Actions

The Department uses both informal and formal enforcement actions to promote compliance with the WPCA. An informal enforcement action or Notice of Violation (NOV) notifies a violator that it has violated a statute, regulation or permit requirement, and directs the violator to take corrective actions to comply. The Department typically takes formal administrative enforcement action when it is required by the CWEA to assess a mandatory penalty or when a permittee has failed to remedy a violation in response to an informal enforcement action previously taken by the Department. The Department only takes formal enforcement action when it has verified that a violation has occurred.

Informal Enforcement Actions:

In 2005, the Department initiated 268 informal enforcement actions (NOVs) for Surface Water (SW), Groundwater (GW) and Significant Indirect Users (SIU) and 276 for stormwater violations. There were fewer NOVs issued in 2005 for SW, GW and SIU violations compared to 2004 where there were 360. There were also fewer NOVs issued in 2005 for stormwater violations compared to the 317 issued in 2004.

Formal Enforcement Actions:

In 2005, the Department initiated 103 formal enforcement actions compared with a high of 941 in 1993. The number of formal actions issued (103) in 2005 is down from 2004 (137). The total of enforcement actions (informal and formal) in 2005 was 647 the total for 2004 was 814.

Penalties Assessed and Collected

In 2005, the Department assessed a total of \$2.23 million in civil and civil administrative penalties within 100 distinct enforcement actions. This is an decrease from the \$3.24 million assessed in 2004.

In 2005, the Department collected \$772,147. This is an decrease from the \$1,974,826.67 collected in 2004. There was 1 payment made greater than \$100,000.

Delegated Local Agencies (DLA)

A DLA is a political subdivision of the State, or an agency or instrumentality thereof, which owns or operates a municipal treatment works and implements a Department approved industrial pretreatment program. The 24 DLAs have issued permits to control the discharges from a total of 898 facilities discharging to their sewage treatment plants.

The CWEA requires DLAs to annually inspect each permitted facility discharging into their sewage treatment plant. For Categorical/Significant/Major (CSM) permittees, the CWEA requires the DLA to annually conduct a representative sampling of the permittees' effluent. For Other Regulated (OR) permittees, the DLA is required to perform sampling only once every three years. The DLAs inspected and sampled 857 of the 898 permittees at least once during the calendar year.

The DLAs reported 1,031 permit violations by permitted facilities in 2005, compared with 1,158 violations in 2004. The DLAs reported a total of 54 indirect users who qualified as SNCs under the State definition during 2005. The analysis in the 2004 report indicated that 46 indirect users met the

SNC definition. Therefore, there was an increase of 8, or a 17.4 percent increase in the number of facilities in significant noncompliance. The DLAs reported as a whole that by the end of calendar year 2005, 26 (48.1 percent) of the 54 indirect users in significant noncompliance had achieved compliance. During 2005, the DLAs issued 279 enforcement actions as a result of inspections and/or sampling activities.

In calendar year 2005, 18 of the DLAs assessed a total of \$1,186,913 in penalties for 603 violations while collecting \$924,051. In 2004, 16 DLAs assessed \$1,841,035 in penalties for 669 violations while collecting \$1,262,788.

Criminal

In 2005, the Division of Criminal Justice (DCJ) conducted a total of 22 WPCA investigations. The Division also reviewed over 540 Department actions (NOVs, Orders, Penalty Assessments, etc.) for potential criminality. DCJ Investigators responded to 22 water pollution emergency response incidents, out of a total of 68 emergency response incidents. The Division filed six (6) criminal actions (indictments or accusations) for violations of the WPCA. (The Division filed a total of 20 criminal actions in environmental cases.) Five (5) of the criminal actions constituted third degree charges involving a purposeful, knowing or reckless unlawful discharge of a pollutant into the State's waters and one involved a fourth degree charge for negligent discharge of a pollutant into State waters. Four of the six criminal actions have been resolved either through guilty pleas or, in two of the actions, through admission into PTI. (Three defendants who pled guilty in another action in 2004 were sentenced in January of 2005.) In 2005, through the successful prosecution of cases involving water pollution, the Division obtained \$308,326 in fines and restitution.

In 2005, county prosecutors' offices filed five criminal actions for violations of the WPCA. This included a total of three accusations and two complaints. Of this total, all were third degree charges. All but one have been resolved through either admission into PTI (two) or through sentencing in the other two actions.

Fiscal

A total of \$1,684,318 in penalty receipts was deposited in calendar year 2005.

In calendar year 2005, the Clean Water Enforcement Fund disbursed \$251,270.00 to the Division of Law for the costs of litigating civil and administrative enforcement cases and other legal services; \$42,018 to the Office of Administrative Law for costs associated with adjudicating WPCA enforcement cases. The CWEF disbursed \$1,082,805.20 for expenses incurred by the Department.

Water Quality Assessment

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

The Federal Clean Water Act (Act) mandates states to biennially report to the USEPA on the quality of their waters as per their support of designated uses and attainment of water quality standards. This report is called the *Water Quality Inventory Report* or the 305(b) Report. In addition, the Act also requires states to biennially provide USEPA with a list of waterbodies for which required technology-based effluent limits are not stringent enough to achieve the state's surface water quality standards. This list is termed the *List of Water Quality Limited Waters* or the 303(d) List. Since both reporting efforts share the same data sets, in 2000 USEPA encouraged states to integrate the two reports into a single document known as the *Integrated Water Quality Monitoring and Assessment Report*. This combined report presents the extent to which waters of the State are attaining water quality standards and identifies waters that are impaired and need total maximum daily loads (TMDLs) as required under section 303(d) of the Act.

The Integrated List consists of five sublists. All assessed waterbodies are placed on the sublists based upon the degree of support of designated uses; how much is known about the waterway's water quality status; and the type of impairment preventing use support. Waterbodies are placed on Sublist 1 if the water quality standards are attained and all uses are met, Sublist 2 if some standards and some uses are met, Sublist 3 if there is insufficient or no information is available, Sublist 4 if the water is impaired but a TMDL has been completed or the impairment is not due to a pollutant, and Sublist 5, which is also known as the 303(d) list, if the waterbody is impaired and a TMDL is required.

The most recent Integrated Report is the 2004 Report, which forms the basis for the water quality information presented in the CWEA Annual Report are based upon a wide range of high quality data including data generated by this Department as well as outside groups such as the New Jersey Pinelands Commission, USGS, Delaware River Basin Commission, Monmouth County Health Department and other sources. Assessment methods used are delineated in the Department's assessment method document (NJ Department of Environmental Protection, 2003b).

I. INTRODUCTION

In 1972, Congress enacted the first comprehensive national clean water legislation in response to growing public concern for serious and widespread water pollution. The Clean Water Act (CWA) is the primary federal law that protects our nation's waters, including lakes, rivers, aquifers and coastal areas.

The CWA established the basic structure for regulating discharges of pollutants into the waters of the United States by making it unlawful for any person to discharge any pollutant from a point source unless a permit was obtained under its provisions. It also gave the United States Environmental Protection Agency (EPA) the authority to implement pollution control programs such as setting wastewater standards for industry and to delegate the primary responsibility to issue permits for discharges of pollutants and to enforce the permit system to individual states.

The Water Pollution Control Act (WPCA), enacted in 1977, enabled New Jersey to implement the permitting system required under the CWA. The WPCA established the New Jersey Pollutant Discharge Elimination System (NJPDES), whereby a person must obtain a NJPDES permit in order to discharge a pollutant into surface water or ground water of the State or to release a pollutant into a municipal treatment works.

The NJPDES permit is a legally binding agreement between a permittee and the Department, authorizing the permittee to discharge effluent into the State's waters under specified terms and conditions. These conditions include (a) the specific pollutants in the effluent stream, (b) the amount or concentration of those pollutants which the effluent may contain, (c) the type and number of tests of the effluent to be performed and (d) the reporting of test results to determine compliance. The permit normally provides for monthly reporting of these test results to the Department in a Discharge Monitoring Report (DMR).

In 1990, the Legislature enacted substantial amendments to the WPCA, commonly known as the Clean Water Enforcement Act (CWEA), P.L. 1990, c.28. The CWEA added strength to the enforcement of New Jersey's water pollution control program by including the imposition of mandatory minimum penalties for certain violations of the WPCA. The CWEA also requires the Department to prepare a report and submit it to the Governor and the Legislature regarding the implementation and enforcement actions which the Department and delegated local agencies (DLAs) have taken during the preceding calendar year. The statute also specifies the items that the report must contain. In accordance with the CWEA, specifically N.J.S.A. 58:10A-14.1-14.2, this report provides information about Permitting, Enforcement Actions, DLAs, Criminal Actions, Fiscal, and Water Quality Assessment.

The Permitting chapter provides information related to permits, including the number of facilities permitted, the number of new permits, permit renewals and permit modifications issued and the number of permit approvals contested.

The Enforcement chapter provides information related to inspections, violations, enforcement actions and penalties.

The DLA chapter provides enforcement and permitting information relating to local agencies' operations of sewage treatment plants with industrial pretreatment programs approved by the Department.

The Criminal Actions chapter provides information concerning criminal actions filed by the New

Jersey State Attorney General and by county prosecutors.

The Fiscal chapter provides financial information, including the purposes for which program monies have been expended.

The Water Quality Assessment chapter provides an overall assessment of surface water quality in New Jersey as reported in the *2004 New Jersey Integrated Water Quality Monitoring and Assessment Report*.

II. PERMITTING

The CWEA requires the Department to report the total number of facilities permitted pursuant to the WPCA, the number of new permits, renewals and modifications issued by the Department and permit actions contested in the preceding calendar year. This information is presented below. Since 2000, the former section on Stormwater Permitting has been incorporated into the Division of Water Quality (DWQ) section.

A. DIVISION OF WATER QUALITY

The Department issues Discharge to Surface Water (DSW), Stormwater, Discharge to Groundwater (DGW), and Land Application of Residuals permits to regulate "discharges" of pollutants to the surface and ground waters of the State. DSW permits include Industrial permits issued to facilities discharging various types of wastewater (such as process water, cooling water, decontaminated groundwater, and commingled stormwater) to surface waters and Municipal permits issued to publicly owned treatment works ("POTWs") and privately owned treatment plants discharging primarily sanitary wastewater. Stormwater permits are required for stormwater discharges associated with industrial activity, as well as municipalities, counties, certain public complexes, and highway agencies. Significant Indirect User ("SIU") permits regulate the discharge of industrial wastewater into sewage treatment plants. Facilities that discharge pollutants directly or indirectly to the ground waters of the State are issued DGW permits. Facilities that distribute, handle or land apply residuals are issued a Land Application of Residuals permit.

Section One - Number of Facilities Permitted:

The Department's DWQ regulated 729 facilities that discharge to the surface waters of the State in 2005, as compared to the 759 facilities regulated in 2004. The Department also regulates facilities discharging to ground water and to POTWs, discharging stormwater only, or that handle, distribute or land apply residuals. These types of facilities are listed under "Other" in Table II-1. Some facilities have both a DSW discharge and another type of discharge. In 2005, the DWQ regulated 4,949 of these other facilities (either separately or combined with a DSW), as compared to the 4,256 regulated in 2004, an increase of 16 percent. The DWQ regulated a total of 5,397 facilities in 2005, compared with 4,750 facilities in 2004, an increase of 14 percent.

**TABLE II-1
REGULATED FACILITIES
2003-2005**

FACILITIES REGULATED (including stormwater)	2003	2004	2005	% Growth 2004-2005
Discharge to Surface Water only	557	494	448	-9.3
DSW/Other combined	241	265	281	+6.0
Other only	3466	3991	4668	+16.9
TOTAL	4,264	4,750	5,397	+13.6

The Department may at times issue permits for "discharge types" rather than facilities, therefore a facility with more than one discharge type may have more than one permit. As of December 31, 2005, the Department permitted 5,845 discharge types for 5,397 facilities. Table II-2 below provides information regarding the number of discharge types permitted by the Department between 2001 and 2004.

TABLE II - 2
REGULATED DISCHARGES BY TYPE
2002-2005

ACTIVITY TYPE	2002	2003	2004	2005
INDUSTRIAL DSW	555	533	510	467
MUNICIPAL DSW	250	266	262	262
SIU	78	78	81	82
GROUNDWATER	1091	1112	1145	1137
RESIDUALS	66	60	67	59
STORMWATER	2172	2673	3410	3838
TOTAL	4,212	4,722	5,475	5,845

The number of permitted discharges regulated by the DWQ has been growing steadily over the past several years. The Department continues to issue permits to new facilities, while other facilities' permits are being terminated or not renewed. Most permit actions are for new general permit authorizations. In 2005, the permitted facility universe increased by 370, mainly due to the issuance of the phase two stormwater general permit authorizations.

Section Two - Types of Permits and Permit Actions:

The Department issues several different types of NJPDES permits. Permits are limited to a maximum term of five years. The Department requires submission of renewal applications 180 days prior to expiration of the permit for individual NJPDES permits. However, certain general NJPDES permits do not require submission of formal renewal applications. The Department has classified its NJPDES permit actions based upon the technical complexity of the permit application and the potential environmental or health effects of the discharge, and reports the following permit categories in the Permit Activity Report in accordance with P.L. 1991, c.423:

Requests for Authorization to discharge under a general permit:

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

**TABLE II - 3
GENERAL PERMITS**

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

The Swimming Pool Discharges General Permit was issued draft on May 23, 2005. In 2006, the Department anticipates issuing the general renewal permit for Swimming Pool Discharges. This general permit authorizes discharges from municipal, commercial and other non-residential swimming pools. These discharges result from the backflushing of filtration equipment used to remove solids and other materials from pool water.

Surface Water Permits:

These are individual permits and renewals issued for the discharge of sanitary, industrial, cooling, decontaminated ground water and stormwater runoff not eligible for coverage under a general permit.

Stormwater Permits:

These are individual permits and renewals issued for the discharge of stormwater runoff not eligible for coverage under a general permit.

Construction Activity Stormwater General Permits:

The Construction Activity General Permit (NJ0088323) is for construction activities disturbing 1 acres or more, all of which are considered industrial activities. Last renewed in 2002, this permit is administered by the 15 local Soil Conservation Districts in conjunction with the Soil Erosion and Sediment Control Plan certification. The Department issued 2,013 construction activity general permit authorizations in 2005. There are a total of 8,113 active authorizations under this general permit.

Ground Water Permits:

These are individual new permits and renewals issued to facilities for wastewater that is discharged directly or indirectly to the ground water of the State. The DWQ issues NJPDES permits for discharges to ground water (including onsite wastewater systems) for facilities that discharge 2000 gallons per day or more or any industrial discharge to ground water.

Significant Indirect Users:

These are individual permits and renewals issued for wastewater discharges to publicly owned treatment works. There are 24 Delegated Local Agencies (DLAs) with the authority to issue SIU permits for significant discharges occurring within their respective service areas. The Department is responsible for permitting SIU discharges for the remainder of the State.

Land Application of Residuals:

These are individual permits and renewals issued to regulate the distribution, handling and land application of residuals originating from sewage treatment plants, industrial treatment plants, water treatment plants and food processing operations.

Permit Modifications:

These are modifications to existing permits and are usually requested by the NJPDES permittee. These modifications range from a transfer of ownership, or reduction in monitoring frequency, to a total re-design of a wastewater treatment plant operation. The Department can issue modifications for all discharge types except Requests for Authorization under a general permit. Permit modifications do not extend the expiration date of the permit.

Permit Terminations (Revocations):

These actions are also often initiated by the permittee when the regulated discharge of pollutants has ceased, usually as a result of regionalization, closure or recycling. Prior to terminating or revoking a permit, the Department ensures that sludge has been removed, outfalls have been sealed, and the treatment plant has been dismantled or rendered safe.

Section Three - Permit Actions:

Table II-4 summarizes formal permit actions by the categories described above. For the purposes of this presentation, "Request for Authorizations" are included as new or renewals, as appropriate, under the applicable discharge type. Since the Construction General Permit (NJ0088323) is administered by the local Soil Conservation Districts, those permit actions are not summarized here. In each permit category, the number of new permits, renewal permits, permit modifications, and terminations (revocations) are listed.

In 2005, the Department took 1,683 formal permit actions, reflecting a 5 percent decrease in permit actions from 2004. Approximately 20 percent of the final permit actions were new facilities, 25

percent of the actions were permit renewals, 45 percent were for permit modifications, and 10 percent were for permit terminations. New permits and permit renewals may be controversial, particularly when the Department imposes new requirements or more stringent effluent limitations, and have historically been contested. In 2005, the Department received 12 requests for adjudicatory hearings, compared to 8 requests received in 2004. This is a request rate of 0.7 percent as a percent of permit actions. The Department recommends meeting with the applicant prior to issuing a draft permit to ensure that the data submitted in the application is current and to obtain any additional information that might be useful. This has resulted in better permits and a reduced number of requests for adjudicatory hearings.

The Department issued DSW permit renewals to 24 major facilities in 2005. Over the past few years, DWQ has focused its permitting resources on renewing major DSW permits. The Department also issued 338 new permits and received no hearing requests on these actions. The Department issued 420 permit renewals and received 12 hearing requests on these actions. The relatively low number of hearing requests can be attributed to the increased use of general permits and to providing predrafts to permittees. The general permits contain certain conditions and effluent limitations that are the same for similar types of discharges. Once a general permit is issued, applicants may request authorization to discharge under the final general permit. In such cases, applicants are aware of the permit conditions and effluent limitations before they apply for the permit. In the case of regular permits, the DWQ has increased the practice of providing a predraft of a permit to permittees prior to the formal public notice period. This provides the permittee with an opportunity to correct factual information used in the permit development before issuance of the formal draft permit. Understanding the permit conditions prior to applying for a general permit and providing an opportunity to correct factual information for regular permits greatly improves acceptance of the permit by the permittee and thereby diminishes the filing of hearing requests.

TABLE II - 4
PERMIT ACTIONS TAKEN BY THE DIVISION OF WATER QUALITY
2003 - 2005

TYPE OF PERMIT ACTION	2003	Contested 2003	2004	Contested 2004	2005	Contested 2005
Industrial Surface Water						
- New	20	0	17	0	22	0
- Renewals	111	3	31	0	66	1
- Modifications	19	0	38	0	22	0
- Terminations	35	0	57	0	27	0
Subtotal	185	3	143	0	137	1
Municipal Surface Water						
- New	0	0	0	0	0	0
- Renewals	31	10	49	8	40	11
- Modifications	34	1	17	0	28	0
- Terminations	3	0	5	0	4	0
Subtotal	68	11	71	8	72	11
Significant Indirect User						
- New	9	0	3	0	6	0
- Renewals	14	0	7	0	10	0
- Modifications	9	0	6	0	1	0
- Terminations	1	0	0	0	5	0
Subtotal	33	0	16	0	22	0
Ground Water						
- New	43	0	51	0	50	0
- Renewals	576	0	199	0	31	0
- Modifications	7	0	8	0	12	0
- Terminations	17	0	27	0	15	0
Subtotal	643	0	285	0	108	0
Land Application of Residuals						
- New	2	0	4	0	5	0
- Renewals	20	0	7	0	2	0
- Modifications	3	0	2	0	2	0
- Terminations	0	0	4	0	2	0
Subtotal	25	0	17	0	11	0
Stormwater						
- New	370	0	954	0	255	0
- Renewals	23	0	165	0	271	0
- Modifications	5	0	24	0	684	0
- Terminations	83	0	97	0	123	0
Subtotal	481	0	1240	0	1333	0
TOTALS	1435	14	1772	8	1683	12

For the Stormwater Permitting Program in 2005, 2 Master General Permits were renewed along with 261 general permit renewal authorizations, 5 Master General Permits modifications were issued, 253 new general permit authorizations were issued, 670 were modified, and 115 general permit authorizations were terminated. In addition, 2 new individual permits were issued, 19 were renewed, 8 were terminated, and 9 individual permit modifications were completed. The DWQ has also received 9,358 Nonapplicability Forms to date, with 25 received in 2005.

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

TABLE II - 5
COMPARISON OF PERMIT ACTIONS
2002 - 2005

TYPE OF PERMIT ACTION	2002	2003	2004	2005
New	114	444	1,029	338
Renewal	1747	775	458	420
Modifications	60	77	95	749
Terminations (Revocations)	141	139	190	176
TOTAL ACTIONS	2062	1435	1772	1683

B. NEW DEVELOPMENTS

Section One - Municipal Stormwater Regulation Program and Underground Injection Control

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

Since the adoption of the NJPDES rule amendments and issuance of the Tier A, Tier B, Public Complex and Highway Agency Stormwater General Permits, the Department has continued to work closely with municipalities, stakeholders, and the New Jersey State League of Municipalities. As a result of these discussions, the Department modified all four (4) General Permits to address a number of concerns. These modifications were issued on August 1, 2005 and became effective September 1, 2005 and affect each of the 676 permittees within the program.

Section Two - General Permits Issued or Renewed

The Division issued the NJPDES Mining and Quarry Stormwater General Permit in May 2005, and the NJPDES New Remediation Clean-up General Permit was issued in April 2005. The Division renewed the NJPDES general permits for Construction Dewatering and for Hydrostatic Test Water Discharges. General permits reduce permit processing time because a standard set of conditions, specific to a discharge type or activity, are developed (rather than issuing individual permits for each discharge or activity). This permitting approach is well suited for regulating similar facilities or activities that have the same monitoring requirements. In addition, it makes permit requirements consistent across the regulated community.

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

- **Mining and Quarry General Permit**

A general permit has been adopted by the DWQ for the Mining and Quarry industries effective May 1, 2005. This general permit for all facilities which engage in mining and quarrying operations established numeric limitations as well as the requirement for the facilities to implement a Stormwater Pollution Prevention Plan (SPPP). The purpose of the SPPP is to eliminate or minimize the discharge of pollutants to the environment by implementing Best Management Practices for industrial activities and their source materials. The permit also regulates the discharge of process water (mine dewatering) by establishing limits and effluent target numbers. Facilities can either discharge mine dewatering to surface waters and meet effluent limitations outlined in Part III of this permit, or design, construct, and maintain a system to contain or treat the volume of waste water/stormwater which result from a 10-year 24-hour storm event, plus sediment storage. The implementation of this standard ensures that the facility does not discharge to surface waters except during the most extreme precipitation events.

A facility will also have to establish drainage control for their facility which requires that all facilities divert all stormwater to permitted outfalls or basins. Many mining and quarrying operations may also have hot mix asphalt and/or concrete plants in operation at their site. These facilities may be authorized under this permit provided they have drainage control and meet the other industry specific requirements.

The Mining and Quarry General Permit is presently being modified to address certain issues raised by the regulated community. The final modification is anticipated to be issued in 2006.

- **New Remediation Clean-up General Permit**

In April 2005, the DWQ issued a new General Remediation Clean-up Permit (permit category "BGR") to authorize the point source discharges to surface water from primarily non-petroleum product related remediation projects. This new master general permit mirrors the existing master general petroleum product clean-up permit (permit category "B4B") which was renewed in 2003. Under this master general permit, the Division has renewed 46 existing individual permits by converting them from individual permits to general permit authorizations and has also authorized 5 new remediation projects.

- **Construction Dewatering**

The Construction Dewatering general permit authorizes discharges of groundwater that result from lowering the groundwater table during construction.

- **Hydrostatic Test Water Discharges**

The Hydrostatic Test Water general permit should interest those in the utilities, construction, and petroleum storage tank terminal industries. It covers discharges occurring during the hydrostatic testing of storage tanks and pipelines that have been cleaned pursuant to recognized federal, state, or general industry documented procedures.

Section Three - Swimming Pool Discharges

The general renewal permit for Swimming Pool Discharges was issued draft on May 23, 2005, with finalization anticipated in the near future. This general permit authorizes discharges from municipal, commercial and other non-residential swimming pools. These discharges result from the backflushing of filtration equipment used to remove solids and other materials from pool water.

Section Four - NJPDES Permit Universe Status

The total NJPDES issued permits universe as of September 30, 2005 is 5305 permits. This is up from 5088 permits as of September 30, 2004, a 4.3% increase. Of these 5305 permits, 4993 (94%) are current, while only 312 are beyond their expiration date. The number of expired permits decreased from 328 as of September 30, 2004 to the current 312, a 4.9% reduction in one year. The Division is continuing its efforts to further reduce the number of permits operating with expired but administratively extended permits.

Section Five - Municipal and Industrial Surface Water Permitting

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

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

Electronic Data Interchange (EDI) was initiated by the Division beginning in July 2003. The electronic Monitoring Report Form (MRF) is designed to utilize a Microsoft Excel '97 based template. Permittees are now able to submit all of their MRFs electronically via the Internet. Information on the program and the NJPDES EDI application is available through the NJDEP On-Line web portal at: <https://www.njdeponline.com>. Once the Division receives an EDI application form and approves it, permittees have the ability to access and download their MRFs on-line. New participants continue to sign up for the convenience, accuracy and savings offered by EDI. As of September 30, 2005, 123 permittees are signed up to use EDI to submit their monitoring data. EDI accounted for 12.6% of the total records entered into the NJPDES database during the most recent quarter.

Section Seven - Information Available on DWQ Web Site

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

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

Other permitting and technical information may be viewed and/or downloaded at: **www.nj.gov/dep/dwq/permitng.htm**. Added to the web site in recent years was a link to download data on sewage sludge production for 2002 and 2003. In the Fall of 2005, data on sewage sludge production for 2004 is being added to the available downloads. The sludge production information lists the modes of sewage sludge management used by domestic treatment plants and is organized by municipality and county.

The Division receives many public requests for information from the NJPDES database. Some of the more popular and most requested information has been posted on the web site for download and updates and expanded information is made available on a periodic basis. The direct link for accessing this information is

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

III. ENFORCEMENT

A. INTRODUCTION

The CWEA requires the Department to report information annually concerning the number of inspections conducted, the number and types of violations identified, the number of enforcement actions initiated and the dollar amount of penalties assessed and collected. The provisions of the CWEA relevant to this Chapter are as follows:

Inspections:

The CWEA requires the Department to inspect permitted facilities and municipal treatment works at least annually. Additional inspections are required when the permittee is identified as a significant noncomplier (discussed below). The inspection requirement applies to all facilities except those that discharge only stormwater or non-contact cooling water and to those facilities which DLA is required to inspect. A DLA must inspect facilities discharging into its municipal treatment works, again excluding those facilities that discharge only stormwater or non-contact cooling water. Neither the Department nor a DLA is required to inspect permitted facilities that discharge stormwater runoff which has come into contact with a Superfund site, listed on EPA's National Priorities List, or municipal treatment works receiving such stormwater runoff.

Mandatory minimum penalties:

Mandatory minimum penalties under the CWEA apply to violations of the WPCA that are defined as serious violations and to violations by permittees designated as significant noncompliers (SNCs). A serious violation is an exceedance of an effluent limitation in a NJPDES permit by 20 percent or more for a hazardous pollutant or by 40 percent or more for a nonhazardous pollutant. An SNC is a permittee which:

1. Commits a serious violation for the same pollutant at the same discharge point source in any two months of any six-month period;
2. Exceeds the monthly average in any four months of any six-month period; or
3. Fails to submit a completed DMR in any two months of any six-month period.

For serious violations, the CWEA requires mandatory minimum penalties of \$1,000 per violation. SNCs are subject to mandatory minimum penalties of \$5,000 per violation.

The CWEA also requires the Department to impose a mandatory penalty when a permittee omits from a DMR required information relevant to an effluent limitation. The penalty is \$100 per day per effluent parameter omitted and shall accrue for a minimum of 30 days.

Effective January 19, 1999, the DLAs were required to assess mandatory minimum penalties against any indirect user that commits either a serious violation, a violation that causes a user to become or remain in significant noncompliance or an omission violation as noted in the preceding paragraph. (see Chapter IV. page---for the details of the enforcement actions taken by DLAs)

Affirmative defenses:

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

An upset is an exceptional incident (such as a flood or storm event) beyond the permittee's

reasonable control that causes unintentional and temporary noncompliance with an effluent limitation. As part of the affirmative defense, the permittee must identify the cause of the upset whenever possible and establish that the permitted facility was being operated properly at the time of the upset and that all remedial measures required by the Department or the DLA were taken.

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

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

Compliance schedules:

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

B. INSPECTIONS

Each fiscal year the Department performs one full inspection of every regulated facility and an additional interim inspection, as needed, to determine compliance. In a full inspection, the Department reviews all DMRs and evaluates the entire water pollution control process for each discharge, including operation and maintenance practices, as well as monitoring and sampling procedures. To determine the need for an interim inspection, the Department reviews the facility's DMRs and focuses upon specific compliance issues.

In 2005, the Department conducted 1778 facility inspections. Of the 1778 facility inspections performed, 1759 were full inspections and 19 were interim inspections.

The data presented below concerning the number of facilities and discharges inspected are organized into two categories of facilities: local and nonlocal. A local facility is a publicly owned treatment works (POTW) or other facility, such as a school, landfill or wastewater treatment plant, that is operated by a local agency (a political subdivision of the State, or an agency or instrumentality thereof). A nonlocal facility is any facility that is not operated by a local agency. The CWEA distinguishes between these two types of facilities in a number of ways. For instance, for local agencies, the CWEA establishes different criteria for financial assurance requirements as well as different settlement criteria.

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

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

NUMBER OF INSPECTIONS														
BY DISCHARGE TYPE														
Discharge Type	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
DSW	2,550	2,380	1,773	1,267	1,098	1,160	1,164	1,168	1,015	1,166	1,035	814	772	694
DGW	705	763	640	515	499	498	761	969	874	1,010	915	857	935	1006
SIU	185	162	120	80	83	85	75	87	65	82	78	73	78	78
TOTALS	3,440	3,305	2,533	1,862	1,680	1,743	2,000	2,224	1,954	2,258	2,028	1,744	1,785	1,778
BY FACILITY TYPE														
Facility Type	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
Local	716	695	660	454	456	505	493	590	527	558	515	451	452	465
Nonlocal	2,203	2,562	1,816	1,360	1,202	1,205	1,491	1,634	1,427	1,700	1,513	1,293	1224	1313
TOTALS	2,919	3,257	2,476	1,814	1,658	1,710	1,984	2,224	1,954	2,258	2,028	1,744	1,785	1,778

C. VIOLATIONS

Section One - Results of Facility Inspections:

The Department is required to report the number of enforcement actions resulting from facility inspections. Whenever one or more serious or an SNC violation is discovered during an inspection, the Department issues a Notice of Violation (NOV) to the facility.

NOVs identify violations and direct the facility operator to correct the activity or condition constituting the violation within a specified period of time. As further discussed in Section C. Enforcement Actions, these documents are considered informal enforcement actions. The Department initiates a formal enforcement action, which may include the assessment of a civil administrative penalty, if a permittee fails to remedy a violation identified in a NOV. The Department will also initiate a formal enforcement action whenever it is required by the CWEA to assess a mandatory minimum penalty.

Section Two - Total Number of Permit Violations:

The Department is required to report the number of actual permit violations that occurred in the preceding calendar year. There are two types of permit violations, effluent violations and reporting violations. Effluent violations occur when a discharge exceeds the limits established within the NJPDES permit or the interim limits established in a consent order. Reporting violations occur when a permittee fails to submit a Discharge Monitoring Report (DMR) or submits a DMR that does not provide all of the required information. It is important to note that enforcement actions are taken only on verified violations. The number of effluent violations that were addressed by the issuance of a formal enforcement action in 2005 is reported in Section Six below.

Section Three - Violations of Administrative Orders and Consent Orders:

The CWEA requires the Department to report the number of violations of administrative orders (AOs), administrative consent orders (ACOs) and compliance schedule milestones (dates set forth in an ACO for starting and/or completing construction, or for attaining full compliance). The Department must also report the number of permittees that are out of compliance by more than 90 days from the date established in a compliance schedule for starting and/or completing construction, or for attaining full compliance. Although not expressly required by the CWEA, the Department also includes in this section of the report, the number of violations of judicial orders (JOs) and judicial consent orders (JCOs). Information concerning violations is presented below.

Violations of Interim Effluent Limitations:

In 2005, for the sixth consecutive year, the Department did not identify any violations of an interim effluent limitation established in an AO or ACO. In contrast, in 1992, the Department identified 191 violations of interim effluent limitations established in 29 ACOs. Of those 191 violations, 95 percent (181) involved nonhazardous pollutants and 5 percent (10) involved hazardous pollutants.

Violations of Compliance Schedules:

In 2005, the Department did not take any formal actions for violations of a compliance schedule set forth in an ACO.

Section Four - Unpermitted Discharges:

An unpermitted discharge is the release of pollutants into surface water, ground water or a municipal treatment works when the discharger does not hold a valid NJPDES permit or when the discharge is not authorized under the discharger's permit.

In 2005, the Department issued 11 formal enforcement actions against facilities responsible for unpermitted discharges. Of the 11 unpermitted discharge formal enforcement actions, 1 involved a discharge to ground water, 5 involved discharges to surface water, zero involved a discharge into a municipal treatment works by an SIU and 5 involved discharging storm water without a permit.

Section Five - Affirmative Defenses:

The CWEA requires the Department to report the number of affirmative defenses granted that involved serious violations. The CWEA specifically provides affirmative defenses to penalty liability for serious violations and violations by significant noncompliers. It also indicates that the Department may allow these defenses for any effluent violation for which NJPDES regulations also provide defenses. The CWEA requires the permittee to assert the affirmative defense promptly after the violation occurs, enabling the Department to evaluate the asserted defense before assessing a penalty. Therefore, this report includes information on all affirmative defenses asserted, as well as affirmative defenses granted, for serious violations.

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

In 2005, the Department granted 25 affirmative defenses asserted by 18 facilities for 45 effluent violations or parameter omissions. Eighteen of the affirmative defenses granted concerned upsets, 7 concerned laboratory error. There were no defenses granted for extenuating circumstances or bypass in 2005. Of the 25 defenses granted, 18 involved discharges to surface water, 7 involved discharges to ground water. There were no affirmative defenses related to SIU discharges in 2005. Eight of the defenses granted involved discharges by local agencies, whereas 17 involved nonlocal agency permittees. Thirty-four (34) of the violations were considered serious as defined in the Clean Water Enforcement Act.

In 2005, the Department denied 8 affirmative defenses asserted by 7 facilities for 17 effluent violations. Four of the affirmative defenses denied claimed an upset and four claimed a laboratory error was the cause of the violations. Of the 8 defenses denied, 6 violations concerned a discharge to surface water and 2 involved a discharge to ground water. There were none related to SIU discharges. Two of the defenses denied involved discharges by local agencies and 6 involved a nonlocal agency permittee. Eleven of the violations were considered serious as defined in the Clean Water Enforcement Act. These have resulted in a penalty actions taken by NJDEP.

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

In 2005, the Department assessed penalties against 100 facilities for 509 violations of the WPCA. The 509 violations addressed by the Department's actions were less than the number of violations addressed in 2004 (648) but similar to the number seen in 1996 (527). The lowest ever recorded was the 291 violations in calendar year 1998. In comparison, in 1992 the Department assessed penalties against 300 facilities for 2,483 violations. Of the penalty actions issued in 2005, 27 percent of the actions were for single effluent violations (27 of 100). Fourteen actions (14%) were in response to facilities with just two effluent violations.

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

TABLE III - 1
SUMMARY OF VIOLATIONS FOR WHICH A PENALTY WAS ASSESSED
Calendar Year 2005

VIOLATION CATEGORY	Number	Percentage
Effluent	197	38.7
- Nonhazardous	161	82
- Hazardous	36	18
Compliance Schedule	0	0
Reporting	251	49.3
- Nonsubmittal	0	0
- Omissions	251	100
Other	61	12
TOTALS	509	100

Effluent violations comprised 38.7 percent (197) of the 509 violations for which the Department assessed penalties in 2005. Of the 197 effluent violations in 2005, 82 percent (161) concerned discharges of nonhazardous pollutants, such as suspended solids, nutrients and fecal coliform. The other 18 percent (36) concerned discharges of hazardous pollutants, such as chlorine residual, metals, pesticides and organics.

As mentioned above, about one-quarter of the penalty actions (27 of 100) issued for effluent violations were in response to just a single violation. Only 8 of the 100 actions involved five or more effluent violations. Of the 197 effluent violations, 106 violations were from just 6 permittees. They were: FRUTAROM USA – NJ0061468 (38 effluent violations), FIELDSBORO WWTP - NJ0031810 (17 effluent violations), WHITE ROCK STP – NJ0026867 (14 effluent violations), FERRO CORP – NJ0005045 (11 effluent violations), GREYSTONE PARK PSYCH HOSPITAL – NJ0026689 (10 effluent violations) and CVC SPECIALTY CHEMICALS INC – NJ0140112 (16 effluent violations).

Reporting violations accounted for 49.3 percent (251) of the violations for which the Department assessed a penalty. Reporting violations decreased in 2005 (2004 had 273 reporting violations). Thirty-one permittees were penalized for having reporting violations. Of the 251 reporting violations 178 (70 percent) were from just 5 permittees. These 5 facilities were WHITE ROCK STP – NJ0026867 (74 reporting violations), JEFFERSON TWP - WATER'S EDGE – NJ0081086 (32 reporting violations), ANCHOR GLASS CONTAINER CORP – NJ0112232 (32 reporting violations), US GOLF ASSOCIATION – NJ0087378 (21 reporting violations) and CASIE ECOLOGY OIL SALVAGE INC – NJ0072729 (19 reporting violations)

The final category addressed in this report is "Other" which includes unpermitted discharges, improper sampling, and sewer connection/extension violations. This category accounted for 12 percent (61) of the violations for which the Department assessed a penalty for in 2005.

Local agencies accounted for 193 of the violations for which the Department assessed penalties, nonlocal agencies accounted for the remaining 316 violations.

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

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

		Violation Category								
Year	Number / Percentage	Effluent			Compliance Schedule	Discharge Monitoring Report			Other	Totals (columns 5,6,9,10)
		Non-hazardous	Hazardous	Subtotal		Non-submittal	Omissions	Subtotal		
1992	Number	1,192	254	1,446	73	38	370	408	556	2,483
	Percentage	82.4%	17.6%	58.2%	2.9%	9.3%	90.7%	16.4%	22.4%	100.0%
1993	Number	1,167	253	1,420	2	35	213	248	384	2,054
	Percentage	82.2%	17.8%	69.1%	0.1%	14.1%	85.9%	12.1%	18.7%	100.0%
1994	Number	758	146	904	7	3	139	142	691	1,744
	Percentage	83.8%	16.2%	51.8%	0.4%	2.1%	97.9%	8.1%	39.6%	100.0%
1995	Number	578	99	677	0	7	107	114	72	863
	Percentage	85.4%	14.6%	78.4%	0.0%	6.1%	93.9%	13.2%	8.3%	100.0%
1996	Number	221	85	306	94	0	88	88	39	527
	Percentage	72.2%	27.8%	58.1%	17.8%	0.0%	100.0%	16.7%	7.4%	100.0%
1997 ¹	Number	426	64	490	8	8	246	254	71	823
	Percentage	86.9%	13.1%	59.5%	1.0%	3.1%	96.9%	30.9%	8.6%	100.0%
1998	Number	103	18	121	1	1	84	85	84	291
	Percentage	85.1%	14.9%	41.6%	0.3%	1.2%	98.8%	29.2%	28.9%	100.0%
1999 ²	Number	72	41	113	5	20	199	219	622	959
	Percentage	63.7%	36.3%	11.8%	0.5%	9.1%	90.9%	22.8%	64.9%	100.0%
2000	Number	165	19	184	1	27	179	206	193	584
	Percentage	89.7%	10.3%	31.5%	0.2%	13.1%	86.9%	35.3%	33.0%	100.0%
2001	Number	156	49	205	2	41	194	235	154	596
	Percentage	76.1%	23.9%	34.4%	0.3%	17.4%	82.6%	39.4%	25.8%	100.0%
2002	Number	145	34	179	0	4	62	66	128	373
	Percentage	81.0%	19.0%	48.0%	0.0%	6.1%	93.9%	17.7%	34.3%	100.0%
2003	Number	79	139	218	0	31	109	140	307	665
	Percentage	36.2%	63.8%	32.8%	0.0%	22.1%	77.9%	21.0%	46.2%	100.0%
2004	Number	212	67	279	2	56	217	273	94	648
	Percentage	76%	24%	43.1%	0.3%	21%	79%	42.1%	14.5%	100.0%
2005	Number	161	36	197	0	0	251	251	61	509
	Percentage	82%	18%	39%	0.0%	0.0%	100%	49%	12%	100%

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

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

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

		Violation Category								
Year	Number / Percentage	Effluent			Compliance Schedule	Discharge Monitoring Report			Other	Grand Total (columns 5,6,9,10)
		Non-hazardous	Hazardous	Total		Non-submittal	Omissions	Total		
1992	Number	782	209	991	2	38	336	374	538	1,905
	Percentage	78.9%	21.1%	52.0%	0.1%	10.2%	89.8%	19.6%	28.2%	100.0%
1993	Number	672	223	895	0	24	181	205	346	1,446
	Percentage	75.1%	24.9%	61.9%	0.0%	11.7%	88.3%	14.2%	23.9%	100.0%
1994	Number	595	118	713	0	2	119	121	135	969
	Percentage	83.5%	16.5%	73.6%	0.0%	1.7%	98.3%	12.5%	13.9%	100.0%
1995	Number	348	68	416	0	7	103	110	40	566
	Percentage	83.7%	16.3%	73.5%	0.0%	6.4%	93.6%	19.4%	7.1%	100.0%
1996	Number	156	55	211	0	0	86	86	26	323
	Percentage	73.9%	26.1%	65.3%	0.0%	0.0%	100.0%	26.6%	8.0%	100.0%
1997	Number	187	24	211	1	6	234	240	52	504
	Percentage	88.6%	11.4%	41.9%	0.2%	2.5%	97.5%	47.6%	10.3%	100.0%
1998	Number	76	9	85	1	1	78	79	42	207
	Percentage	89.4%	10.6%	41.1%	0.5%	1.3%	98.7%	38.2%	20.3%	100.0%
1999	Number	54	28	82	0	18	183	201	558	841
	Percentage	65.9%	34.1%	9.8%	0.0%	9.0%	91.0%	23.9%	66.3%	100.0%
2000	Number	97	11	108	0	27	160	187	181	476
	Percentage	89.8%	10.2%	22.7%	0.0%	14.4%	85.6%	39.3%	38.0%	100.0%
2001	Number	105	35	140	0	41	184	225	25	390
	Percentage	75.0%	25.0%	35.9%	0.0%	18.2%	81.8%	57.7%	6.4%	100.0%
2002	Number	119	22	141	0	4	56	60	114	315
	Percentage	84.4%	15.6%	44.8%	0.0%	6.7%	93.3%	19.0%	36.2%	100.0%
2003	Number	68	59	127	0	31	108	139	59	325
	Percentage	53.5%	46.5%	39.1%	0.0	22.3%	77.7%	42.8%	18.2%	100.0%
2004	Number	134	28	162	2	56	138	194	66	424
	Percentage	82.7%	17.3%	38.2%	0.47%	29%	71%	45.7%	15.6%	100.0%
2005	Number	108	31	139	0	0	126	126	51	316
	Percentage	78%	22%	44%	0.0%	0.0%	100%	40%	16%	100.0%

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

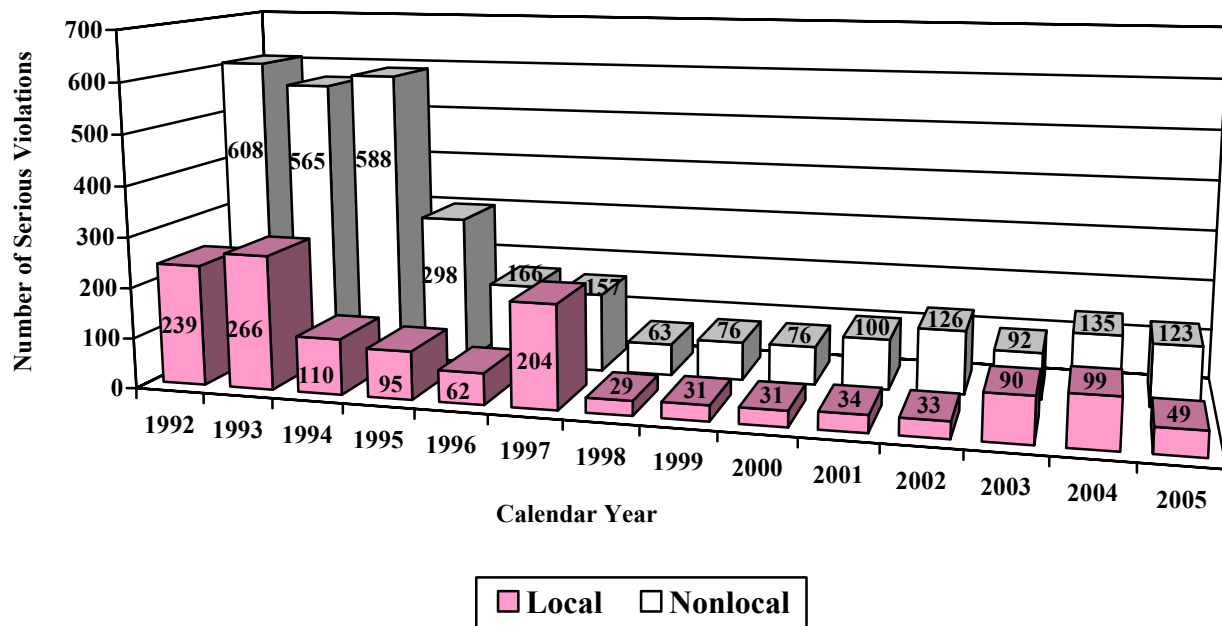
		Violation Category								
Year	Number / Percentage	Effluent			Compliance Schedule	Discharge Monitoring Report			Other	Grand Total (columns 5,6,9,10)
		Non-hazardous	Hazardous	Total		Non-submittal	Omissions	Total		
1992	Number	410	45	455	71	0	34	34	18	578
	Percentage	90.1%	9.9%	78.7%	12.3%	0.0%	100.0%	5.9%	3.1%	100.0%
1993	Number	495	30	525	2	11	32	43	38	608
	Percentage	94.3%	5.7%	86.3%	0.3%	25.6%	74.4%	7.1%	6.3%	100.0%
1994	Number	163	28	191	7	0	20	20	556	774
	Percentage	85.3%	14.7%	24.7%	0.9%	0.0%	100.0%	2.6%	71.8%	100.0%
1995	Number	230	31	261	0	0	4	4	32	297
	Percentage	88.1%	11.9%	87.9%	0.0%	0.0%	100.0%	1.3%	10.8%	100.0%
1996	Number	65	30	95	94	0	2	2	13	204
	Percentage	68.4%	31.6%	46.6%	46.1%	0.0%	100.0%	1.0%	6.4%	100.0%
1997	Number	239	40	279	7	2	12	14	19	319
	Percentage	85.7%	14.3%	87.5%	2.2%	14.3%	85.7%	4.4%	6.0%	100.0%
1998	Number	27	9	36	0	0	6	6	42	84
	Percentage	75.0%	25.0%	42.9%	0.0%	0.0%	100.0%	7.1%	50.0%	100.0%
1999	Number	18	13	31	5	2	16	18	64	118
	Percentage	58.1%	41.9%	26.3%	4.2%	11.1%	88.9%	15.3%	54.2%	100.0%
2000	Number	68	8	76	1	0	19	19	12	108
	Percentage	89.5%	10.5%	70.4%	0.9%	0.0%	100.0%	17.6%	11.1%	100.0%
2001	Number	51	14	65	2	0	10	10	129	206
	Percentage	78.5%	21.5%	31.6%	1.0%	0.0%	100.0%	4.9%	62.6%	100.0%
2002	Number	26	12	38	0	0	6	6	14	58
	Percentage	68.4%	31.6%	65.5%	0.0%	0.0%	100.0%	10.3%	24.2%	100.0%
2003	Number	11	80	91	0	0	1	1	248	340
	Percentage	12.1%	87.9%	26.8%	0.0%	0.0%	100.0%	0.3%	72.9%	100.0%
2004	Number	78	39	117	0	0	79	79	28	224
	Percentage	67%	33%	52%	0.0%	0.0%	100%	35%	13%	100%
2005	Number	53	5	58	0	0	125	125	10	193
	Percentage	91%	9%	30%	0.0%	0.0%	100%	65%	5%	100%

Section Seven - Serious Violations:

The CWEA requires the Department to report the number of actual effluent violations constituting serious violations, including those violations that are being contested by the permittee. The CWEA defines a serious violation as an exceedance of a valid effluent limitation by 20 percent or more for hazardous pollutants and by 40 percent or more for nonhazardous pollutants. The CWEA establishes mandatory minimum penalties for serious violations and requires the Department to assess a penalty for a serious violation within six months of the violation.

In 2005, the Department identified and issued formal enforcement actions for 172 serious effluent violations (49 were from local permittees and 123 from nonlocals). These violations involved discharges from 49 facilities. Of the 172 serious violations, 81.9 percent (154) involved violations of limitations for nonhazardous pollutants, and the remaining 18.1 percent (34) involved violations of limitations for hazardous pollutants. In Chart III-1 below, the serious violations are separated into those from either local or nonlocal permittees. Serious violations have decreased from a reported high figure of 847 in 1992. This decrease from thirteen years ago is a very positive trend indicating the regulated community, as a whole, is paying close attention to monitoring their discharges and taking the appropriate corrective action to prevent their facilities from having serious violations.

**CHART III - 1
SERIOUS VIOLATIONS**



Section Eight - Significant Noncompliers:

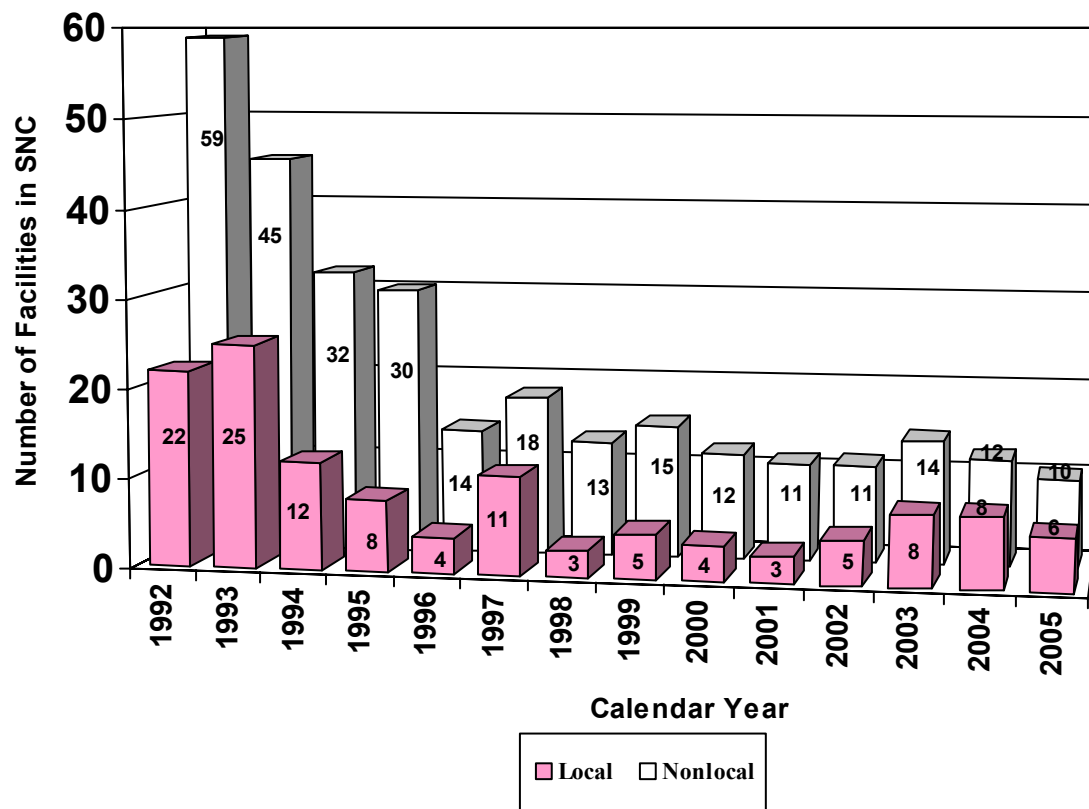
The CWEA requires the Department to report the number of permittees qualifying as SNCs, including permittees contesting such designation, and to provide certain information pertaining to each permittee designated as an SNC. An SNC is a permittee which: (1) commits a serious violation for the same pollutant at the same discharge point source in any two months of any six-month period; (2) exceeds the monthly average in any four months of any six-month period or (3) fails to submit a completed DMR in any two months of any six-month period (N.J.S.A. 58:10A-3w). The Department reviews each violation to determine whether the violation has caused the permittee to become an SNC or continue to be an SNC. If the permittee is or has become an SNC, the Department initiates formal enforcement action, assessing a civil administrative penalty in an amount at least equal to the statutory minimum, and directing the SNC to attain compliance.

In 2005, the Department issued formal enforcement actions to 16 permittees identified as SNCs. Four of the permittees have contested their individual designations as SNCs through the filing of adjudicatory hearing requests on the AONOCAPA's issued to them. Appendix III-A of this report identifies each SNC and sets forth information concerning each SNC's violations. In 1992, 81 permittees were issued penalties for becoming an SNC. Therefore, the number of SNCs has dropped by 80 percent since 1992. In 2005, of the 16 SNC permittees 10 were nonlocal agencies and 6 were local agencies. Ten of the permittees violated a DSW permit, 3 violated a DGW permit, 2 violated a SIU permit and 1 violated a stormwater permit. In 2005, there were no permittees that continued to be an SNC violator from 2004. In comparison, the number of permittees identified in the 1993 report that continued to be or were repeat SNC violators was 18.

As has been the case since 1996, the percentage of permittees in significant noncompliance in 2004 was less than 2.0 percent of the total NJPDES permittees with monitoring and reporting requirements in their permits. Chart III-2 below shows the number of local and nonlocal facilities which the Water Compliance and Enforcement Element has taken formal enforcement action against because they had reporting or discharge violations of their permit effluent limitations that caused them to be, or continue to be, in significant noncompliance as defined by the 1990 amendments to the WPCA (N.J.S.A. 58:10A-1 et seq.).

The 16 permittees identified as SNCs is similar to the number reported in 2004 (20). Chart III-2 shows a significant decreasing trend, which has flattened out over the past nine years of the overall thirteen year period, in the total number of chronic violators having serious discharge violations or failing to submit discharge monitoring reports which places them in significant noncompliance. Given the large total number of permitted discharges with reporting requirements and effluent limitations compared to the limited number of facilities in significant noncompliance during the past nine years, only slight variation in the numbers is expected from year to year as we have seen again this year. Any new and more restrictive discharge limitations imposed in NJPDES permits in the future could actually result in nominal increases in the number of SNCs. However, the regulated community is more educated and prepared to address any such limitations and take the steps necessary to achieve and maintain compliance and therefore, avoid SNC designation.

CHART III - 2
SIGNIFICANT NONCOMPLIERS



The Department believes its multifaceted compliance assistance program has played a major role in the significant reduction in SNCs and violations overall. The DMR manual, which was initially published in 1991 with a second edition in 1993 and updates in 2000 (through guidance on the new reporting forms), has been invaluable in providing guidance to permittees in proper discharge monitoring and completion of their DMRs. Seminars and training courses conducted with various organizations have assisted permittees and licensed operators in achieving a better understanding of the WPCA requirements. This has also resulted in numerous wastewater treatment system improvements at both local and nonlocal facilities.

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

Section Nine - Violations for which the Department Did Not Assess a Penalty:

The Department assesses a penalty only after conducting an inspection or confirming the violation by some other contact with the permittee. Accordingly, serious violations and violations which cause a permittee to become an SNC, which were reported on DMRs but not confirmed before the end of the 2005 calendar year, will be the subject of penalty assessments once the Department confirms that the violations occurred. If the Department establishes that a report of an exceedance was in error (for example, if the reported exceedance is attributable to a mistake in the reporting or processing of discharge data), the Department does not take an enforcement action for the reported

exceedance.

D. ENFORCEMENT ACTIONS

Section One - Types of Enforcement Actions:

Informal Enforcement Actions:

The Department uses both formal and informal enforcement actions to promote compliance with the WPCA. An informal enforcement action notifies a violator that it has violated a statute, regulation or permit requirement, and directs the violator to take corrective actions to comply. Typically, informal actions are a first step in the enforcement process and are taken at the time the Department identifies a violation. The Department does not assess penalties in informal enforcement actions, which are preliminary in nature and does not provide an opportunity to contest the action in an adjudicatory hearing. However, the Department is always willing and available to discuss the violation with a permittee.

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

Formal Enforcement Actions:

The Department typically takes formal administrative enforcement action when it is required by the CWEA to assess a mandatory penalty or when a permittee has failed to remedy a violation in response to an informal enforcement action previously taken by the Department. The Department only takes formal enforcement action when it has verified that a violation has occurred. The Department usually initiates formal administrative enforcement action through the issuance of an (AO) or Settlement Agreement with Penalty (SA/P). The Department has utilized several types of Administrative Orders (AOs).

An AO is a unilateral enforcement action taken by the Department ordering a violator to take corrective action. The Department usually issues an AO to require a permittee to comply with its permit and may prescribe specific measures to be taken by the violator.

An Administrative Order/Notice of Civil Administrative Penalty Assessment (AO/NOCAPA) identifies a violation, assesses a civil administrative penalty, and also orders a violator to take specific, detailed compliance measures.

A Notice of Civil Administrative Penalty Assessment (NOCAPA) is an action that identifies a violation and assesses a civil administrative penalty. Compliance has already been achieved in most cases.

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

Order with Penalty (JO/P).

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

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

Section Two - Types of Settlement Agreements:

The Department resolves administrative and judicial enforcement actions through the execution of several types of Settlement Agreements (SAs). An SA resolves an administrative enforcement action, including a penalty previously assessed by the Department. The SA does not typically impose requirements for corrective action. An SA/P resolves an outstanding confirmed violation or an administrative enforcement action and provides for payment of penalties not previously assessed.

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

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

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

Section Three - Enforcement Actions Initiated in 2005:

Informal Enforcement Actions:

In 2005, the Department initiated 268 informal enforcement actions (NOVs) for Surface Water (SW), Ground Water (GW), and Significant Indirect Users (SIU) violations. In addition, the Department initiated 276 NOVs for stormwater violations for a total of 544 NOVs issued in 2005. There were fewer NOVs issued in 2005 for SW, GW and SIU violations when compared to 2004 (360). There were also fewer NOVs issued in 2005 for stormwater violations compared to 2004 (317).

Formal Enforcement Actions:

In 2005, the Department initiated 103 formal enforcement actions compared with 137 in 2004 and a high of 941 in 1993. While a large portion of the decrease from the early 1990s is due to the elimination of the Enforcement Directive (ED) category as previously explained, both Orders (18 in 2005 vs. 274 in 1992) and Settlements (85 in 2005 vs. 152 in 1992) of all types has decreased over the past ten years. Since these are the documents in which the Department assesses penalties and,

the Department typically initiates penalty actions only against a permittee committing a serious violation or violations which causes it to become an SNC, this is consistent with the general overall improved compliance trend noted previously.

The reduction in formal actions since 1992 can be traced for the most part to the decrease in the issuance of administrative actions containing penalty assessments that could be adjudicated. Meanwhile, the number of SA/Ps, which typically constitutes approximately 65 percent of all formal enforcement actions, was down from a high of 126 in 1995 to 85 in 2005. This indicates a drop in the number of facilities, which had violations that would trigger mandatory penalties under the CWEA (serious and SNC violations), that chose to enter into SA/Ps to avoid litigation costs and resolve violations quickly.

The number of formal actions issued (103) in 2005 and is a decrease from the low reported in 2003 (117). The total number of enforcement actions (informal and formal) in 2005 was 647.

Table III-5 summarizes enforcement actions taken from 1992- 2005.

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

TYPE OF ENFORCEMENT ACTION	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
INFORMAL ACTIONS	1273	1,055	561	325	422	337	392	389	425	664	790	644	677	544
-- NOV	768	718	487	325	422	337	392	389	425	664	790	644	677	544
FORMAL ACTIONS	752	941	913	638	454	389	243	178	133	119	139	117	137	103
- ENFORCEMENT DIRECTIVES	317	480	522	371	304	233	117	N/A	N/A	N/A	N/A	N/A	N/A	N/A
- ORDERS	274	198	147	74	50	54	51	80	42	25	44	36	27	18
AO	0	6	0	1	2	0	0	0	0	0	4	0	0	1
AO/NOCAPA	8	3	9	3	1	21	28	55	31	17	24	34	24	16
NOCAPA	7	8	6	8	9	4	8	12	5	3	5	1	3	1
IRO/P ¹	222	129	77	30	13	11	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
SPDL	34	45	32	20	17	11	6	7	2	1	1	1	0	1
JO	1	5	5	1	3	2	4	1	0	2	1	0	0	0
JO/P	2	2	4	4	0	0	2	1	1	1	0	0	0	0
AGR	-	6	14	7	5	5	3	4	3	1	7	0	0	0
- SETTLEMENTS	152	260	244	200	100	102	75	98	91	94	102	81	110	85
ACO	32	26	21	14	6	4	1	3	6	2	4	3	1	0
ACO/P	17	30	15	8	8	8	5	3	1	4	3	2	1	0
SA	56	121	80	49	10	11	10	11	16	14	25	17	11	10
SA/P	32	77	121	126	76	76	57	78	65	73	65	59	97	74
JCO	4	4	3	2	0	2	2	1	0	0	4	0	0	0
JCO/P	2	2	4	1	0	1	0	2	3	1	1	0	0	0
- AUTO PAYMENTS	9	3	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
TOTALS	2,025	1,996	1,474	645	876	726	635	567	558	783	929	761	814	647

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

Section Four - Laboratory Certification Program:

On July 1, 1995, the Water Compliance and Enforcement Element received enforcement jurisdiction over the Laboratory Certification program for violations under the WPCA as well as other statutes. The Air and Environmental Quality Element within the Department previously performed this function.

Formal enforcement actions are taken based upon violations discovered by the Department's Office of Quality Assurance during its audits of certified laboratories or as a result of a laboratory's failure to comply with the proficiency testing program. While the actions shown below in Table III-7 were taken pursuant to the WPCA, they are being reported here separately from the other sections of this report since inclusion of these actions would alter any trend analysis contained herein. Additionally, some of the enforcement actions involve the issuance of a Notice of Certification Suspension that is unique to only this program. The statistics for calendar year 2005 and earlier listed in Table III-6 are not included in Table III-5 or Table III-7.

TABLE III - 6
LABORATORY CERTIFICATION ACTIVITIES

TYPE OF ACTIVITY	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
- ENFORCEMENT ACTIONS											
AO/NOCAPA	9	4	1	4	10	4	1	1	2	10	0
AO/S	81	3	72	33	1	0	0	0	60	22	30
AO/P/S	1	1	0	0	0	0	0	0	0	0	4
IRO/P	0	2	0	0	0	0	0	N/A	N/A	N/A	N/A
ACO/P	0	0	1	0	0	0	0	0	0	0	0
SA	0	2	2	1	0	3	3	2	1	2	0
SA/P	0	0	0	0	1	0	0	0	0	2	1
PENALTIES ASSESSED \$	6,900	3,000	13,725	84,000	157,500	48,000	53,250	25,000	14,250	103,571	\$7000
PENALTIES COLLECTED \$	1,500	7,500	1,350	4,004	27,560	11,473	40,877	48,500	6,750	7,750	1,500

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

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

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

E. COMBINED SEWER SYSTEM ENFORCEMENT

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

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

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

There following is a summary of some of the major CSO enforcement actions in taken in 2005:

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

August 29, 2005 letter from CCMUA advised that denial of access to the site by Campbell Soup (CS) is delaying design and compliance with November 30, 2005 deadline for this particular site. CCMUA advised that agreement was reached with CS allowing design to proceed. Potential site remediation issues, if found during

Solids/Floatable system construction, have not been resolved and will present future problems.

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

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

City of Rahway An ACO executed on May 5, 2000 established the deadline for elimination of its CSO points by March 2004. A Force Majeure was granted March 5, 2004 for extension of the enforcement construction schedule deadlines in the ACO. The deadline was extended to June 1, 2004 to complete construction necessary for the separation of the combined tributary to outfall 002. The deadline to temporarily plug and permanently seal outfall 002 were extended to July 1, 2004 and July 1, 2005, respectively. Outfalls 001, 003, 004 and 005 have been separated and temporarily plugged in accordance with the ACO. A second Force Majeure was granted by NJDEP on October 5, 2004. The deadline to temporarily plug and permanently seal outfall 002 was extended to September 30, 2004 and September 30, 2005, respectively. Deadline to permanently seal outfall 003 was extended to April 1, 2005. As of October 05, 2005, all outfalls have been permanently sealed. A final close-out inspection will be conducted in early 2006. An ACO close-out letter will be issued; the Permitting group will be notified at that time that Rahway's CSO permit can be terminated.

F. PENALTIES ASSESSED AND COLLECTED

The CWEA requires the Department to report the dollar amount of all civil and civil administrative penalties assessed and collected.

Section One - Penalties Assessed:

In 2005, the Department assessed a total of \$2.23 million in civil and civil administrative penalties within 100 distinct enforcement actions. This is a decrease from \$3.24 million assessed 2004. Table III-7 outlines the penalties assessed by the Department since 1996.

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

2005			
PENALTY RANGES	\$ AMOUNT ASSESSED IN RANGE	TOTAL # OF ACTIONS	LOC/NL PENALTY ASSESSED
>\$500,000	\$705,000	1	00/01
\$250,001 – 500,000	0	0	00/00
\$100,001 – 250,000	\$450,100	3	02/01
\$25,001 – 100,000	\$554,509	11	03/08
\$1 - 25,000	\$522,488	85	22/63
TOTALS	\$2,232,097	100	27/73

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

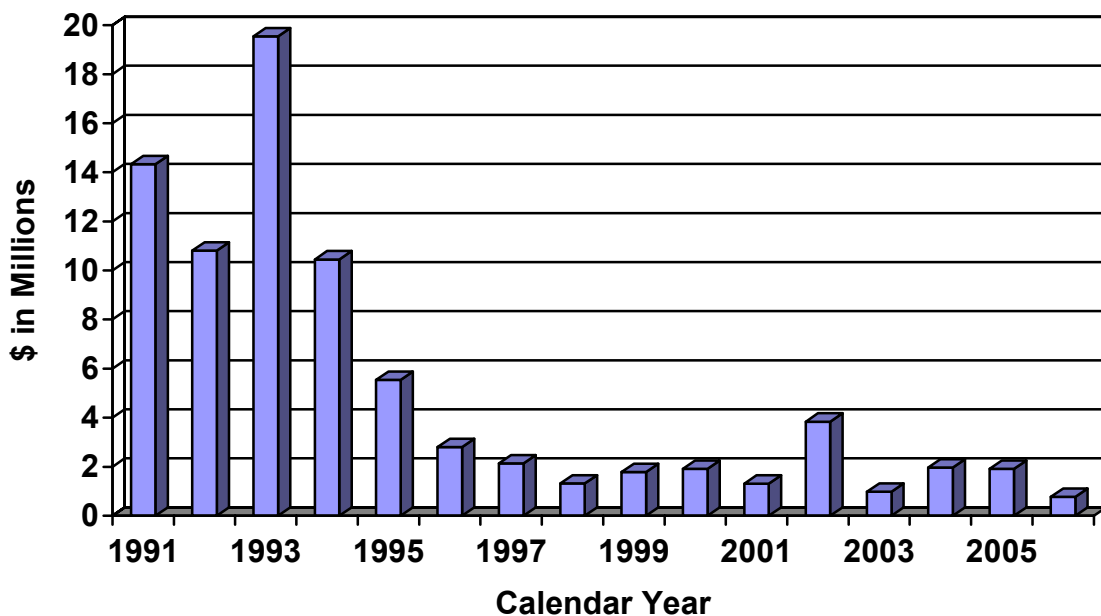
2001				2000			1999		
PENALTY RANGES	\$ AMOUNT ASSESSED IN RANGE	TOTAL # OF ACTIONS	LOC/NL PENALTY ASSESSED	\$ AMOUNT ASSESSED IN RANGE	TOTAL # OF ACTIONS	LOC/NL PENALTY ASSESSED	\$AMOUNT ASSESSED IN RANGE	TOTAL # OF ACTIONS	LOC/NL PENALTY ASSESSED
>\$500,000	\$671,375	1	01/00	\$0	0	00/00	\$659,000	1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

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

Section Two - Penalties Collected:

In 2005, the Department collected \$772,147 thousand in penalties. This is down from last years amount collected (\$1.97 million). There was 1 payment made greater than \$100,000. The highest payment received was from GREENWOOD TOWNSHOUSE ASSOC.(\$103,000). As shown in Chart III-3 below, penalty collections have ranged from a high of \$19.6 million in 1993 to a low of \$0.98 million in 2003. The decreasing trend seen is consistent with the decrease in assessments over the past few years. It is anticipated that the amount of penalties collected each year will remain in the neighborhood of \$2.0 million or drop slightly lower. Of course, one large payment of an outstanding assessment could temporarily reverse this trend.

CHART III - 3
PENALTIES COLLECTED 1991-2005



IV. DELEGATED LOCAL AGENCIES

A. INTRODUCTION

A DLA is a political subdivision of the State, or an agency or instrumentality thereof, which owns or operates a municipal treatment works and implements a department approved industrial pretreatment program. The Department approves pretreatment programs pursuant to the General Pretreatment Regulations for Existing and New Sources of Pollution, 40 CFR Part 403, as adopted in the NJPDES regulations, N.J.A.C. 7:14A-1 et seq. Under these Federal regulations, the Department may approve a pretreatment program only if the DLA has specified types of legal authority and implements specified procedures including the following:

1. Control indirect discharges through permit, order or similar means to ensure compliance with applicable pretreatment standards;
2. Randomly sample and analyze the effluent from indirect users and conduct surveillance activities in order to identify, independent of information supplied by indirect users, occasional and continuing noncompliance with pretreatment standards;
3. Inspect and sample the effluent from each significant indirect user at least once a year;
4. Investigate and respond to instances of noncompliance through appropriate enforcement action.

An indirect discharge is an introduction of pollutants into a POTW from any non-domestic source regulated under section 307(b), (c), or (d) of the Federal CWA. The DLA classifies an indirect discharger as an SIU if the user is subject to the Federal Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N, or based upon factors such as the quantity of its discharge, the percentage of the POTW's capacity which it contributes, its potential to affect the POTW's operation adversely, or its potential to violate a pretreatment standard or requirement.

Twenty-four DLAs currently have obtained the Department's approval for their industrial pretreatment programs, which they implement with oversight by the Department. A listing of the DLAs is provided at the end of this chapter. The Department's oversight includes: (i) conducting periodic audits of the DLA's pretreatment program; (ii) reviewing the annual report required by 40 CFR Part 403; and (iii) providing technical assistance the DLA requests. The audit includes a review of industry files maintained by the DLA to determine whether the DLA has met its permitting, sampling, inspection, and enforcement obligations. The annual report required by 40 CFR Part 403 is a detailed discussion of the implementation of the approved pretreatment program and includes elements that allow the Department to gauge the program's success.

In addition to the Federal reporting requirements, the CWEA requires each DLA to file information with the Department annually, for inclusion in the Department's annual CWEA report. The information discussed in this chapter represents cumulative totals from these 24 DLA submissions received by the February 1, 2006 statutory deadline as well as any addenda received as of February 28, 2006. Appendix IV-A summarizes the information submitted by the DLAs. The original documents are available for review upon request.

B. PERMITS

The 24 DLAs have issued permits to control the discharges from a total of 898 facilities discharging to their sewage treatment plants. In its report, each DLA groups these dischargers into two categories based on the flow and character of the discharge.

Categorical/Significant/Major (CSM) includes: (i) dischargers in categories of industries for which EPA has established national pretreatment standards pursuant to 40 CFR 403.6; (ii) dischargers defined as significant by either Federal, State or local definition; and (iii) dischargers which are considered major under the applicable local definition.

Other Regulated (OR) includes any permitted discharger that does not fall within CSM.

In 2004, the DLAs issued a total of 56 new permits, 300 renewals, and 98 permit modifications with three permits contested by interested parties. Of the DLA regulated total of 939 dischargers, 563 were classified as CSM and 376 were classified as OR. In 2005, the DLAs issued 46 new permits, 302 renewals, and 109 permit modifications with one permit contested by interested parties. As of December 31, 2005, the DLAs had issued permits to 536 CSM facilities and 362 OR facilities for a total of 898 permits. Table IV-1 Details the permit actions mentioned above and identifies the CSM and OR categories.

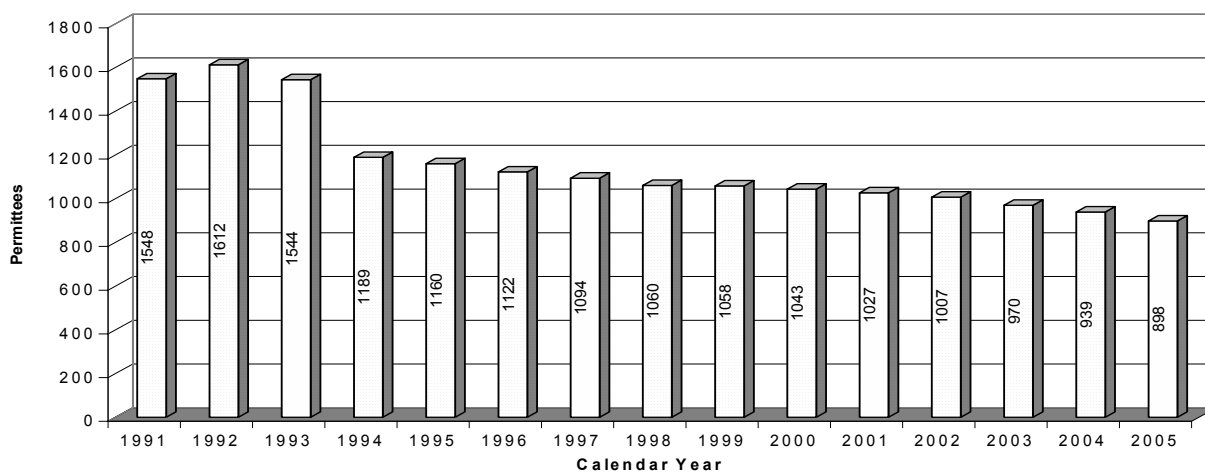
As noted in Table IV-1 below, four (4) permittees had their permit limits relaxed through an administrative order (AO) or an administrative consent order (ACO) issued by a DLA. In all four (4) of these cases, the limits were relaxed for conventional pollutants (BOD, TSS, oil and grease, etc.). In 2004, the DLAs also issued seven (7) AOs or ACOs that relaxed the local limits.

TABLE IV - 1
PERMIT ACTIVITY SUMMARY
January 1 - December 31, 2005

PERMIT ACTIONS	CSM	OR	TOTAL
New Permits	20	26	46
Permit Renewals	162	140	302
Permit Modifications	67	42	109
Permits contested by interested parties	1	0	1
AO/ACO compliance schedules relaxing local limits	3	1	4

The number of permittees regulated by DLAs has been steadily decreasing since 1992, the first full year of reporting under the CWEA. As noted in Chart IV-1, the permitted universe peaked in 1992, with 1,612 permittees under the regulation of DLAs. DLAs reported 898 permittees under their regulation at the end of calendar year 2005, representing a decrease of 44.3% (or 714 permittees) since 1992. A significant decrease (319) in the number of permittees is noted between 1993 and 1994. A majority of this decrease in permittees (249 of 319 permittees, or 78.1%) can be attributed to the Township of Wayne "delisting" facilities regulated only for oil and grease.

**CHART IV-1
TOTAL NUMBER OF PERMITTEES REGULATED BY DLAs**



C. INSPECTIONS AND SAMPLINGS

The CWEA requires DLAs to annually inspect each permitted facility discharging into their sewage treatment plant. For CSM permittees, the CWEA requires the DLA to annually conduct a representative sampling of the permittees' effluent. For OR permittees, the DLA is required to perform sampling only once every three years.

The DLAs inspected and sampled 857 of the 898 permittees at least once during the calendar year. The DLAs inspected and sampled 507 (94.6 percent) of the 536 CSM permittees and 350 (96.7 percent) of the 362 OR facilities. In 2004, the DLAs inspected and sampled 903 of the permittees at least once. The DLAs inspected and sampled 531 (94.3 percent) of the 563 CSM permittees and 372 (98.9 percent) of the 376 OR permittees. In 2005, there was a shortfall of approximately 5 percent in the number of CSM facilities both inspected and sampled, slightly below the 6 percent shortfall from last year. A significant number of the facilities that were not sampled/inspected during the calendar year were either not currently discharging, had not begun discharging, or were new permittees thus causing the shortfall. In assessing compliance with pretreatment program requirements, EPA guidance indicates that a 20 percent shortfall would place the DLA in reportable noncompliance. There was no sampling/inspection shortfall in the OR category as the CWEA only requires one third of these facilities to be both sampled and inspected annually. The DLAs inspected and sampled 350 of the 362 OR facilities (or 96.7 percent of the universe) in calendar year 2005, as compared to the statutory requirement of 33 percent.

D. VIOLATIONS

Section One - Violations by Permitted Facilities:

The DLAs reported 1,031 permit violations by permitted facilities in 2005, compared with 1,158 violations in 2004. Violations fall into the following categories: (i) effluent violations where the discharge exceeds the limits established within the permit; and (ii) reporting violations where self-monitoring data has not been submitted or has been submitted in an incomplete manner.

Of the 1,031 permit violations reported in 2005, 710 (68.9 percent) were effluent violations, and 321 (31.1 percent) were reporting violations, compared with 874 (75.5 percent) effluent violations and 284 (24.5 percent) reporting violations in 2004. The total number of violations reported decreased by 127 (11.0 percent) compared to 2004.

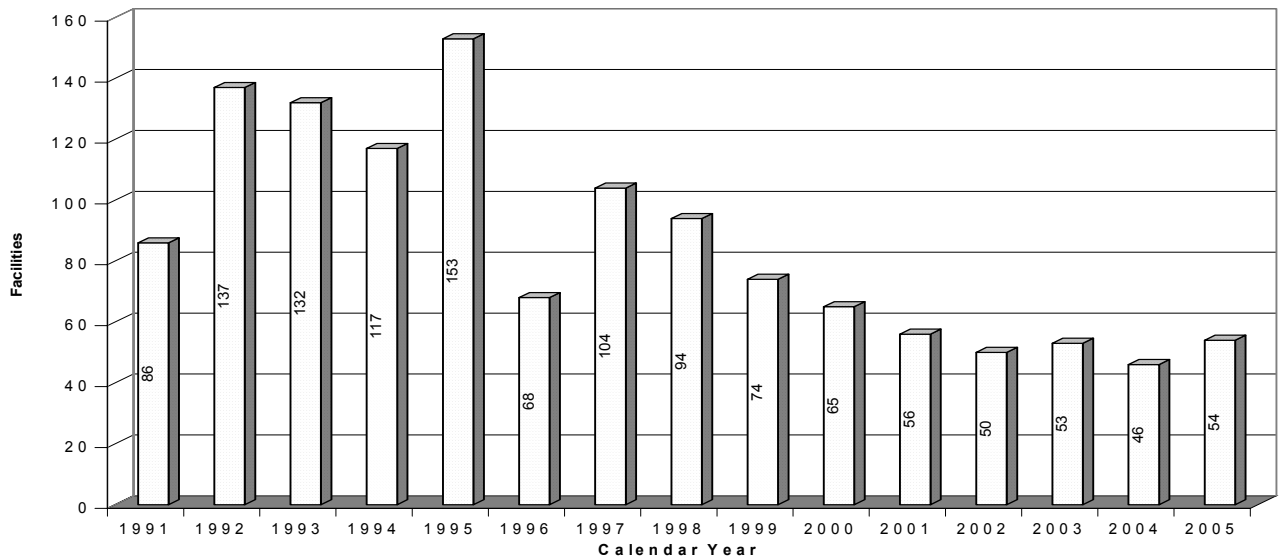
Of the 710 effluent violations, 342 (48.2 percent) were for non-hazardous discharges of conventional pollutants, such as suspended solids and nutrients, and 368 (51.8 percent) were for hazardous pollutant discharges, such as metals, organics and other toxic substances. In 2004, 380 effluent violations were for non-hazardous pollutants and 494 effluent violations were for hazardous pollutants. Of the total number of effluent violations in 2005, 300 (42.3 percent) constituted serious violations compared with 305 (34.9 percent) serious violations in 2004. Table IV-2 details the permit violations mentioned above and identifies the CSM and OR categories.

TABLE IV-2
SUMMARY OF ALL PERMIT VIOLATIONS
January 1 - December 31, 2005

VIOLATION TYPE	CSM	OR	TOTAL	%
Non-hazardous pollutants	232	110	342	33.2
Hazardous pollutants	239	129	368	35.7
Reporting violations	227	94	321	31.1
TOTALS	698	333	1,031	100.0

Based on a compilation of data from the CWEA annual reports submitted by the delegated local agencies since 1991, the number of effluent violations (for both hazardous and non-hazardous pollutants) has tended to decrease from year to year (see Chart IV-2 below). Compared to the first full reporting year (calendar year 1992), discharge violations by indirect users discharging to delegated local agencies have declined from 2312 in 1992 to 710 in 2005, a decrease of 69.3 percent.

**CHART IV-2
EFFLUENT VIOLATIONS**



Section Two - Unpermitted Discharges and Pass Throughs:

An unpermitted discharge is the release of pollutants, into the sanitary sewer, which is not covered under an existing permit. Unpermitted discharges include any newly identified facilities that have recently come within the jurisdiction of a DLA due to service area expansions by regional sewerage facilities and therefore must obtain a permit. In 2005, the DLAs reported six unpermitted discharges. All six of these facilities are OR facilities. Although these facilities were considered as "unpermitted" by the delegated local agencies, the permit issuance of these facilities are underway. For one of these facilities, the permittee went to zero discharge. For the other five OR facilities, the DLAs were in the process of either soliciting the permit applications or drafting discharge permits for these facilities. In 2004, the DLAs reported four unpermitted discharges.

The term pass through means a discharge which exits the treatment plant and enters the waters of the State in quantities or concentrations which alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the treatment plant's permit, including an increase in the magnitude or duration of a violation. One pass through incident was reported in 2005. This incident occurred at the Cumberland County Utilities Authority (CCUA) treatment plant and resulted in the CCUA violating its discharge permit for total suspended solids (TSS) and chemical oxygen demand (COD). The CCUA did identify the permittee responsible for this pass through event and did issue notices of violation and assessed penalties.

Section Three - Significant Noncompliance:

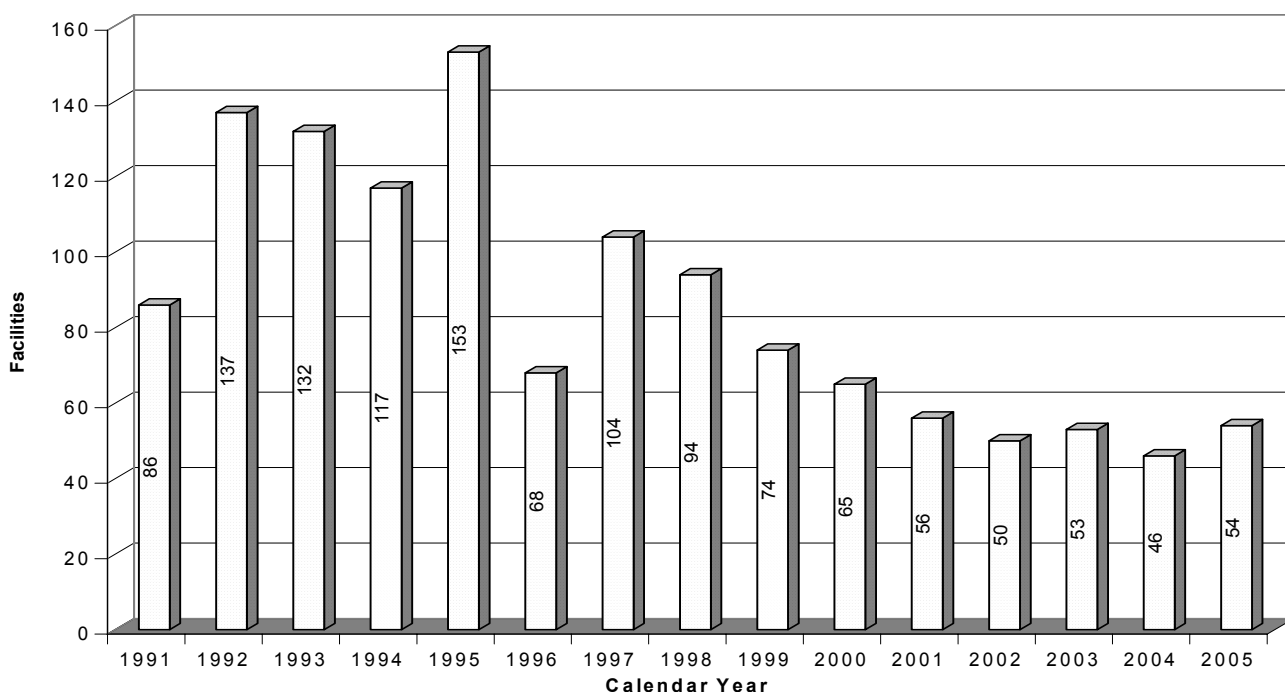
The CWEA requires that DLAs identify facilities designated as SNCs in accordance with the definition of significant noncompliance as defined by the New Jersey WPCA under N.J.S.A. 58:10A-3.w.

The DLAs reported a total of 54 indirect users who qualified as SNCs under the State definition during 2005. The analysis in the 2004 report indicated that 46 indirect users met the SNC definition. Therefore, there was an increase of 8, or a 17.4 percent increase in the number of facilities in

significant noncompliance. The DLAs reported as a whole that by the end of calendar year 2005, 26 (48.1 percent) of the 54 indirect users in significant noncompliance had achieved compliance. Appendix IV-B provides information submitted by each DLA regarding the individual indirect users in significant noncompliance.

For facilities discharging into a delegated local agency, Chart IV-3 shows the trend in the number of indirect users meeting the SNC criteria. For calendar year 1995, the increase or spike can be attributed to implementation of new local limits by the Passaic Valley Sewerage Commissioners (PVSC) and failure by 67 companies in the PVSC service area to submit a local limits baseline monitoring report to PVSC by the prescribed deadline. Over the twelve year period from 1992 (the first full calendar year of reporting) through 2005, the number of facilities meeting SNC criteria shows a decrease of 60.6 percent. The percentage of DLA indirect users meeting the SNC criteria in 2005 was 6.0 percent.

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



Section Four - Violations of Administrative Orders and Administrative Consent Orders

Three DLAs reported that users had 8 violations of their AOs or ACOs, including violations of interim limits, compliance schedule milestones for starting or completing construction, or failure to attain full compliance. In 2004, two DLAs reported that users had 7 violations of their AOs or ACOs.

As required by the Act, a DLA must report any permittee who was at least six months behind in the construction phase of a compliance schedule. No permittee is at least six months behind in the construction phase of a compliance schedule.

Section Five - Affirmative Defenses:

Six DLAs granted 15 affirmative defenses for upsets, bypasses, testing or laboratory errors for serious violations. Eight (or 53.3 percent) of the 15 affirmative defenses were given due to laboratory error, 6 (or 40 percent) for upset or bypass, and 1 (or 6.7 percent) for matrix interference problems or violations involving net-gross calculations where violations were due to excessive amounts of pollutants in the industries' incoming water supply. In calendar year 2004, 27 affirmative defenses were granted by six DLAs: 20 (74.1%) for laboratory error; 6 (22.2%) for upset or bypass; and 1 (3.7%) for matrix interference or net-gross calculation violations.

E. ENFORCEMENT ACTIONS AND PENALTIES

Section One - Enforcement Actions:

During 2005, the DLAs issued 279 enforcement actions as a result of inspections and/or sampling activities. CSM permittees were the subject of 65.2 percent (182) of these actions, and OR permittees were the subject of the remaining 34.8 percent (97). One DLA, PVSC, is responsible for a large percentage (110, or 39.4 percent) of these actions and most of these enforcement actions initiated by PVSC were due to pH violations. In 2004, the DLAs issued 335 enforcement actions. CSM permittees were the subject of 200 (59.7 percent) of these actions and OR permittees were subject to 135 (40.3 percent) of these enforcement actions

It is important to note that the Department requires that DLAs respond to all indirect user violations. This section of this report only reflects the 279 enforcement actions taken as a result of DLA inspection and sampling activity as specifically required by statute and not those enforcement actions taken by DLAs based upon indirect user self-monitoring report results. Subsequent sections of this chapter reflect these additional enforcement actions taken by DLAs.

Section Two - Penalty Assessments and Collections:

In calendar year 2005, 16 of the DLAs assessed a total of \$1,186,913 in penalties for 603 violations while collecting \$924,051. In 2004, 16 DLAs assessed \$1,841,035 in penalties for 669 violations while collecting \$1,262,788.

One DLA, Joint Meeting of Essex and Union County, reported that they recovered \$8,500 in enforcement costs in a civil action and/or civil administrative action and another DLA, PVSC, reported that they recovered \$4,694 in enforcement costs in a civil action.

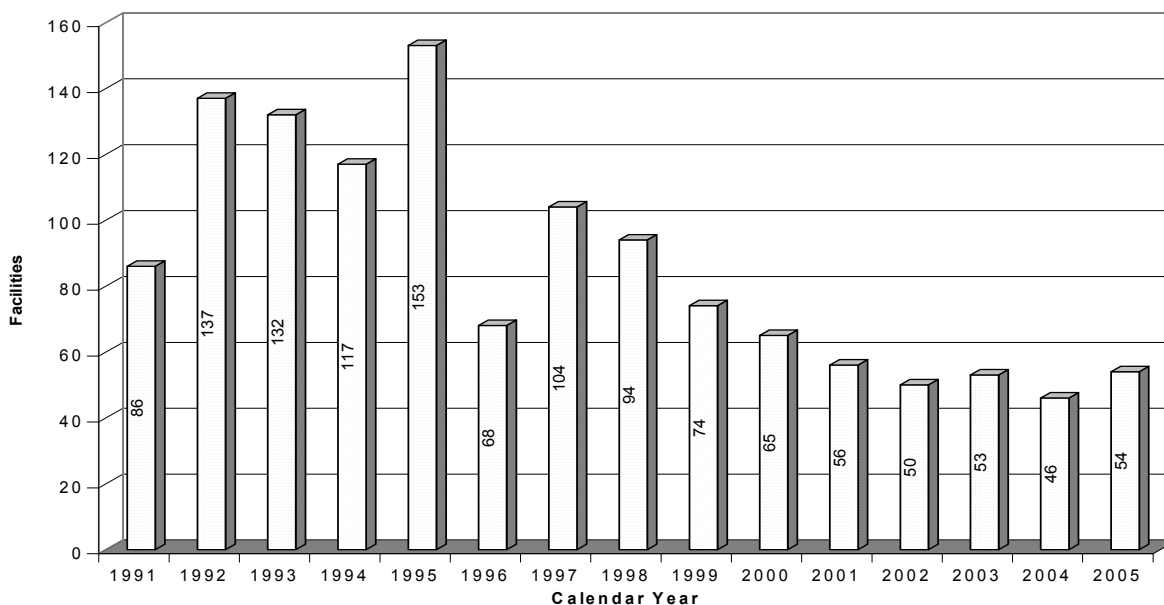
One DLA, PVSC, noted that it had reported two facilities to the Division of Criminal Justice. Empire Overall Dry Cleaners, Elmwood Park, and University of Medicine and Dentistry of NJ (UMDNJ), Newark, were both subject to complaints filed by PVSC. The owner of Empire Overall Dry Cleaners was convicted and received five years probation through Pre-Trial Intervention, and was also assessed a fine of \$30,000. UMDNJ entered into a Judicial Consent Order with PVSC in July 2005. UMDNJ agreed to hire an environmental specialist and was fined \$20,000.

The CWEA mandates that 10 percent of all administrative penalties collected by DLAs be deposited in the State Licensed Operator Training Account, but allows DLAs flexibility concerning the

expenditure of the remaining balance. The DLAs use the penalty money primarily to offset the cost of the pretreatment program, and do so by depositing the money in their general operating account. Accordingly, penalty receipts collected by DLAs are used to fund salaries, sampling equipment, contract services such as legal and engineering assistance, as well as to purchase computer equipment and fund public education programs. Appendix IV-C lists the specific purposes for which penalty monies were expended.

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

CHART IV-4
PENALTY MONEY COLLECTED BY DLAs



F. LIST OF DLAs

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

<u>Delegated Local Agency</u>	<u>Facility Mailing Address</u>
Bayshore Regional S.A.	100 Oak Street Union Beach, NJ 07735
Bergen County U.A.	PO Box 9 Little Ferry, NJ 07643
Camden County M.U.A.	1645 Ferry Avenue Camden, NJ 08101
Cumberland County U.A.	333 Water Street Bridgeton, NJ 08302
Ewing-Lawrence S.A.	600 Whitehead Road Lawrenceville, NJ 08648
Gloucester County U.A.	2 Paradise Road West Deptford, NJ 08066
Hamilton Township Dept. of Pollution Control	300 Hobson Ave. Hamilton, NJ 08610
Hanover S.A.	PO Box 320 Whippany, NJ 07981
Joint Meeting of Essex and Union Counties	500 South First Street Elizabeth, NJ 07202
Linden-Roselle S.A.	PO Box 4118 Linden, NJ 07036
Middlesex County U.A.	PO Box 159 Sayreville, NJ 08872
Morris Township	50 Woodland Ave. PO Box 7603 Convent Station, NJ 07961
Mount Holly M.U.A.	37 Washington St. PO Box 486 Mount Holly, NJ 08060
North Bergen M.U.A.	6200 Tonnelle Ave. North Bergen, NJ 07047
Northwest Bergen County U.A.	30 Wyckoff Avenue

	Waldwick, NJ 07463
Ocean County U.A.	PO Box P Bayville, NJ 08721
Passaic Valley Sewerage Commissioners	600 Wilson Avenue Newark, NJ 07105
Pequannock, Lincoln Park and Fairfield S.A.	PO Box 188 Lincoln Park, NJ 07035
Rahway Valley S.A.	1050 E. Hazelwood Ave. Rahway, NJ 07065
Rockaway Valley Regional S.A.	99 Green Bank Rd, RD#1 Boonton, NJ 07005
Somerset-Raritan Valley S.A.	PO Box 6400 Bridgewater, NJ 08807
Stony Brook Regional S.A.	290 River Road Princeton, NJ 08540
Trenton, City of	1502 Lamberton Road Trenton, NJ 08611
Wayne Township	475 Valley Road Municipal Bldg. Wayne, NJ 07470

V. CRIMINAL ACTIONS

In 2005, the Attorney General, through the Division of Criminal Justice Environmental Crimes Bureau and several county prosecutors' offices, continued their commitment to the enforcement of the criminal provisions of the Water Pollution Control Act (WPCA), N.J.S.A. 58:10A-10(f). In 2005, as part of its Urban Initiative, the Division made the detection and prosecution of pollution in vulnerable urban areas a priority.

The Division of Criminal Justice Environmental Crimes Bureau (ECB) investigates and prosecutes violations of the State's water pollution laws on a statewide basis, as well as violations of air pollution, hazardous waste, solid waste and regulated medical waste laws. It also investigates and prosecutes traditional crimes, such as racketeering, thefts, frauds and official misconduct that have an impact on environmental regulatory programs, including the Department's water pollution program. The Division handles matters brought to its attention by the Department, county health departments, local police and fire departments and citizens. In addition, the Division coordinates the criminal enforcement efforts of the county prosecutors and provides technical and legal training and assistance to those offices.

In 2005, the Division of Criminal Justice conducted a total of 22 WPCA investigations. The Division also reviewed over 540 Department actions (NOVs, Orders, Penalty Assessments, etc.) for potential criminality. Division State Investigators responded to 22 water pollution emergency response incidents, out of a total of 68 emergency response incidents. The Division filed six (6) criminal actions (indictments or accusations) for violations of the WPCA. (The Division filed a total of 20 criminal actions in environmental cases.) Five (5) of the criminal actions constituted third degree charges involving a purposeful, knowing or reckless unlawful discharge of a pollutant into the State's waters and one involved a fourth degree charge for negligent discharge of a pollutant into State waters. Four of the six criminal actions have been resolved either through trial, a guilty plea or, in two of the actions, through admission into PTI. (Three defendants who pled guilty in another action in 2004 were sentenced in January of 2005.)

In 2005, through the successful prosecution of cases involving water pollution, the Division obtained \$308,326 in fines and restitution and secured one year of jail time.

In addition to its own investigative and prosecutorial activities, the Division worked closely with county prosecutors' offices to assist them in the handling of WPCA investigations. The Division provided regular legal and technical advice to the counties.

In 2005, county prosecutors' offices filed five criminal actions for violations of the WPCA. This included a total of three accusations and two complaints. Of this total, all were third degree charges. All but one have been resolved through either admission into PTI (two) or through sentencing in the other two actions. Discussed below are the WPCA criminal actions and dispositions secured by the Division and by county prosecutors.

In **the Matter of Commerce Bank**, the ECB and Commerce Bank/North entered into a stipulation of settlement to resolve the ECB's investigation into wetlands/wetlands transition area damage caused by a contractor building a Commerce Bank facility in Hanover. As part of the agreement, Commerce has paid the Baykeeper \$225,000 for Passaic River Projects. The impacted wetlands area is in the Passaic River Watershed. Commerce will also restore the affected wetland transition area.

In **State v. Paul Brothers, Inc., Thomas D. Paul, and William Marsden** (Indictment No. 04-04-00058-S), the State Grand Jury charged defendants in 2004 with second degree release of hazardous waste, contrary to N.J.S.A. 2C:17-2, and third degree water pollution, contrary to N.J.S.A. 58:10A-10f. The defendants were charged with discharging highly acidic wastewater from the Paul Brothers concrete fabricating facility in Newfield Borough into an adjoining wooded area. Each of the three defendants pled guilty to third degree water pollution in 2004.

(In January of 2005, the corporate defendant was fined \$45,000 by the Honorable Walter L. Marshall, Jr., J.S.C. Judge Marshall sentenced Mr. Marsden to a three year probationary term and Mr. Paul to a three year probationary term contingent upon serving 364 days in the county jail.)

In **State v. Gerald Portee** (Indictment No. 05-02-0006-S), the State Grand Jury returned an indictment against defendant, the director of the UMDNJ-Newark physical plant, for third degree unlawful discharge of a pollutant, contrary to N.J.S.A. 58:10A-10f (two counts), and third degree witness tampering contrary to N.J.S.A. 2C:28-5. Defendant was charged with directing that the facility on two separate dates discharge thousands of gallons of acidic wastewater into the PVSC sewer system (NJPDES #20220016) in a manner that bypassed the pH treatment system and telling the subordinate that he had ordered to unlawfully discharge to lie to State Investigators. After a two week jury trial before the Honorable Harold Fullilove, J.S.C., an Essex County jury convicted defendant of third degree witness tampering. The matter is awaiting sentencing.

In **State v. Vera** (Accusation No. 05-09-00308-A), the ECB filed an accusation against Vera, who works with a tank repair company, charging him with a fourth degree water pollution violation, for discharging oil into a drain leading to the Washington Borough sewer system. Defendant was admitted into Pretrial Intervention by the Honorable John Pursel, J.S.C., conditioned upon the payment of \$8326.00 in restitution.

In **State v. Craffen** (Accusation No. 05-09-01727A) and **State v. Empire Overall Cleaners, Inc.** (Accusation No. 05-09-01726-A), the ECB filed separate accusations against Craffen, and her company charging them with a third degree water pollution violation, contrary to N.J.S.A. 58:10A-10f, for filing false Discharge Monitoring Reports with the Passaic Valley Sewerage Commission. Empire pled guilty and will receive a \$30,000 fine at sentencing and Craffen will be admitted into PTI.

In **State v. William Miller**, (Indictment No. 05-12-00206-S), the ECB obtained a State Grand Jury indictment against defendant charging him with third degree unlawful discharge of a pollutant, contrary to N.J.S.A. 58:10A-10f(2). Defendant is charged with draining liquid waste material into a sewer grate in Passaic.

In **State v. Manuel Colon**, (Indictment No. 05-12-00209-S), the ECB obtained a State Grand Jury indictment against defendant charging him with a third degree water pollution violation, contrary to N.J.S.A. 58:10A-10f(2) for directing workers to discharge into a Paterson street leading to a storm sewer, which goes into the Passaic River, waste liquids from cleaning out drums that had contained chemicals.

In **State v. C & V Recycling** (Accusation #05-11-1465A), the Morris County Prosecutor's Office (MCPO) charged the company with discharging pollutants without a valid NJPDES permit. The owner of the company was observed power-washing a vehicle engine and allowing the run-off to flow into an adjacent wetland area. The Honorable Joseph A. Falcone, J/S.C., admitted the corporation into the PTI program contingent upon six months of supervision and the payment of \$500 in restitution to the Clean Water Enforcement Fund.

In **State v. Silva** (Accusation #05-03-0387A), the MCPO charged Mr. Silva with discharging pollutants without a NJPDES permit. Mr. Silva was the Construction company

supervisor who was working on sewage lines at the White Rock School. While cutting into the line to connect the school to that line, a large spill occurred due to the fact that the sewage flow from an apartment complex had not been stopped. The sewage flowed into a stream nearby the school. The Honorable Salem Ahto, J.S.C., admitted Mr. Silva into the PTI program contingent upon twelve months of supervision and the payment of \$40,000 in restitution to the Clean Water Enforcement Fund.

In **State v. Munoz-Colon** (Accusation #05-07-0892A), the MCPO charged Mr. Munoz-Colon with discharging pollutants without a permit and with unlawful disposal of solid waste. Investigators from the MCPO responded to the Rockaway River in Dover Township where Mr. Munoz-Colon had been observed dumping construction debris into the river. Mr. Munoz-Colon pled guilty to the above charges and was sentenced by the Honorable Catherine Langlois, J.S.C., to a probationary term. His vehicle was forfeited and he was required to pay \$2500.00 in restitution to the Clean Water Enforcement Fund as a condition of probation.

In **State v. Jose Vega**, the Bergen County Prosecutor's Office charged Mr. Vega with discharging pollutants without a permit and with obstruction of justice. The charges arose out of Mr. Vega using a power washer, paint remover and an unknown type of acid to remove exterior paint from a commercial building. He then hosed down the paint debris and the chemicals into the street where it flowed into a storm drain which led to a local stream. Mr. Vega pled guilty to an amended charge of criminal mischief (disorderly persons offense) and was sentenced by the Honorable Sebastian Gaeta, Jr., J.S.C. to a one year probationary term.

In **State v. Willie Majors**, the Burlington County Prosecutor's Office charged Mr. Majors with discharging pollutants without a permit by complaint. He allegedly emptied the contents of an on-board sewage holding tank from a tour bus into a storm drain. The investigation is continuing into 2006.

In summary, the Attorney General, through the Division of Criminal Justice and county prosecutors, filed eleven WPCA criminal actions in 2005, involving ten third degree charges and one fourth degree charge, and secured eight final dispositions for criminal violations of the WPCA. Three of the actions have not been resolved. Two of the criminal actions involved complaints, one of which was later dismissed. Aside from these eleven actions, another case involved charges against three defendants who pled guilty in 2004 but were not sentenced until January of 2005.

VI. FISCAL
A. CWEA FUND SCHEDULE AND COST STATEMENT

The CWEA establishes the Clean Water Enforcement Fund and provides that all monies from penalties, fines and recoveries of costs collected by the department shall be deposited into the CWEF. The CWEA further provides, pursuant to N.J.S.A. 58:10A-14.4, that unless otherwise specifically provided by law, monies in the CWEF shall be utilized exclusively by the Department for enforcement and implementation of the WPCA. However, beginning in July 1995 (fiscal year 1996) the department was placed on budget. Accordingly, a General Fund appropriation is provided for the program. In turn, all fine and penalty revenues are deposited in the General Fund.

The CWEA, in accordance with N.J.S.A. 58:10A-14.2a(21), requires the Department to include in this report the specific purposes for which penalty monies collected have been expended, displayed in line format by type of expenditure, and the position numbers and titles funded in whole or in part from the penalty monies deposited into the CWEF and the Program Cost Statement (Table VI-2) . Accordingly, the CWEA Fund Schedule (Table VI-1) presents the monies deposited into the Fund and the Program Cost Statement (Table VI-2) presents the specific purposes for which the monies in the CWEF were expended in 2004, based upon cost accounting data.

The CWEF Schedule

A total of \$672,925.00 in penalty receipts was deposited in the second half of FY2005 and \$1,011,393 in penalty receipts was deposited during the first half of fiscal year 2006.

TABLE VI – 1
CLEAN WATER ENFORCEMENT FUND SCHEDULE
For the period from January 1, 2005 through December 31, 2005

	January – June 2005	July – December 2005
Total Penalties Recorded	\$672,925.00	\$1,011,393.00

The CWEA Program Cost Statement

The WPCA Program Cost Statement (Table VI-2) represents disbursements from the CWEF in accordance with N.J.S.A. 58:10A-14.4, for the costs associated with the implementation and enforcement of the WPCA. In calendar year 2005, the Fund disbursed \$251,270.00 to the Division of Law for the costs of litigating civil and administrative enforcement cases and other legal services; and \$42,018.00 to the Office of Administrative Law for costs associated with adjudicating WPCA enforcement cases. The CWEF disbursed \$1,082,805.20 for expenses incurred by the Department (see Table VI-2 for additional details).

TABLE VI-2
CLEAN WATER ENFORCEMENT COST STATEMENT

For the period from January 1, 2005 through December 31, 2005

	FY2005 January - June	FY2006 July – December
Division of Law (Dept. of Law & Public Safety)	\$189,244.00	\$62,026.00
Office of Administrative Law	\$31,586.08	\$10,431.00
Office of Information Technology	\$13,000.00	-0-
Department of Environmental Protection		
- Salaries	\$278,951.68	\$319,579.68
- Materials and Supplies	\$45,137.44	\$24,861.92
- Services Other than Personal	\$49,040.43	\$23,094.13
- Maintenance and Fixed Charges	\$1,459.00	\$11,898.00
- Equipment	\$20,528.75	\$1,966.15
DEP Subtotal	\$395,117.30	\$381,399.88
Total Disbursements	\$628,947.38	\$453,857.80

VII. WATER QUALITY ASSESSMENT

A. Introduction

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

B. 2004 Integrated Report

Each year, the Department assesses the status of rivers, streams, lakes and coastal waters through extensive water quality monitoring networks. These results are then compiled and assessed biannually into a formal *Integrated Report* (combined 305(b) report and 303(d) List), which is submitted to EPA. The most recent Integrated Report is the 2004 Report, which forms the basis for the water quality information presented here. The 2004 Report, in its entirety, can be found at <http://www.state.nj.us/dep/wmm/sgwqt/wat/integratedlist/integratedlist2004.html>. Assessments in the Report are based upon a wide range of high quality data generated by this Department as well as outside groups such as the New Jersey Pinelands Commission, USGS, Delaware River Basin Commission, Monmouth County Health Department and others. Assessment methods are explained in the Department's Methods Document which is also available at the above web site.

The Integrated Report contains an *Integrated List* consisting of five sublists. All assessed waterbodies are placed on one of these sublists based upon the degree of support of designated uses, how much is known about the waterway's water quality status, and the type of impairment preventing use support. Sublist 1 includes waterbodies that meet all water quality standards and support all uses. Sublist 2 includes waterbodies that meet some but not all standards and support some but not all uses. Sublist 3 includes waterbodies for which there is insufficient or no information available to determine standards attainment or use support. Sublist 4 includes impaired waterbodies for which a total maximum daily load (TMDL) has been completed or the impairment is not due to a pollutant. Sublist 5, also known as the 303(d) list, includes waterbodies impaired by pollutant(s) and requiring TMDL(s).

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

The surface water quality summary presented here is based upon data collected from 1996 to 2002, principally from networks with as many as 800 sites. Of this physical/chemical network (ASMN), 60 locations are fixed sites sampled quarterly, while a subset of the 800 sites (60 each year) are sampled using a random selection method. Additional data are also obtained from supplemental networks designed to assess special issues such as heavy metals. Resulting data are then compared to applicable Surface Water Quality Standards (SWQS) criteria.

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

TABLE VII-1

DELINEATION OF NJ WATERS

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

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

Nontidal Rivers and Streams:

- Overall results indicate that dissolved oxygen levels in the state are relatively healthy. The 2004 assessment shows that only 13 of 310 sites (4%) are not attaining dissolved oxygen (DO) criteria. This represents only 78 river miles (of 2,653 miles assessed) not attaining standards for DO in the state.

Prior to upgrades and regionalization of sewage treatment plants, ammonia exceedances were common in streams receiving effluent. Since then, the improvement of un-ionized ammonia concentrations in waters statewide has been dramatic. Of the 300 stations assessed, all are fully attaining the SWQS criteria.

- A total of 347 stations (representing 2,634 river miles) were assessed for total phosphorus (TP). The assessment results show that over half of the stations now meet TP standards (54% attaining, 35% non-attaining).
- Observations revealed that 31 stations with low pH exceedances were located in areas directly surrounding the Pinelands yet these stations are classified as Freshwaters – category 2 (FW-2) and not Pinelands (PL) waters within the SWQS. These areas are characterized as having environmental conditions such as soils, geology, and vegetation very similar to the Pinelands, therefore, there is speculation that the low pH at these sampling sites may be attributable to natural conditions rather than an impairment.

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

Tidal Rivers and Coastal Waters

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

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

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

As indicated in Section B. above, Total Phosphorus is a pollutant of concern in many of the state's waters. While the average phosphorus concentration has declined or remained stable, 35% of assessed streams show levels above the surface water quality criteria. Total Phosphorus is often contributed by point and nonpoint sources. The amount of Total Phosphorus contributed by point source discharges remains a concern. For example, a preliminary TMDL report for the Passaic River shows the river's flow to be dominated by 24 municipal treatment plants. Under summer low flow conditions, treated wastewater comprises over 50% of the overall stream flow.

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

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

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

The Department's numerical criteria are based on a "causative" indicator, namely total phosphorus. The applicability of the criterion in lakes and streams allows for an evaluation based upon

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

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

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

To date, a total of 13 studies were submitted to the Department by 20 NJPDES facilities. The studies conducted on the Millstone River, Stony Brook, Beden Brook, Pequest River, Musconetcong River had biomass levels which exceeded the thresholds in the Technical Manual and/or the dissolved oxygen requirements. Because the affected facilities failed to demonstrate phosphorus does not render the waters unsuitable for the designated uses, the WQBEL will remain in the facility's permit.

D. Surface Water Quality Monitoring

Monitoring data are used to establish baseline conditions, determine water quality trends, identify water pollution solutions or further clarify water quality problems. The Department's primary surface water monitoring program is Water Monitoring and Standards (WM&S). The current chemical stream monitoring network (Ambient Stream Monitoring Network) has been operating since the autumn of 1997 and was discussed in the beginning of this Water Quality section. This network is supplemented by additional monitoring (100 sites) designed to assess specific issues such as heavy metals, baseline water quality, etc. In addition, WM&S monitors the State's coastal waters for sanitary and chemical quality in support of shellfish harvesting and assesses the biological status of fin-fish and benthic macroinvertebrate communities in fresh nontidal waters.

E. References and Sources of Additional Information

Additional information regarding water quality in New Jersey may be obtained by visiting the

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

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

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

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

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

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

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

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

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

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

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

APPENDIX III- A

**NJ DEPARTMENT OF ENVIRONMENTAL PROTECTION
SIGNIFICANT NONCOMPLIERS**

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

1. **Church and Dwight Co Inc**
NJPDES No. NJ0128562
Block 1160, Lot 269, 800 Airport Road
Lakewood Township, Ocean County

Description and date of violations:

The Department issued a NJPDES Permit to discharge to the Cedar Bridge Branch of the Metedeconk River to Church and Dwight Co Inc on July 11, 2000. DMRs for the monitoring periods of August 2004 and September 2004 indicated violations for Chemical Oxygen Demand.

Follow-up and action:

On March 23, 2005, the Department and Church and Dwight Co Inc executed a SA/P in the amount of \$6,000.

Total Number of Violations: 2

2. **B & G Foods, Inc.**
NJDPEs No. NJ 0003743
Block 11, Lot 30, 426 Eagle Rock Avenue
Roseland Borough, Essex County

Description and date of violations:

The Department issued a NJPDES Discharge to Surface Water Permit to B & G Foods, Inc ("B&G") to discharge into the Foulerton's Brook on December 8, 2000. Discharge Monitoring Reports (DMRs) for the February-April 2004, May-July 2004 and August-October 2004 quarterly monitoring periods indicated permit limit violations for Chlorine Produced Oxidants.

Follow-up and action

On January 28, 2005, the Department and B&G executed a SA/P in the amount of \$11,000.

Total Number of violations: 3

3. **Frutarom USA, Inc.**
NJD PES No. NJ0061468
Block 467-2b, Lot 3A, 9500 Railroad Avenue
North Bergen Township, Hudson County

This permittee is contesting the designation of a significant noncomplier.

Description and date of violations:

The Department issued a NJPDES Discharge to Surface Water Permit to Frutarom USA, Incorporated (“Frutarom”) to discharge into Bellmans Creek on August 1, 1999. The permit was subsequently renewed August 1, 2004. Discharge Monitoring Reports (DMRs) from April 2001 through July 2005 indicated permit limit violations for Petroleum Hydrocarbons, pH, Chemical Oxygen Demand, Oil and Grease, and Total Suspended Solids.

Follow-up and action:

On November 3, 2005, the Department issued an Administrative Order and Notice of Civil Administrative Penalty Assessment (AO/P) in the amount of \$705,000. On November 22, 2005, Frutarom requested an Adjudicatory Hearing on the AO/P.

Total Number of violations: 39

4. **Port Authority of NY & NJ – Teterboro Airport**
NJD PES No. NJ0028941
Block 203, Lot 1, 399 Industrial Avenue
Teterboro Borough, Bergen County

Description and date of violations:

The Department issued a NJPDES Discharge to Surface Water Permit to the Port Authority of New York and New Jersey – Teterboro Airport (“Teterboro Airport”) to discharge into Berrys Creek on February 7, 2003. Discharge Monitoring Reports (DMRs) for the monitoring periods of September 2004 and December 2004 indicated permit limit violations for Total Suspended Solids at outfall number 001A.

Follow-up and action:

On October 18, 2005, the Department and Teterboro Airport executed a SA/P in the amount of \$6,000.

Total Number of violations: 2

- 5. New Jersey Sports & Exposition Authority**
NJPDES No. NJ0023345
Block 107.01, Lot 1, 50 Route 20
East Rutherford Borough, Bergen County

Description and date of violations:

The Department issued a NJPDES Discharge to Surface Water Permit to the New Jersey Sports and Exposition Authority ("NJSEA") to discharge into Berrys Creek on October 1, 1989. Discharge Monitoring Reports (DMRs) for the monitoring periods of August 2004 through November 2004 indicated permit limit violations for Fecal Coliform at outfall number 001A.

Follow-up and action:

On January 25, 2005, the Department and the NJSEA executed a SA/P in the amount of \$16,000.

Total Number of violations: 4

- 6. Jefferson Township MUA, White Rock STP**
NJPDES No. NJ0026867
Jefferson Township, Morris County

Description and date of violations:

DMRs for monitoring periods of September 2000 through June 2001 were not timely submitted by Jefferson Township MUA. After submittal the DMRs indicated violations for Dissolved Oxygen (June 2001), Phosphorus (February & March 2002) and Total Suspended Solids (March 2002).

Follow-up and action:

On May 19, 2005 the Department and Jefferson Township executed a Stipulation of Settlement which contained a penalty of \$236,000.

Total Number of Violations: 74

- 7. Jefferson Township MUA, Water's Edge STP**
NJPDES No. NJ0081086
Jefferson Township, Morris County

Description and date of violations:

DMRs for monitoring periods of September 2000 through June 2001 were not timely submitted by Jefferson Township MUA. DMRs submitted for November 2001, October 2003 and September 2004 indicated violations for Fecal Coliform.

Follow-up and action:

On May 19, 2005 the Department and Jefferson Township executed a Stipulation of Settlement which contained a penalty of \$111,000.

Total Number of Violations: 32

8. NJ Department of Human Services - Greystone Park Psychiatric Hospital

NJPDES No. NJ0026689

Jacqui Road

Parsippany-Troy Hills Township, Morris County

Description and date of violations:

The Department issued a NJPDES Permit to discharge to the Jaqui Pond to the NJ Department of Human Services - Greystone Park Psychiatric Hospital on June 30, 1998 with an effective date of August 1, 1998. DMRs for the monitoring periods of December 2004, January 2005, February 2005, March 2005, April 2005 and May 2005 indicated violations for Ammonia-Nitrogen. In addition, DMRs for the monitoring periods of February 2005, March 2005, April 2005, and May 2005 indicated violations for Carbonaceous Biochemical Oxygen Demand.

Follow-up and action:

On December 2, 2005, the Department and the NJ Department of Human Services - Greystone Park Psychiatric Hospital executed a SA/P in the amount of \$22,000.

Total Number of Violations: 10

9. United Water Mid Atlantic-Arlington Hills Sewerage Company

NJPDES No. NJ0065226

Lots 23A & 23.01, Block 61

Mt. Arlington Borough, Morris County

Description and date of violations:

The Department issued a renewal NJPDES Permit No. NJ0065226 to United Water Mid Atlantic with an effective date of July 1, 2004. Discharge Monitoring Reports submitted for the monitoring periods of June, September, October, November, and December 2004 and January, February, March, and April 2005 indicated violations of the parameter total nitrogen at outfall T01.

Follow-up and action:

On September 16, 2005 the Department and United Water Mid Atlantic executed a Settlement Agreement which contained a penalty of \$41,000.

Total Number of Violations: 9

10. Anchor Glass Container Corporation

NJPDES No. NJ0103683

Block 3, Lot 22, 23, 24; Block 4, Lot 1; Block 11, Lot 28, 47; Block 12, Lot 4, 19, 19A
Salem City, Salem County

Description and date of violations:

The Department issued a NJPDES SIU permit to discharge to the Salem City sewage treatment plant to Anchor Glass Container Corporation (“Anchor”) on December 27, 2001. An inspection revealed that Anchor submitted inaccurate data for Flow on DMRs for the monitoring periods of February 2002 through June 2004. In addition, DMRs for the monitoring periods of October 2003 and February 2004 indicated violations for Temperature, and the DMR for the monitoring period of February 2004 also indicated violations for pH, Copper, and Oil & Grease.

Follow-up and action:

On January 20, 2005, the Department and Anchor executed a SA/P in the amount of \$24,840.

Total Number of Violations: 33

- 11. Block 567 Lot 27 Association,
Osprey Point Condominium Association Inc., and
Seaville Environmental Services, L.L.C.
d/b/a Osprey Point Residential Community
NJPDES No. NJ0137847
Block 567, Lots 27 & 32
Upper Township, Cape May County**

This permittee is contesting the designation of a significant noncomplier.

Description and date of violations:

The Department issued a NJPDES permit to discharge to ground water to Osprey Point Residential Community on May 30, 2001. DMRs for the monitoring periods of November 2004, December 2004, January 2005 and April 2005 indicated violations for Total Nitrogen.

Follow-up and action:

On September 8, 2005, the Department issued an AONOCAPA to Osprey Point Condominium Association Inc., Block 567 Lot 27 Association, and Seaville Environmental Services, L.L.C. in the amount of \$50,000. On September 29, 2005, Osprey Point requested an Adjudicatory Hearing to the AONOCAPA.

Total Number of Violations: 4

12. Colorite Specialty Resins

NJPDES No. NJ0004391

Block 95, Lot 8

Burlington Township, Burlington County

This permittee is contesting the designation of a significant noncomplier.

Description and date of violations:

The Department issued a NJPDES permit to discharge to Marter's Ditch to Colorite Specialty Resins ("Colorite") on December 31, 2002. DMRs for the monitoring periods of February 2003, April 2004 and June through August 2004 indicated violations for five-day Biochemical Oxygen Demand. In addition, the DMR for the December 2003 monitoring period indicated a violation for Vinyl Chloride.

Follow-up and action:

On January 11, 2005, the Department issued an AONOCAPA to Colorite in the amount of \$45,000. On January 31, 2005, Colorite requested an Adjudicatory Hearing on the AONOCAPA.

Total Number of Violations: 6

13. CVC Specialty Chemicals, Inc.

NJPDES No. NJ0128058

Block 82A, Lot 9; Block 82.01, Lot 9, 9.02, 10, 10.01

Maple Shade Township, Burlington County

This permittee is contesting the designation of a significant noncomplier.

Description and date of violations:

The Department issued a NJPDES SIU Permit to discharge to Maple Shade Township's Park Avenue Sewage Treatment Plant to CVC Specialty Chemicals, Inc. ("CVC") on April 27, 1997. A renewal to the permit was issued to CVC on January 24, 2003. DMRs for the monitoring periods of January 2002 through January 2003 indicated violations for Tin and DMRs for the monitoring periods of January 2002, August 2002, December 2002 and January 2003 indicated violations for Total Dissolved Solids. In addition, DMRs for the monitoring periods of November and December 2004 indicated violations for Ethylbenzene, the DMR for the November 2004 monitoring period indicated a violation for Toluene and the DMR for the December 2004 monitoring period indicated a violation for Methylene Chloride.

Follow-up and action:

On July 28, 2005, the Department issued an AONOCAPA to CVC in the amount of \$81,250. On August 22, 2005, CVC requested an Adjudicatory Hearing on the AONOCAPA.

Total Number of Violations: 20

14. Palmyra Borough

NJPDES No. NJ0024449

Block 148, Lot 26 and Block 149, Lots 15 and 17
Palmyra Borough, Burlington County

Description and date of violations:

The Department issued a NJPDES permit to discharge to the Delaware River to Palmyra Borough on December 1, 1999. DMRs for the monitoring periods of November and December 2004 indicated violations for Total Suspended Solids and the DMR for the monitoring period of November 2004 also indicated a violation for Oil and Grease.

Follow-up and action:

On November 14, 2005 the Department and Palmyra executed a SA/P in the amount of \$7,000.

Total Number of Violations: 3

15. Borough of Fieldsboro

NJPDES No. NJ0031810

Block 11, Lot 1.02

Fieldsboro Borough, Burlington County

Description and date of violations:

The Department issued a NJPDES permit to discharge to the Delaware River to the Borough of Fieldsboro on June 6, 2000. DMRs for the monitoring periods of March, April and May 2003 indicated violations for Fecal Coliform and the DMRs for the

monitoring periods of April and May 2003 and January and February 2004 indicated violations for Total Suspended Solids. In addition, DMRs for the monitoring periods of May 2003 and January and February 2004 indicated violations for 5-day Biochemical Oxygen Demand percent removal and Total Suspended Solids percent removal, the DMR for the monitoring period of April 2003 indicated a violation for Ammonia-Nitrogen, and the DMR for the monitoring period of February 2004 indicated a violation for Oil and Grease.

Follow-up and action:

On June 30, 2005 the Department and Fieldsboro executed a SA/P in the amount of \$29,016.00.

Total Number of Violations: 18

16. Ferro Corporation

NJPDES No. NJ0005045

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

Logan Township, Gloucester County

Description and date of violations:

The Department issued a NJPDES permit to discharge to the Delaware River to Ferro Corporation on September 22, 2000. DMRs for the monitoring periods of November and December 2004 and February and March 2005 indicated violations for five-day Biochemical Oxygen Demand, the DMR for the monitoring period of May 2005 indicated violations for Total Suspended Solids and the DMR for the monitoring period of December 2004 indicated a violation for Fecal Coliform.

Follow-up and action:

On November 15, 2005 the Department and Ferro Corporation executed a SA/P in the amount of \$62,500.

Total Number of Violations: 13

APPENDIX IV-A

DLA – SUMMARY OF RESPONSES

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

POTW PRETREATMENT PROGRAM

CLEAN WATER ENFORCEMENT ACT

ANNUAL REPORT

GUIDELINES

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

PREPARED FOR THE CALENDAR YEAR 2005 ANNUAL REPORT



INTRODUCTION

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

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

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

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

When completed, please submit the report to:

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

CLEAN WATER ENFORCEMENT ACT ANNUAL REPORT GUIDELINES

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

For clarification, the following terms are defined:

- *Cat/Sig/Maj* - means categorical/significant/major indirect user as defined by the DLA
- *Enforcement Actions* - means administrative actions (i.e., notices of violations, issuance of compliance schedule, IU control mechanism modification, IU control mechanism revocation, or other), and legal/ judicial actions (i.e., show cause hearing, orders, injunction, civil actions, penalty including summons, criminal prosecution, or other).
- *Enforcement Costs* - means reasonable costs of any investigation, inspection, or monitoring survey which led to the establishment of the violation, reasonable costs of preparing and litigating the case, compensatory damages for any loss or destruction of wildlife, fish or aquatic life, or other natural resources, and for any other actual damages caused by an authorized discharge, and total amount of any economic benefits accruing to the violator from a violation. Please note economic benefits may include the amount of any savings realized from avoided capital or noncapital costs resulting from the violation; the return earned or that may be earned on the amount of avoided costs; any benefits accruing to the violator as a result of a competitive market advantage enjoyed by reason of the violation; or any other benefits resulting from the violation.
- *Other Reg.* - means other regulated indirect user as defined by the DLA. Such a user is not a categorical, significant, or major indirect user but is nonetheless regulated by the DLA through a control mechanism.
- *Pass Through* - means a discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NJPDES permit (including an increase in the magnitude or duration of a violation).

• *Hazardous Pollutant* means:

1. Any toxic pollutant;
2. Any hazardous substance as defined by the New Jersey Spill Compensation and Control Act, N.J.S.A. 58:10-23.11; or
3. Any substance regulated as a pesticide under the Federal Insecticide, Fungicide and Rodenticide Act, 7 U.S.C. 136 et seq.; or
4. Any substance the use or manufacture of which is prohibited under the Federal Toxic Substances Control Act, 15 U.S.C. 2601 et seq.; or
5. Any substance identified as a known carcinogen by the International Agency for Research on Cancer; or
6. Any hazardous waste designated pursuant to the New Jersey Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq. or the Federal Resource Conservation and Recovery Act, 42 U.S.C. 6901 et seq.

Serious Violation - means an exceedance, as set forth in a permit, administrative order, or administrative consent agreement, including interim enforcement limits, as follows:

1. For effluent limitations for pollutants that are measured by concentration or mass, except for whole effluent toxicity;
 - i. Violations of an effluent limitation that is expressed as a monthly average;
 - (1) By 20 percent or more for a hazardous pollutant; and
 - (2) By 40 percent or more for a nonhazardous pollutant;
 - ii. Violations of an effluent limitation that is expressed as a daily maximum or daily minimum without a monthly average;
 - (1) By 20 percent or more of the average of all of the daily maximum or minimum values for hazardous pollutant; and
 - (2) By 40 percent or more of the average of all of the daily maximum or minimum values for a nonhazardous pollutant;

2. The greatest violation of pH effluent range in any one calendar day which violation deviates from the midpoint of the range by at least 40 percent of the midpoint of the range excluding the excursions specifically excepted by a NJPDES permit with continuous pH monitoring.
For example:

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

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

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

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

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

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

<u>Question #</u>	<u>Comment</u>
1.	The total number of permitted industries currently discharging to the DLA's treatment works.
2.	This number represents the total number of industrial users which are currently discharging into the DLA's system and <i>should</i> have a permit from the DLA but have not yet been issued a permit or control mechanism. Please provide additional details on any unpermitted discharges in Attachment A, Item 1.
3.	Total number of new discharge permits issued by the DLA during calendar year 2005.
4.	Total number of permits which were renewed by the DLA during calendar year 2005.
5.	Total number of permit modification <i>completed</i> by the DLA during calendar year 2005.
6.	Total number of permits contested by interested parties during calendar year 2005.
7.	Total number of compliance schedules that <i>relax</i> local limits specified in the permit. This number should represent the number of schedules issued as <i>final</i> , and <u>should not</u> include any draft compliance schedules that may have been issued. Please provide additional details (facility, classification, and parameters relaxed) in Attachment A, Item 2.
8.	This number must represent the total number of facilities which were both sampled AND inspected during calendar year 2005. Do not include in this number those facilities which were subject to only one of the required actions (e.g., only inspected and not sampled, or vice-versa). Please provide additional details to explain any shortfalls in Attachment A, Item 3.
9.	This number represents the number of pass throughs of pollutants which occurred at the DLA's treatment facility (or facilities) <i>which can be attributed to an industrial user discharge</i> . The definition of "pass through" is noted on Page iii. Please provide additional details (parameters violated and cause) in Attachment A, Item 4.
10.	This is the total number of industrial user permit violations broken down by reporting violations, and effluent violations for hazardous and non-hazardous pollutants. <i>Reporting violations</i> include, but are not limited to, late, incomplete, or non-submission of self-monitoring reports (SMRs), progress reports, spill reports, etc. <i>Hazardous pollutants</i> are those pollutants which meet the definition under N.J.S.A. 59:10A-3.u, which is noted on Page ii. <i>Non-Hazardous pollutants</i> are those pollutants which are not defined as hazardous pollutants.

Additional instructions and information, continued.

<u>Question #</u>	<u>Comment</u>
11.	This number represents the total number of discharge violations which meet the <i>serious violation</i> definition, as indicated on Page iii.
12.	This number must represent the total number of defenses <i>granted</i> . An affirmative defense is a claim by a permittee that a violation of an effluent discharge limitation was caused by a treatment bypass, a treatment upset, or a testing or laboratory error. Where affirmative defenses have been granted, please categorize each <i>granted</i> defense based on the criteria noted. Please provide additional details in Attachment A, Item 5.
13.	This is the total number of industrial users which have met or meet the <u>State</u> definition of SNC, as indicated on Page iv. This number should include only those facilities which met or meet the State definition, and <u>not</u> those facilities which met or meet the federal SNC definition. <i>The number of facilities listed here must match the number of facilities listed in Attachment B.</i>
14.	No explanation needed.
15.	This is the total number of violations of compliance schedule milestones that are out of compliance by <i>90 days or more</i> .
16a.	This is the number of industrial users, a subset of those listed in question 13 above, which had met the State SNC criteria during 2005, but have achieved compliance prior to the end of calendar year 2005.
16b.	This is the number of industrial users which had met the State SNC criteria during calendar year 2004, but have achieved consistent compliance during calendar year 2005.
17.	This number represents enforcement actions which resulted from inspection and/or sampling events conducted by the DLA. "Enforcement actions" are defined on Page ii.
18.	This is the total number of violations for which civil or civil administrative penalties have been assessed. Since one civil penalty or civil administrative penalty may address several violations, the number noted under this question may be much greater than the total number of penalties issued.
19.	This is the <i>dollar amount</i> of all civil and civil administrative penalties <i>assessed</i> during calendar year 2005.
20.	This is the <i>dollar amount</i> of all civil and civil administrative penalties <i>collected</i> during calendar year 2005. This amount includes partial payments which the DLA has received pursuant to a payment schedule and collection from previous years' assessments of penalties.

Additional instructions and information, continued.

<u>Question #</u>	<u>Comment</u>
21.	This dollar amount represents the enforcement costs <i>recovered</i> in a civil action or civil administrative action. This money must have been paid to and received by DLA during the calendar year. "Enforcement costs" are defined on Page ii.
22.	This is the total number of criminal actions filed by the Attorney General or county prosecutor during calendar year 2005. This number may correlate with the response to question number 25.
23.	Permittees which have met or currently meet the State SNC criteria must be listed in Attachment B. This list must also include information relative to the IU (address and permit number), as well as information relative to the IU's noncompliance status, such as a description and date of each violation, date the violation was resolved, and the total number of violations. The number of industries listed in this Attachment must be the same as the response to question number 13. If no permittees met the State SNC criteria, indicate "None" as a response.
24.	Permittees which are six months behind in the construction phase of a compliance schedule must be listed in Attachment C. If no permittees meet this criteria, indicate "None" as a response. Please be sure that this question is answered.
25.	Permittees convicted of criminal conduct must be listed in Attachment D. If no permittees meet this criteria, indicate "None" as a response. This response may coorelate with the response to question 22. Please be sure that this question is answered.
26.	If no money had been collected during the year, indicate "Not Applicable" as a response. Please be sure that this question is answered.

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

Attachment A, Item 1

Unpermitted Discharges (Question # 2)

Facility	Classification	Reason Not Permitted
Chief's Meats	SIU	Reclassified as SIU 10/05
JoPa's Tubing	CIU	New discharger beginning 9/05

Attachment A, Item 2

Compliance Schedules that Relax Local Limits (Question # 7)

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

Attachment A, Item 3

Facilities Not Inspected and Sampled (Question # 8)

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

Attachment A, Item 4

Pass Through (Question # 9)

Facility	Classification	Parameter violated and cause
King Imports	SIU	TSS in 5/05, sludge discharge from noted SIU
unknown	N/A	BOD violations in 11/05, possible cause being investigated

Attachment A, Item 5

Affirmative Defenses Granted (Question # 12)

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

APPENDIX IV - A Question 1
TOTAL NUMBER OF PERMITTED INDUSTRIES IN DLAs SERVICE AREA
CWEA Annual Report Summary - 2005

Authority Name	CSM	Other Reg.	Item Total
BAYSHORE REGIONAL SEWERAGE AUTHORITY	2	1	3
BERGEN COUNTY UTILITIES AUTHORITY	51	66	117
CAMDEN COUNTY MUNICIPAL UTILITIES AUTHORITY	45	31	76
CUMBERLAND COUNTY UTILITIES AUTHORITY	6	0	6
EWING-LAWRENCE SEWERAGE AUTHORITY	3	1	4
GLOUCESTER COUNTY UTILITIES AUTHORITY	14	4	18
HAMILTON TOWNSHIP DEPARTMENT OF WATER POLLUTION CONTROL	3	14	17
HANOVER SEWERAGE AUTHORITY	3	6	9
JOINT MEETING OF ESSEX AND UNION COUNTIES	42	20	62
MIDDLESEX COUNTY UTILITIES AUTHORITY	100	0	100
MOUNT HOLLY MUNICIPAL UTILITIES AUTHORITY	6	3	9
NORTH BERGEN MUNICIPAL UTILITIES AUTHORITY	3	0	3
NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY	10	38	48
PASSAIC VALLEY SEWERAGE COMMISSIONERS	133	107	240
PEQUANNOCK, LINCOLN PARK, & FAIRFIELD SEWERAGE AUTHORITY	4	13	17
RAHWAY VALLEY SEWERAGE AUTHORITY	15	17	32
ROCKAWAY VALLEY REGIONAL SEWERAGE AUTHORITY	8	12	20
STONY BROOK REGIONAL SEWERAGE AUTHORITY	2	0	2
THE LINDEN ROSELLE SEWERAGE AUTHORITY	17	0	17
THE OCEAN COUNTY UTILITIES AUTHORITY	40	16	56
THE SOMERSET RARITAN VALLEY SEWERAGE AUTHORITY	17	10	27
TOWNSHIP OF MORRIS	2	1	3
TRENTON SEWER UTILITY	3	2	5
WAYNE TOWNSHIP	7	0	7
Total:	536	362	898
Count	24		

APPENDIX IV-A Question 2
TOTAL NUMBER OF UNPERMITTED DISCHARGES IN DLAs SERVICE AREA
CWEA Annual Report Summary - 2005

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

APPENDIX IV-A Question 3
TOTAL NUMBER OF NEW INDIRECT USER PERMITS ISSUED
CWEA Annual Report Summary - 2005

Authority Name	CSM	Other Reg.	Item Total
BAYSHORE REGIONAL SEWERAGE AUTHORITY	0	0	0
BERGEN COUNTY UTILITIES AUTHORITY	3	3	6
CAMDEN COUNTY MUNICIPAL UTILITIES AUTHORITY	2	1	3
CUMBERLAND COUNTY UTILITIES AUTHORITY	0	0	0
EWING-LAWRENCE SEWERAGE AUTHORITY	0	0	0
GLOUCESTER COUNTY UTILITIES AUTHORITY	0	0	0
HAMILTON TOWNSHIP DEPARTMENT OF WATER POLLUTION CONTROL	0	0	0
HANOVER SEWERAGE AUTHORITY	0	1	1
JOINT MEETING OF ESSEX AND UNION COUNTIES	2	5	7
MIDDLESEX COUNTY UTILITIES AUTHORITY	4	0	4
MOUNT HOLLY MUNICIPAL UTILITIES AUTHORITY	1	0	1
NORTH BERGEN MUNICIPAL UTILITIES AUTHORITY	0	0	0
NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY	1	6	7
PASSAIC VALLEY SEWERAGE COMMISSIONERS	7	6	13
PEQUANNOCK, LINCOLN PARK, & FAIRFIELD SEWERAGE AUTHORITY	0	1	1
RAHWAY VALLEY SEWERAGE AUTHORITY	0	1	1
ROCKAWAY VALLEY REGIONAL SEWERAGE AUTHORITY	0	0	0
STONY BROOK REGIONAL SEWERAGE AUTHORITY	0	0	0
THE LINDEN ROSELLE SEWERAGE AUTHORITY	0	0	0
THE OCEAN COUNTY UTILITIES AUTHORITY	0	0	0
THE SOMERSET RARITAN VALLEY SEWERAGE AUTHORITY	0	1	1
TOWNSHIP OF MORRIS	0	0	0
TRENTON SEWER UTILITY	0	1	1
WAYNE TOWNSHIP	0	0	0
Total: Count	20	26	46

APPENDIX IV-A Question 4
TOTAL NUMBER OF RENEWED INDIRECT USER PERMITS ISSUED
CWEA Annual Report Summary - 2005

Authority Name	CSM	Other Reg.	Item Total
BAYSHORE REGIONAL SEWERAGE AUTHORITY	2	1	3
BERGEN COUNTY UTILITIES AUTHORITY	48	63	111
CAMDEN COUNTY MUNICIPAL UTILITIES AUTHORITY	2	2	4
CUMBERLAND COUNTY UTILITIES AUTHORITY	0	0	0
EWING-LAWRENCE SEWERAGE AUTHORITY	0	0	0
GLOUCESTER COUNTY UTILITIES AUTHORITY	0	0	0
HAMILTON TOWNSHIP DEPARTMENT OF WATER POLLUTION CONTROL	1	4	5
HANOVER SEWERAGE AUTHORITY	0	0	0
JOINT MEETING OF ESSEX AND UNION COUNTIES	10	2	12
MIDDLESEX COUNTY UTILITIES AUTHORITY	27	0	27
MOUNT HOLLY MUNICIPAL UTILITIES AUTHORITY	0	1	1
NORTH BERGEN MUNICIPAL UTILITIES AUTHORITY	3	0	3
NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY	10	36	46
PASSAIC VALLEY SEWERAGE COMMISSIONERS	18	14	32
PEQUANNOCK, LINCOLN PARK, & FAIRFIELD SEWERAGE AUTHORITY	0	0	0
RAHWAY VALLEY SEWERAGE AUTHORITY	9	7	16
ROCKAWAY VALLEY REGIONAL SEWERAGE AUTHORITY	2	2	4
STONY BROOK REGIONAL SEWERAGE AUTHORITY	0	0	0
THE LINDEN ROSELLE SEWERAGE AUTHORITY	7	0	7
THE OCEAN COUNTY UTILITIES AUTHORITY	18	6	24
THE SOMERSET RARITAN VALLEY SEWERAGE AUTHORITY	5	2	7
TOWNSHIP OF MORRIS	0	0	0
TRENTON SEWER UTILITY	0	0	0
WAYNE TOWNSHIP	0	0	0
Total:	162	140	302
Count	24		

APPENDIX IV-A Question 5
TOTAL NUMBER OF INDIRECT USER PERMIT MODIFICATIONS
CWEA Annual Report Summary - 2005

Authority Name	CSM	Other Reg.	Item Total
BAYSHORE REGIONAL SEWERAGE AUTHORITY	0	0	0
BERGEN COUNTY UTILITIES AUTHORITY	2	4	6
CAMDEN COUNTY MUNICIPAL UTILITIES AUTHORITY	11	3	14
CUMBERLAND COUNTY UTILITIES AUTHORITY	0	0	0
EWING-LAWRENCE SEWERAGE AUTHORITY	0	0	0
GLOUCESTER COUNTY UTILITIES AUTHORITY	0	0	0
HAMILTON TOWNSHIP DEPARTMENT OF WATER POLLUTION CONTROL	2	10	12
HANOVER SEWERAGE AUTHORITY	1	4	5
JOINT MEETING OF ESSEX AND UNION COUNTIES	7	2	9
MIDDLESEX COUNTY UTILITIES AUTHORITY	9	0	9
MOUNT HOLLY MUNICIPAL UTILITIES AUTHORITY	1	0	1
NORTH BERGEN MUNICIPAL UTILITIES AUTHORITY	0	0	0
NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY	0	0	0
PASSAIC VALLEY SEWERAGE COMMISSIONERS	14	12	26
PEQUANNOCK, LINCOLN PARK, & FAIRFIELD SEWERAGE AUTHORITY	0	0	0
RAHWAY VALLEY SEWERAGE AUTHORITY	1	0	1
ROCKAWAY VALLEY REGIONAL SEWERAGE AUTHORITY	0	0	0
STONY BROOK REGIONAL SEWERAGE AUTHORITY	0	0	0
THE LINDEN ROSELLE SEWERAGE AUTHORITY	3	0	3
THE OCEAN COUNTY UTILITIES AUTHORITY	0	0	0
THE SOMERSET RARITAN VALLEY SEWERAGE AUTHORITY	14	7	21
TOWNSHIP OF MORRIS	0	0	0
TRENTON SEWER UTILITY	0	0	0
WAYNE TOWNSHIP	2	0	2
Total: Count	67	42	109

24

APPENDIX IV-A Question 6

TOTAL NUMBER OF PERMITS CONTESTED BY INTERESTED PARTIES
CWEA Annual Report Summary - 2005

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

APPENDIX IV-A Question 7
NUMBER OF AO/ACO COMPLIANCE SCHEDULES WINTERIM LIMITS RELAXING LOCAL LIMITS
CWEA Annual Report Summary - 2005

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

APPENDIX IV-A Question 8
TOTAL NUMBER OF FACILITIES INSPECTED AND SAMPLED AT LEAST ONCE
CWEA Annual Report Summary - 2005

Authority Name	CSM	Other Reg.	Item Total
BAYSHORE REGIONAL SEWERAGE AUTHORITY	2	1	3
BERGEN COUNTY UTILITIES AUTHORITY	47	65	112
CAMDEN COUNTY MUNICIPAL UTILITIES AUTHORITY	44	30	74
CUMBERLAND COUNTY UTILITIES AUTHORITY	6	0	6
EWING-LAWRENCE SEWERAGE AUTHORITY	3	1	4
GLOUCESTER COUNTY UTILITIES AUTHORITY	14	4	18
HAMILTON TOWNSHIP DEPARTMENT OF WATER POLLUTION CONTROL	2	12	14
HANOVER SEWERAGE AUTHORITY	3	5	8
JOINT MEETING OF ESSEX AND UNION COUNTIES	42	25	67
MIDDLESEX COUNTY UTILITIES AUTHORITY	85	0	85
MOUNT HOLLY MUNICIPAL UTILITIES AUTHORITY	6	3	9
NORTH BERGEN MUNICIPAL UTILITIES AUTHORITY	3	0	3
NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY	10	38	48
PASSAIC VALLEY SEWERAGE COMMISSIONERS	133	107	240
PEQUANNOCK, LINCOLN PARK, & FAIRFIELD SEWERAGE AUTHORITY	4	7	11
RAHWAY VALLEY SEWERAGE AUTHORITY	14	14	28
ROCKAWAY VALLEY REGIONAL SEWERAGE AUTHORITY	8	12	20
STONY BROOK REGIONAL SEWERAGE AUTHORITY	2	0	2
THE LINDEN ROSELLE SEWERAGE AUTHORITY	16	0	16
THE OCEAN COUNTY UTILITIES AUTHORITY	35	15	50
THE SOMERSET RARITAN VALLEY SEWERAGE AUTHORITY	16	8	24
TOWNSHIP OF MORRIS	2	1	3
TRENTON SEWER UTILITY	3	2	5
WAYNE TOWNSHIP	7	0	7
Total: Count	507	350	857

APPENDIX IV-A Question 9
TOTAL NUMBER OF PASS THROUGH POLLUTANTS
CWEA Annual Report Summary - 2005

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

APPENDIX IV-A Question 10
TOTAL NUMBER OF INDIRECT USER PERMIT VIOLATIONS
CWEA Annual Report Summary - 2005

Authority Name	a			b			c			TOTAL VIOLS 10a+b+c
	CSM	OR	Item Total	CSM	OR	Item Total	CSM	OR	Item Total	
BAYSHORE REGIONAL SEWERAGE AUTH	0	0	0	1	0	1	1	1	2	3
BERGEN COUNTY UTILITIES AUTHORITY	8	9	17	9	9	18	10	19	29	64
CAMDEN COUNTY MUNICIPAL UTILITIES AUTHORITY	14	12	26	15	10	25	80	39	119	170
CUMBERLAND COUNTY UTILITIES AUTHORITY	1	0	1	0	0	0	4	0	4	5
EWING-LAWRENCE SEWERAGE AUTHORITY	0	0	0	0	0	0	0	0	0	0
GLOUCESTER COUNTY UTILITIES AUTHORITY	0	0	0	2	0	2	9	2	11	13
HAMILTON TOWNSHIP DEPARTMENT OF WATER POLLUTION CONTROL	10	2	12	0	0	0	0	1	1	13
HANOVER SEWERAGE AUTHORITY	3	3	6	0	2	2	2	11	13	21
JOINT MEETING OF ESSEX AND UNION COUNTIES	37	7	44	44	21	65	45	10	55	164
MIDDLESEX COUNTY UTILITIES AUTHORITY	7	0	7	32	0	32	17	0	17	56
MOUNT HOLLY MUNICIPAL UTILITIES AUTHORITY	2	2	4	2	0	2	0	0	0	6
NORTH BERGEN MUNICIPAL UTILITIES AUTHORITY	0	0	0	0	0	0	3	0	3	3
NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY	0	2	2	2	0	2	2	2	4	8
PASSAIC VALLEY SEWERAGE COMMISSION	99	48	147	114	86	200	0	0	0	347
PEQUANNOCK, LINCOLN PARK & FAIRFIELD SEWERAGE AUTHORITY	0	0	0	0	1	1	0	1	1	2
RAHWAY VALLEY SEWERAGE AUTHORITY	0	0	0	7	0	7	5	10	15	22
ROCKAWAY VALLEY REGIONAL SEWERAGE AUTHORITY	8	5	13	1	0	1	7	14	21	35
STONY BROOK REGIONAL SEWERAGE AUTHORITY	0	0	0	0	0	0	0	0	0	0
THE LINDEN ROSELLE SEWERAGE AUTHORITY	0	0	0	2	0	2	0	0	0	2
THE OCEAN COUNTY UTILITIES AUTHORITY	34	3	37	7	0	7	40	0	40	84
THE SOMERSET RARITAN VALLEY SEWERAGE AUTHORITY	2	0	2	1	0	1	2	0	2	5
TOWNSHIP OF MORRIS	2	1	3	0	0	0	0	0	0	3
TRENTON SEWER UTILITY	0	0	0	0	0	0	0	0	0	0
WAYNE TOWNSHIP	0	0	0	0	0	0	5	0	5	5
Total: Count	227	94	321	239	129	368	232	110	342	1031

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

APPENDIX IV-A Question 11
 EFFLUENT VIOLATIONS CONSTITUTING SERIOUS VIOLATIONS (incl. those contested)
 CWEA Annual Report Summary - 2005

Authority Name	CSM	Other Reg.	Item Total
BAYSHORE REGIONAL SEWERAGE AUTHORITY	0	0	0
BERGEN COUNTY UTILITIES AUTHORITY	9	13	22
CAMDEN COUNTY MUNICIPAL UTILITIES AUTHORITY	52	29	81
CUMBERLAND COUNTY UTILITIES AUTHORITY	0	0	0
EWING-LAWRENCE SEWERAGE AUTHORITY	0	0	0
GLOUCESTER COUNTY UTILITIES AUTHORITY	4	0	4
HAMILTON TOWNSHIP DEPARTMENT OF WATER POLLUTION CONTROL	0	0	0
HANOVER SEWERAGE AUTHORITY	2	5	7
JOINT MEETING OF ESSEX AND UNION COUNTIES	37	22	59
MIDDLESEX COUNTY UTILITIES AUTHORITY	29	0	29
MOUNT HOLLY MUNICIPAL UTILITIES AUTHORITY	0	0	0
NORTH BERGEN MUNICIPAL UTILITIES AUTHORITY	0	0	0
NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY	2	2	4
PASSAIC VALLEY SEWERAGE COMMISSIONERS	39	13	52
PEQUANNOCK, LINCOLN PARK, & FAIRFIELD SEWERAGE AUTHORITY	0	2	2
RAHWAY VALLEY SEWERAGE AUTHORITY	12	7	19
ROCKAWAY VALLEY REGIONAL SEWERAGE AUTHORITY	0	4	4
STONY BROOK REGIONAL SEWERAGE AUTHORITY	0	0	0
THE LINDEN ROSELLE SEWERAGE AUTHORITY	2	0	2
THE OCEAN COUNTY UTILITIES AUTHORITY	10	0	10
THE SOMERSET RARITAN VALLEY SEWERAGE AUTHORITY	1	0	1
TOWNSHIP OF MORRIS	0	0	0
TRENTON SEWER UTILITY	0	0	0
WAYNE TOWNSHIP	4	0	4
Total:	203	97	300
Count	24		

APPENDIX IV-A Question 12
AFFIRMATIVE DEFENSES GRANTED (FOR UPSETS, BYPASSES, ETC.) INVOLVING SERIOUS VIOLATIONS
CWEA Annual Report Summary - 2005

Authority Name	CSM	Other Reg.	Item Total
BAYSHORE REGIONAL SEWERAGE AUTHORITY	0	0	0
BERGEN COUNTY UTILITIES AUTHORITY	1	3	4
CAMDEN COUNTY MUNICIPAL UTILITIES AUTHORITY	2	0	2
CUMBERLAND COUNTY UTILITIES AUTHORITY	0	0	0
EWING-LAWRENCE SEWERAGE AUTHORITY	0	0	0
GLOUCESTER COUNTY UTILITIES AUTHORITY	0	0	0
HAMILTON TOWNSHIP DEPARTMENT OF WATER POLLUTION CONTROL	0	1	1
HANOVER SEWERAGE AUTHORITY	0	0	0
JOINT MEETING OF ESSEX AND UNION COUNTIES	0	0	0
MIDDLESEX COUNTY UTILITIES AUTHORITY	4	0	4
MOUNT HOLLY MUNICIPAL UTILITIES AUTHORITY	0	0	0
NORTH BERGEN MUNICIPAL UTILITIES AUTHORITY	0	0	0
NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY	0	0	0
PASSAIC VALLEY SEWERAGE COMMISSIONERS	0	0	0
PEQUANNOCK, LINCOLN PARK, & FAIRFIELD SEWERAGE AUTHORITY	0	0	0
RAHWAY VALLEY SEWERAGE AUTHORITY	1	0	1
ROCKAWAY VALLEY REGIONAL SEWERAGE AUTHORITY	0	0	0
STONY BROOK REGIONAL SEWERAGE AUTHORITY	0	0	0
THE LINDEN ROSELLE SEWERAGE AUTHORITY	3	0	3
THE OCEAN COUNTY UTILITIES AUTHORITY	0	0	0
THE SOMERSET RARITAN VALLEY SEWERAGE AUTHORITY	0	0	0
TOWNSHIP OF MORRIS	0	0	0
TRENTON SEWER UTILITY	0	0	0
WAYNE TOWNSHIP	0	0	0
Total: Count	11	4	15

APPENDIX IV-A Question 13
TOTAL NUMBER OF INDIRECT USERS QUALIFYING AS SIGNIFICANT NONCOMPLIERS
CWEA Annual Report Summary - 2005

Authority Name	CSM	Other Reg.	Item Total
BAYSHORE REGIONAL SEWERAGE AUTHORITY	0	0	0
BERGEN COUNTY UTILITIES AUTHORITY	1	1	2
CAMDEN COUNTY MUNICIPAL UTILITIES AUTHORITY	4	2	6
CUMBERLAND COUNTY UTILITIES AUTHORITY	0	0	0
EWING-LAWRENCE SEWERAGE AUTHORITY	0	0	0
GLOUCESTER COUNTY UTILITIES AUTHORITY	1	0	1
HAMILTON TOWNSHIP DEPARTMENT OF WATER POLLUTION CONTROL	1	0	1
HANOVER SEWERAGE AUTHORITY	0	0	0
JOINT MEETING OF ESSEX AND UNION COUNTIES	16	5	21
MIDDLESEX COUNTY UTILITIES AUTHORITY	4	0	4
MOUNT HOLLY MUNICIPAL UTILITIES AUTHORITY	0	0	0
NORTH BERGEN MUNICIPAL UTILITIES AUTHORITY	0	0	0
NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY	2	1	3
PASSAIC VALLEY SEWERAGE COMMISSIONERS	6	3	9
PEQUANNOCK, LINCOLN PARK, & FAIRFIELD SEWERAGE AUTHORITY	0	0	0
RAHWAY VALLEY SEWERAGE AUTHORITY	2	1	3
ROCKAWAY VALLEY REGIONAL SEWERAGE AUTHORITY	0	1	1
STONY BROOK REGIONAL SEWERAGE AUTHORITY	0	0	0
THE LINDEN ROSELLE SEWERAGE AUTHORITY	0	0	0
THE OCEAN COUNTY UTILITIES AUTHORITY	3	0	3
THE SOMERSET RARITAN VALLEY SEWERAGE AUTHORITY	0	0	0
TOWNSHIP OF MORRIS	0	0	0
TRENTON SEWER UTILITY	0	0	0
WAYNE TOWNSHIP	0	0	0
Total: Count	40	14	54

24

APPENDIX IV-A Question 14
TOTAL NUMBER OF VIOLATIONS OF AO/ACOs
CWEA Annual Report Summary - 2005

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

24

APPENDIX IV-A Question 15
TOTAL VIOLATIONS OF COMPLIANCE MILESTONES OUT BY 90 DAYS OR MORE
CWEA Annual Report Summary - 2005

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

APPENDIX IV-A Question 16a
AS OF 12/03, INDIRECT USERS FROM Q.13 NO LONGER IN SNC STATUS
CWEA Annual Report Summary - 2005

Authority Name	CSM	Other Reg.	Item Total
BAYSHORE REGIONAL SEWERAGE AUTHORITY	0	0	0
BERGEN COUNTY UTILITIES AUTHORITY	0	0	0
CAMDEN COUNTY MUNICIPAL UTILITIES AUTHORITY	0	0	0
CUMBERLAND COUNTY UTILITIES AUTHORITY	0	0	0
EWING-LAWRENCE SEWERAGE AUTHORITY	0	0	0
GLOUCESTER COUNTY UTILITIES AUTHORITY	1	0	1
HAMILTON TOWNSHIP DEPARTMENT OF WATER POLLUTION CONTROL	1	0	1
HANOVER SEWERAGE AUTHORITY	0	0	0
JOINT MEETING OF ESSEX AND UNION COUNTIES	10	3	13
MIDDLESEX COUNTY UTILITIES AUTHORITY	1	0	1
MOUNT HOLLY MUNICIPAL UTILITIES AUTHORITY	0	0	0
NORTH BERGEN MUNICIPAL UTILITIES AUTHORITY	0	0	0
NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY	0	0	0
PASSAIC VALLEY SEWERAGE COMMISSIONERS	5	3	8
PEQUANNOCK, LINCOLN PARK, & FAIRFIELD SEWERAGE AUTHORITY	0	0	0
RAHWAY VALLEY SEWERAGE AUTHORITY	1	0	1
ROCKAWAY VALLEY REGIONAL SEWERAGE AUTHORITY	0	0	0
STONY BROOK REGIONAL SEWERAGE AUTHORITY	0	0	0
THE LINDEN ROSELLE SEWERAGE AUTHORITY	0	0	0
THE OCEAN COUNTY UTILITIES AUTHORITY	1	0	1
THE SOMERSET RARITAN VALLEY SEWERAGE AUTHORITY	0	0	0
TOWNSHIP OF MORRIS	0	0	0
TRENTON SEWER UTILITY	0	0	0
WAYNE TOWNSHIP	0	0	0
Total:	20	6	26
Count	24		

APPENDIX IV-A Question 16b
2003 SNC INDIRECT USERS WHICH ACHIEVED COMPLIANCE IN 2004
CWEA Annual Report Summary - 2005

Authority Name	CSM	Other Reg.	Item Total
BAYSHORE REGIONAL SEWERAGE AUTHORITY	0	0	0
BERGEN COUNTY UTILITIES AUTHORITY	0	1	1
CAMDEN COUNTY MUNICIPAL UTILITIES AUTHORITY	1	4	5
CUMBERLAND COUNTY UTILITIES AUTHORITY	1	0	1
EWING-LAWRENCE SEWERAGE AUTHORITY	0	0	0
GLOUCESTER COUNTY UTILITIES AUTHORITY	1	0	1
HAMILTON TOWNSHIP DEPARTMENT OF WATER POLLUTION CONTROL	0	1	1
HANOVER SEWERAGE AUTHORITY	0	0	0
JOINT MEETING OF ESSEX AND UNION COUNTIES	5	2	7
MIDDLESEX COUNTY UTILITIES AUTHORITY	3	0	3
MOUNT HOLLY MUNICIPAL UTILITIES AUTHORITY	0	0	0
NORTH BERGEN MUNICIPAL UTILITIES AUTHORITY	0	0	0
NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY	0	0	0
PASSAIC VALLEY SEWERAGE COMMISSIONERS	1	4	5
PEQUANNOCK, LINCOLN PARK, & FAIRFIELD SEWERAGE AUTHORITY	0	0	0
RAHWAY VALLEY SEWERAGE AUTHORITY	0	0	0
ROCKAWAY VALLEY REGIONAL SEWERAGE AUTHORITY	0	0	0
STONY BROOK REGIONAL SEWERAGE AUTHORITY	0	0	0
THE LINDEN ROSELLE SEWERAGE AUTHORITY	0	0	0
THE OCEAN COUNTY UTILITIES AUTHORITY	0	0	0
THE SOMERSET RARITAN VALLEY SEWERAGE AUTHORITY	0	1	1
TOWNSHIP OF MORRIS	0	0	0
TRENTON SEWER UTILITY	0	0	0
WAYNE TOWNSHIP	0	0	0
Total:	12	13	25
Count	24		

APPENDIX IV-A Question 17

TOTAL NUMBER OF ENFORCEMENT ACTIONS RESULTING FROM DLA INSPECTIONS/SAMPLING
CWEA Annual Report Summary - 2005

Authority Name	CSM	Other Reg.	Item Total
BAYSHORE REGIONAL SEWERAGE AUTHORITY	0	0	0
BERGEN COUNTY UTILITIES AUTHORITY	7	10	17
CAMDEN COUNTY MUNICIPAL UTILITIES AUTHORITY	12	4	16
CUMBERLAND COUNTY UTILITIES AUTHORITY	1	0	1
EWING-LAWRENCE SEWERAGE AUTHORITY	0	0	0
GLOUCESTER COUNTY UTILITIES AUTHORITY	0	0	0
HAMILTON TOWNSHIP DEPARTMENT OF WATER POLLUTION CONTROL	4	1	5
HANOVER SEWERAGE AUTHORITY	0	1	1
JOINT MEETING OF ESSEX AND UNION COUNTIES	59	17	76
MIDDLESEX COUNTY UTILITIES AUTHORITY	3	0	3
MOUNT HOLLY MUNICIPAL UTILITIES AUTHORITY	1	0	1
NORTH BERGEN MUNICIPAL UTILITIES AUTHORITY	0	0	0
NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY	0	0	0
PASSAIC VALLEY SEWERAGE COMMISSIONERS	56	54	110
PEQUANNOCK, LINCOLN PARK, & FAIRFIELD SEWERAGE AUTHORITY	0	1	1
RAHWAY VALLEY SEWERAGE AUTHORITY	16	7	23
ROCKAWAY VALLEY REGIONAL SEWERAGE AUTHORITY	0	2	2
STONY BROOK REGIONAL SEWERAGE AUTHORITY	0	0	0
THE LINDEN ROSELLE SEWERAGE AUTHORITY	6	0	6
THE OCEAN COUNTY UTILITIES AUTHORITY	10	0	10
THE SOMERSET RARITAN VALLEY SEWERAGE AUTHORITY	0	0	0
TOWNSHIP OF MORRIS	0	0	0
TRENTON SEWER UTILITY	0	0	0
WAYNE TOWNSHIP	7	0	7
Total: Count	182	97	279

APPENDIX IV-A Question 18
TOTAL NUMBER OF VIOLATIONS FOR WHICH PENALTIES HAVE BEEN ASSESSED
CWEA Annual Report Summary - 2005

Authority Name	CSM	Reg.	Total
BAYSHORE REGIONAL SEWERAGE AUTHORITY	0	0	0
BERGEN COUNTY UTILITIES AUTHORITY	12	14	26
CAMDEN COUNTY MUNICIPAL UTILITIES AUTHORITY	42	30	72
CUMBERLAND COUNTY UTILITIES AUTHORITY	3	0	3
EWING-LAWRENCE SEWERAGE AUTHORITY	0	0	0
GLOUCESTER COUNTY UTILITIES AUTHORITY	4	0	4
HAMILTON TOWNSHIP DEPARTMENT OF WATER POLLUTION CONTROL	10	0	10
HANOVER SEWERAGE AUTHORITY	5	10	15
JOINT MEETING OF ESSEX AND UNION COUNTIES	208	23	231
MIDDLESEX COUNTY UTILITIES AUTHORITY	28	0	28
MOUNT HOLLY MUNICIPAL UTILITIES AUTHORITY	3	0	3
NORTH BERGEN MUNICIPAL UTILITIES AUTHORITY	0	0	0
NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY	4	2	6
PASSAIC VALLEY SEWERAGE COMMISSIONERS	104	51	155
PEQUANNOCK, LINCOLN PARK, & FAIRFIELD SEWERAGE AUTHORITY	0	2	2
RAHWAY VALLEY SEWERAGE AUTHORITY	12	6	18
ROCKAWAY VALLEY REGIONAL SEWERAGE AUTHORITY	0	2	2
STONY BROOK REGIONAL SEWERAGE AUTHORITY	0	0	0
THE LINDEN ROSELLE SEWERAGE AUTHORITY	2	0	2
THE OCEAN COUNTY UTILITIES AUTHORITY	21	0	21
THE SOMERSET RARITAN VALLEY SEWERAGE AUTHORITY	1	0	1
TOWNSHIP OF MORRIS	0	0	0
TRENTON SEWER UTILITY	0	0	0
WAYNE TOWNSHIP	4	0	4
Total: Count	463	140	603

APPENDIX IV-A Question 19
TOTAL AMOUNT OF ALL ASSESSED PENALTIES
CWEA Annual Report Summary - 2005

Authority Name	CSM	Other Reg.	Item Total
BAYSHORE REGIONAL SEWERAGE AUTHORITY	\$0	\$0	\$0
BERGEN COUNTY UTILITIES AUTHORITY	\$20,000	\$6,000	\$26,000
CAMDEN COUNTY MUNICIPAL UTILITIES AUTHORITY	\$119,000	\$74,000	\$193,000
CUMBERLAND COUNTY UTILITIES AUTHORITY	\$12,000	\$0	\$12,000
EWING-LAWRENCE SEWERAGE AUTHORITY	\$0	\$0	\$0
GLOUCESTER COUNTY UTILITIES AUTHORITY	\$8,000	\$0	\$8,000
HAMILTON TOWNSHIP DEPARTMENT OF WATER POLLUTION CONTROL	\$9,500	\$0	\$9,500
HANOVER SEWERAGE AUTHORITY	\$2,000	\$9,250	\$11,250
JOINT MEETING OF ESSEX AND UNION COUNTIES	\$607,625	\$76,750	\$684,375
MIDDLESEX COUNTY UTILITIES AUTHORITY	\$50,200	\$0	\$50,200
MOUNT HOLLY MUNICIPAL UTILITIES AUTHORITY	\$4,588	\$0	\$4,588
NORTH BERGEN MUNICIPAL UTILITIES AUTHORITY	\$0	\$0	\$0
NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY	\$13,301	\$7,000	\$20,301
PASSAIC VALLEY SEWERAGE COMMISSIONERS	\$11,000	\$51,000	\$62,000
PEQUANNOCK, LINCOLN PARK, & FAIRFIELD SEWERAGE AUTHORITY	\$0	\$2,000	\$2,000
RAHWAY VALLEY SEWERAGE AUTHORITY	\$18,000	\$11,000	\$29,000
ROCKAWAY VALLEY REGIONAL SEWERAGE AUTHORITY	\$0	\$2,000	\$2,000
STONY BROOK REGIONAL SEWERAGE AUTHORITY	\$0	\$0	\$0
THE LINDEN ROSELLE SEWERAGE AUTHORITY	\$2,000	\$0	\$2,000
THE OCEAN COUNTY UTILITIES AUTHORITY	\$65,700	\$0	\$65,700
THE SOMERSET RARITAN VALLEY SEWERAGE AUTHORITY	\$1,000	\$0	\$1,000
TOWNSHIP OF MORRIS	\$0	\$0	\$0
TRENTON SEWER UTILITY	\$0	\$0	\$0
WAYNE TOWNSHIP	\$4,000	\$0	\$4,000
Total:	\$947,913	\$239,000	\$1,186,913
Count			

APPENDIX IV-A Question 20
TOTAL AMOUNT OF PENALTIES COLLECTED
CWEA Annual Report Summary - 2005

Authority Name	CSM	Other Reg.	Item Total
BAYSHORE REGIONAL SEWERAGE AUTHORITY	\$0	\$0	\$0
BERGEN COUNTY UTILITIES AUTHORITY	\$9,000	\$10,000	\$19,000
CAMDEN COUNTY MUNICIPAL UTILITIES AUTHORITY	\$115,183	\$84,817	\$200,000
CUMBERLAND COUNTY UTILITIES AUTHORITY	\$12,000	\$0	\$12,000
EWING-LAWRENCE SEWERAGE AUTHORITY	\$0	\$0	\$0
GLOUCESTER COUNTY UTILITIES AUTHORITY	\$0	\$0	\$0
HAMILTON TOWNSHIP DEPARTMENT OF WATER POLLUTION CONTROL	\$1,500	\$0	\$1,500
HANOVER SEWERAGE AUTHORITY	\$2,000	\$9,250	\$11,250
JOINT MEETING OF ESSEX AND UNION COUNTIES	\$159,750	\$123,975	\$283,725
MIDDLESEX COUNTY UTILITIES AUTHORITY	\$47,100	\$0	\$47,100
MOUNT HOLLY MUNICIPAL UTILITIES AUTHORITY	\$4,588	\$0	\$4,588
NORTH BERGEN MUNICIPAL UTILITIES AUTHORITY	\$0	\$0	\$0
NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY	\$9,238	\$7,000	\$16,238
PASSAIC VALLEY SEWERAGE COMMISSIONERS	\$142,300	\$118,150	\$260,450
PEQUANNOCK, LINCOLN PARK, & FAIRFIELD SEWERAGE AUTHORITY	\$0	\$2,000	\$2,000
RAHWAY VALLEY SEWERAGE AUTHORITY	\$18,000	\$11,000	\$29,000
ROCKAWAY VALLEY REGIONAL SEWERAGE AUTHORITY	\$0	\$1,000	\$1,000
STONY BROOK REGIONAL SEWERAGE AUTHORITY	\$0	\$0	\$0
THE LINDEN ROSELLE SEWERAGE AUTHORITY	\$3,500	\$0	\$3,500
THE OCEAN COUNTY UTILITIES AUTHORITY	\$28,700	\$0	\$28,700
THE SOMERSET RARITAN VALLEY SEWERAGE AUTHORITY	\$0	\$0	\$0
TOWNSHIP OF MORRIS	\$0	\$0	\$0
TRENTON SEWER UTILITY	\$0	\$0	\$0
WAYNE TOWNSHIP	\$4,000	\$0	\$4,000
Total:	\$556,859	\$367,192	\$924,051
Count			

APPENDIX IV-A Question 21
 ENFORCEMENT COSTS RECOVERED, FROM VIOLATORS, IN AN ENFORCEMENT ACTION
 CWEA Annual Report Summary - 2005

Authority Name	CSM	Other Reg.	Item Total
BAYSHORE REGIONAL SEWERAGE AUTHORITY	\$0	\$0	\$0
BERGEN COUNTY UTILITIES AUTHORITY	\$0	\$0	\$0
CAMDEN COUNTY MUNICIPAL UTILITIES AUTHORITY	\$0	\$0	\$0
CUMBERLAND COUNTY UTILITIES AUTHORITY	\$0	\$0	\$0
EWING-LAWRENCE SEWERAGE AUTHORITY	\$0	\$0	\$0
GLOUCESTER COUNTY UTILITIES AUTHORITY	\$0	\$0	\$0
HAMILTON TOWNSHIP DEPARTMENT OF WATER POLLUTION CONTROL	\$0	\$0	\$0
HANOVER SEWERAGE AUTHORITY	\$0	\$0	\$0
JOINT MEETING OF ESSEX AND UNION COUNTIES	\$8,500	\$0	\$8,500
MIDDLESEX COUNTY UTILITIES AUTHORITY	\$0	\$0	\$0
MOUNT HOLLY MUNICIPAL UTILITIES AUTHORITY	\$0	\$0	\$0
NORTH BERGEN MUNICIPAL UTILITIES AUTHORITY	\$0	\$0	\$0
NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY	\$0	\$0	\$0
PASSAIC VALLEY SEWERAGE COMMISSIONERS	\$4,694	\$0	\$4,694
PEQUANNOCK, LINCOLN PARK, & FAIRFIELD SEWERAGE AUTHORITY	\$0	\$0	\$0
RAHWAY VALLEY SEWERAGE AUTHORITY	\$0	\$0	\$0
ROCKAWAY VALLEY REGIONAL SEWERAGE AUTHORITY	\$0	\$0	\$0
STONY BROOK REGIONAL SEWERAGE AUTHORITY	\$0	\$0	\$0
THE LINDEN ROSELLE SEWERAGE AUTHORITY	\$0	\$0	\$0
THE OCEAN COUNTY UTILITIES AUTHORITY	\$0	\$0	\$0
THE SOMERSET RARITAN VALLEY SEWERAGE AUTHORITY	\$0	\$0	\$0
TOWNSHIP OF MORRIS	\$0	\$0	\$0
TRENTON SEWER UTILITY	\$0	\$0	\$0
WAYNE TOWNSHIP	\$0	\$0	\$0
Total:	\$13,194	\$0	\$13,194
Count	24		

APPENDIX IV-A Question 22
 CRIMINAL ACTIONS FILED BY THE ATTORNEY GENERAL OR COUNTY PROSECUTORS
 CWEA Annual Report Summary - 2005

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

APPENDIX IV-A Question 23-26
YES/NO SUMMARY OF EXISTING SUPPLEMENTAL LISTS
CWEA Annual Report Summary - 2005

Authority Name	#23 Y/N	#23 Count	#24 Y/N	#24 Count	#25 Y/N	#25 Count	#26 Y/N	#26 Count
BAYSHORE REGIONAL SEWERAGE AUTHORITY	N	0	N	0	N	0	N	\$0
BERGEN COUNTY UTILITIES AUTHORITY	Y	2	N	0	N	0	Y	\$0
CAMDEN COUNTY MUNICIPAL UTILITIES AUTHORITY	Y	6	N	0	N	0	Y	\$0
CUMBERLAND COUNTY UTILITIES AUTHORITY	N	0	N	0	N	0	Y	\$0
EWING-LAWRENCE SEWERAGE AUTHORITY	N	0	N	0	N	0	N	\$0
GLOUCESTER COUNTY UTILITIES AUTHORITY	Y	1	N	0	N	0	Y	\$0
HAMILTON TOWNSHIP DEPARTMENT OF WATER POLLUTION CONTROL	Y	1	N	0	N	0	Y	\$0
HANOVER SEWERAGE AUTHORITY	N	0	N	0	N	0	Y	\$0
JOINT MEETING OF ESSEX AND UNION COUNTIES	Y	21	N	0	N	0	Y	\$0
MIDDLESEX COUNTY UTILITIES AUTHORITY	Y	3	N	0	N	0	Y	\$0
MOUNT HOLLY MUNICIPAL UTILITIES AUTHORITY	N	0	N	0	N	0	N	\$0
NORTH BERGEN MUNICIPAL UTILITIES AUTHORITY	N	0	N	0	N	0	N	\$0
NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY	Y	3	N	0	N	0	Y	\$0
PASSAIC VALLEY SEWERAGE COMMISSIONERS	Y	9	N	0	Y	2	Y	\$0
PEQUANNOCK, LINCOLN PARK & FAIRFIELD SEWERAGE AUTHORITY	N	0	N	0	N	0	N	\$0
RAHWAY VALLEY SEWERAGE AUTHORITY	Y	3	N	0	N	0	Y	\$0
ROCKAWAY VALLEY REGIONAL SEWERAGE AUTHORITY	Y	1	N	0	N	0	Y	\$0
STONY BROOK REGIONAL SEWERAGE AUTHORITY	N	0	N	0	N	0	N	\$0
THE LINDEN ROSELLE SEWERAGE AUTHORITY	N	0	N	0	N	0	N	\$0
THE OCEAN COUNTY UTILITIES AUTHORITY	Y	3	N	0	N	0	Y	\$0
THE SOMERSET RARITAN VALLEY SEWERAGE AUTHORITY	N	0	N	0	N	0	Y	\$0
TOWNSHIP OF MORRIS	N	0	N	0	N	0	N	\$0
TRENTON SEWER UTILITY	N	0	N	0	N	0	N	\$0
WAYNE TOWNSHIP	N	0	N	0	N	0	Y	\$0
Total: Count	0	50		0		2		\$0

24

APPENDIX IV-B

DLA-SIGNIFICANT NONCOMPLIERS

Delegated local agencies provided the following information as part of the 2005 Clean Water Enforcement Act Annual Report. Section 1 lists the permittees which were determined to be significant noncompliers and their corresponding control agencies. Section 3-14 contain Specific information regarding each of the significant noncompliers. These section are presented in alphabetical order by DLA name.

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

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

Section 3 – *Bergen County Utilities Authority*

Section 4 – *Camden County Municipal Utilities Authority*

Section 5 – *Gloucester County Utilities Authority*

Section 6 – *Hamilton Township Department of Water Pollution Control*

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

Section 8 – *Middlesex County Utilities Authority*

Section 9 – *Northwest Bergen County Utilities Authority*

Section 10 – *Ocean County Utilities Authority*

Section 11 – *Passaic Valley Sewerage Commissioners*

Section 12 – *Rahway Valley Sewerage Authority*

Section 13- *Rockaway Valley Regional Sewerage Authority*

APPENDIX IV-B

DLAs – SNCs

Section 1

Alphabetical Listing of Permittees Identified by DLAs as Significant Noncompliers

APPENDIX IV-B
Section 1 – Alphabetical List of DLA SNCs
Page 1

FACILITY NAME

814 Americas
A & B Famous Gelfilte Fish, Inc.
Acura of Denville
AGC Chemicals Americas, Inc.
Alpex Wheel Company
American Metals Recovery Corp.
Anhydrides & Chemicals, Inc.
Atlantic Coast Aluminum Inc.
Barry Callebaut USA, Inc
Bentley Laboratories
Cintas
Cintas
Comarco Products
De-El Foods
Empire Overall Dry Cleaners
Foodarama Supermarkets Inc.
GenTek Building Products, Inc.
Gloucester County Improvement Authority
Hatco Corp.
Hercules, Incorporated
Hi-Speed Plating
Hudson Transit
Imagine Screen Printing & Production
Implex Corp. (Zimmer
Interbake Foods
IVC Industries, Inc.
Kreiser Industrial Corporation
Langer Transport Corporation
Lorco Petroleum Services
Maplewood Beverage
Mastertaste, Inc.
Medico Labs Inc.

Menu Foods
Michaels Foods- Papetti Plaza
Michaels Foods-North Ave.
Oasis Foods

AUTHORITY NAME

Joint Meeting Union & Essex Counties
Passaic Valley Sewerage Commissioners
Rockaway Valley Regional Sewerage Authority
Passaic Valley Sewerage Commissioners
Bergen County Utilities Authority
Passaic Valley Sewerage Commissioners
Passaic Valley Sewerage Commissioners
Camden County Municipal Utilities Authority
Camden County Municipal Utilities Authority
Northwest Bergen County Utilities Authority
Joint Meeting Union & Essex Counties
Joint Meeting Union & Essex Counties
Camden County Municipal Utilities Authority
Joint Meeting Union & Essex Counties
Passaic Valley Sewerage Commissioners
Ocean County Utilities Authority
Rahway Valley Sewerage Authority
Gloucester County Utilities Authority
Middlesex County Utilities Authority
Middlesex County Utilities Authority
Joint Meeting Union & Essex Counties
Northwest Bergen County Utilities Authority
Passaic Valley Sewerage Commissioners
Northwest Bergen County Utilities Authority
Joint Meeting Union & Essex Counties
Ocean County Utilities Authority
Passaic Valley Sewerage Commissioners
Passaic Valley Sewerage Commissioners
Joint Meeting Union & Essex Counties
Joint Meeting Union & Essex Counties
Rahway Valley Sewerage Authority
Hamilton Township Department of Water
Pollution Control
Camden County Municipal Utilities Authority
Joint Meeting Union & Essex Counties
Joint Meeting Union & Essex Counties
Joint Meeting Union & Essex Counties

Olympia Trails Bus Company
Our Lady of Lourdes Hospital-Haddon
Party Rental Ltd.
Pepsi Cola & National Brand Beverages Ltd.
Prince Donut
Purepac Pharmaceutical
Quala Systems
Quest Industries
Revlon
Silgan Containers Manufacturing Corp
SS Studios
Tessler & Weiss
Tuscan Diary
Unilever Home & Personal Care USA
Union Beverage packers
US Filter Electrocatalytic
Vivus Inc., New Jersey
Woodbridge Twp, Dept of Public Works
(CP Chemicals)

Joint Meeting Union & Essex Counties
Camden County Municipal Utilities Authority
Bergen County Utilities Authority
Camden County Municipal Utilities Authority
Joint Meeting Union & Essex Counties
Joint Meeting Union & Essex Counties
Rahway Valley Sewerage Authority
Joint Meeting Union & Essex Counties
Joint Meeting Union & Essex Counties
Middlesex County Utilities Authority
Joint Meeting Union & Essex Counties
Joint Meeting Union & Essex Counties
Joint Meeting Union & Essex Counties
Passaic Valley Sewerage Commissioners
Joint Meeting Union & Essex Counties
Joint Meeting Union & Essex Counties
Ocean County Utilities Authority
Middlesex County Utilities Authority

APPENDIX IV-B

DLAs – SNCs

Section 2

DLA's Reporting Zero Facilities Meeting the SNC Criteria

APPENDIX IV-B

Section 2

DLA's Reporting Zero Facilities Meeting the SNC Criteria

(Response to Question #13)

Bayshore Regional Sewerage Authority

Cumberland County Utilities Authority

Ewing-Lawrence Sewerage Authority

Hanover Sewerage

Morris Township

Mount Holly Municipal Utilities Authority

North Bergen Municipal Utilities Authority

Stony Brook Regional Sewerage Authority

City of Trenton

The Linden Roselle Sewerage Authority

The Pequannock, Lincoln Park and Fairfield Sewerage Authority

The Somerset Raritan Valley Sewerage Authority

Wayne Township

APPENDIX IV-B

DLAs – SNCs

Section 3

Bergen County Utilities Authority

ATTACHMENT B

2005 LIST OF SIGNIFICANT NONCOMPLIERS

Alpex Wheel Company
29 Atwood Avenue
Tenafly, NJ 07670

Industrial Wastewater Discharge Permit #1047

General Description of
Facility Operations:

Alpex Wheel Company is a categorical Industrial User regulated by 40 CFR Part 433.15 – metal electroplating, existing sources. Alpex Wheel Company manufactures diamond abrasive grinding wheels. The average process discharge from this facility is 90 gallons per day.

Violation(s):

Alpex Wheel Company failed to submit July, August, October and November 2005 monthly discharge monitoring reports within 30 days of their due dates resulting in Significant Noncompliance.

Enforcement:

Notices of Violation were issued on September 30, 2005 for the July and August monitoring reports, December 13, 2005 for the October monitoring report and December 29, 2005 for the November monitoring report. Civil Administrative Penalties totaling \$9,000 were assessed on October 14, 2005 and December 29, 2005 for the delinquent July, August and October reports.

Date Resolved:

July and august reports were received on January 12, 2006. The October and November reports were also received on January 12, 2006 but are incomplete

Number of Violations:

4

Party Rental Ltd.
400 North Street
Teterboro, NJ 07608

Industrial Wastewater Discharge Permit #0338

**General Description of
Facility Operations:**

Party Rental is a non-categorical industrial user that rents party supplies and equipment. Process discharge from this facility results from washing of linens (tablecloths and napkins). The average process discharge from this facility is approximately 18,000 gallons per day.

Violation(s):

Party Rental exceeded the local discharge limitation range for pH during the months of January through September 2005 resulting in Significant Noncompliance.

Enforcement:

Notices of Violation were issued on April 29, July 12, September 14 and October 7, 2005 for the above listed violations. Follow-up site visits were conducted on June 23, September 8, and October 5, 2005 at which time modifications and repairs to the pH control system were verified

Date Resolved:

Party Rental's October and November 2005 discharge monitoring reports demonstrate compliance within the local pH limitation range. Party Rental remains in Significant Non-Compliance status pending the completion of six consecutive months of monitoring demonstrating compliance.

Number of Violations:

9

APPENDIX IV-B

DLAs – SNCs

Section 4

Camden County Municipal Utilities Authority

ATTACHMENT B

Industry Name	Classification	Permit No.	Sample Date	Parameter	Sample Result	Date Violation Resolved	Total No. Violations
Atlantic Coast Aluminum Inc. 268 Chestnut Street Camden, NJ 08103	OTHER	3365-SFCU-CA-3	5/24/2005 0:00	FLOW	Not Reported	CAPA/SETTLEMENT	
			6/15/2005 0:00	LEAD	Late 37 days	CAPA/SETTLEMENT	
			July 2005	LEAD	Not Reported	CAPA/SETTLEMENT	
			8/18/2005 0:00	PHC	110 mg/L	CAPA/SETTLEMENT	
			8/18/2005 0:00	FLOW	Not Reported	CAPA/SETTLEMENT	
			Sept 2005	LEAD	Not Reported	CAPA/SETTLEMENT	
			Oct 2005	LEAD	Not Reported	CAPA/SETTLEMENT	
			11/30/2005 0:00	FLOW	Not Reported	CAPA/SETTLEMENT	
TOTAL VIOLATIONS =							6
Barry Callebaut U.S.A. Inc. 1500 Suckie Highway Pennsauken, NJ 08110	Cat/Sig/Maj	2066-DII-1	2/5/2006	Entire Report	Not Reported	SETTLEMENT	
			3/2/2005 0:00	BOD	1320 mg/L	SETTLEMENT	
			3/2/2005 0:00	COD	1860 mg/L	SETTLEMENT	
			3/2/2005 0:00	pH	5.6	SETTLEMENT	
			5/12/2005 0:00	COD	1060 mg/L	SETTLEMENT	
			6/8/2005 0:00	COD	1630 mg/L	SETTLEMENT	
			6/8/2005 0:00	Entire Report	Late 18 days	SETTLEMENT	
			8/2/2005 0:00	Entire Report	Late 16 days	SETTLEMENT	
			8/2/2005 0:00	Oil & Grease	151 mg/L	SETTLEMENT	
			9/30/2005 0:00	COD	1510 mg/L	SETTLEMENT	
			9/30/2005 0:00	COD	2460 mg/L	SETTLEMENT	
			9/30/2005 0:00	pH	5.2	SETTLEMENT	
			10/6/2005 0:00	BOD	1440 mg/L	SETTLEMENT	
			10/6/2005 0:00	COD	2670 mg/L	SETTLEMENT	
			11/5/2006	Entire Report	Not Reported	SETTLEMENT	
			12/21/2005 0:00	BOD	1140 mg/L	SETTLEMENT	
			12/21/2005 0:00	COD	2200 mg/L	SETTLEMENT	
			12/21/2005 0:00	Oil & Grease	161 mg/L	SETTLEMENT	
TOTAL VIOLATIONS =							18
Comarco Products Broadway and Jackson Street, Camden, NJ 08104	OTHER	2013-CA-2	4/6/2005 0:00	COD	22,852 mg/L	ADMINISTRATIVE ORDER AND PENALTY	
			4/6/2005 0:00	BOD	3912 mg/L	ADMINISTRATIVE ORDER AND PENALTY	
			4/6/2005 0:00	Oil & Grease	533 mg/L	ADMINISTRATIVE ORDER AND PENALTY	
			4/6/2005 0:00	TSS	4675 mg/L	ADMINISTRATIVE ORDER AND PENALTY	
			5/18/2005 0:00	COD	4100 mg/L	ADMINISTRATIVE ORDER AND PENALTY	
			5/18/2005 0:00	BOD	2600 mg/L	ADMINISTRATIVE ORDER AND PENALTY	
			5/18/2005 0:00	Oil & Grease	802 mg/L	ADMINISTRATIVE ORDER AND PENALTY	
			6/1/2005 0:00	COD	3600 mg/L	ADMINISTRATIVE ORDER AND PENALTY	
			6/1/2005 0:00	BOD	2200 mg/L	ADMINISTRATIVE ORDER AND PENALTY	
			6/1/2005 0:00	Oil & Grease	890 mg/L	ADMINISTRATIVE ORDER AND PENALTY	
			7/27/2005 0:00	COD	2100 mg/L	ADMINISTRATIVE ORDER AND PENALTY	
			8/16/2005 0:00	COD	2200 mg/L	ADMINISTRATIVE ORDER AND PENALTY	
			8/16/2005 0:00	Oil & Grease	120 mg/L	ADMINISTRATIVE ORDER AND PENALTY	
			9/23/2005 0:00	COD	2300 mg/L	ADMINISTRATIVE ORDER AND PENALTY	
			9/23/2005 0:00	BOD	1300 mg/L	ADMINISTRATIVE ORDER AND PENALTY	
			9/23/2005 0:00	Oil & Grease	190 mg/L	ADMINISTRATIVE ORDER AND PENALTY	
			10/21/2005 0:00	COD	1800 mg/L	ADMINISTRATIVE ORDER AND PENALTY	
TOTAL VIOLATIONS =							17
Menu Foods 9130 Griffith Morgan Lane Pennsauken, NJ 08110	Cat/Sig/Maj	2047-DII-1	Mar 2005 Average	COD	2740 mg/L	DEMAND	
			Mar 2005 Average	BOD	1735 mg/L	SETTLEMENT	
			Mar 2005 Average	Oil & Grease	156 mg/L	SETTLEMENT	
			4/14/2005 0:00	Oil & Grease	231 mg/L	SETTLEMENT	
			6/16/2005 0:00	COD	4220 mg/L	SETTLEMENT	
			6/16/2005 0:00	BOD	2570 mg/L	SETTLEMENT	
			6/16/2005 0:00	Oil & Grease	325 mg/L	SETTLEMENT	
			6/16/2005 0:00	TSS	1050 mg/L	SETTLEMENT	
			Nov 2005 Average	COD	3890 mg/L	SETTLEMENT	
			Nov 2005 Average	BOD	2966 mg/L	SETTLEMENT	
			Nov 2005 Average	TSS	1375 mg/L	SETTLEMENT	
TOTAL VIOLATIONS =							11
Our Lady of Lourdes Hospital Haddon Avenue and Vesper Blvd Camden, NJ 08104	Cat/Sig/Maj	8062-CA-2	July 05 Avg	COD	1770		
			8/4/2005 0:00	COD	1630		
			10/5/2005 0:00	COD	1070		
TOTAL VIOLATIONS =							3
Pepsi Cola and National Brand Beverages, Ltd. 8191 Route 130 Pennsauken, NJ 08110	Cat/Sig/Maj	2086-DII-1	1/25/2005 0:00	COD	2800 mg/L	SETTLEMENT	
			1/25/2005 0:00	BOD	> 2100 mg/L	SETTLEMENT	
			2/23/2005 0:00	COD	1900 mg/L	SETTLEMENT	
			2/23/2005 0:00	BOD	1100 mg/L	SETTLEMENT	
			2/23/2005 0:00	pH	5.1	SETTLEMENT	
			5/18/05 UA	COD	4620 mg/L	SETTLEMENT	
			5/18/05 UA	BOD	1884 mg/L	SETTLEMENT	
			5/24/2005 0:00	COD	1600 mg/L	SETTLEMENT	
			May 2005 Avg	COD	3110 mg/L	SETTLEMENT	
			May 2005 Avg	BOD	1442 mg/L	SETTLEMENT	
			6/14/2005 0:00	COD	1220 mg/L	SETTLEMENT	
			6/14/2005 0:00	SULFIDE	2.0 mg/L	SETTLEMENT	
			June 2005 Avg	SULFIDE	1.2 mg/L	SETTLEMENT	
			7/26/2005 0:00	COD	4800 mg/L	SETTLEMENT	
			9/16/2005 0:00	Oil & Grease	130 mg/L	SETTLEMENT	
			11/29/2005 0:00	BOD	1400 mg/L	SETTLEMENT	
			12/29/2005 0:00	BOD	1500 mg/L	SETTLEMENT	
			12/29/2005 0:00	COD	3000 mg/L	SETTLEMENT	
TOTAL VIOLATIONS =							17

APPENDIX IV-B

DLAs – SNCs

Section 5

Gloucester County Utilities Authority

INDUSTRIAL PRETREATMENT PROGRAM NEW JERSEY CLEAN WATER ENFORCEMENT ACT ANNUAL REPORT GLOUCESTER COUNTY UTILITIES AUTHORITY FOR THE PERIOD OF JANUARY 1, 2005 THROUGH DECEMBER 31, 2005

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

Permittee:	Gloucester County Improvement Authority - Solid Waste Complex		
Permittee Mailing Address:	503 Monroeville Road Swedesboro, NJ 08085		
Permittee Location Address:	503 Monroeville Road Swedesboro, NJ 08085		
GCUA Permit Number:	031		
Description of Violation:	BOD5 violations		
Date(s) of Violation(s):	05/05	PV	BOD5
	06/05	SV	BOD5
	09/05	SV	SNC BOD5
Violation Resolution Date:	COMPLETED EXCEPT FOR PENALTY COLLECTION		
	1.	Permittee is a sanitary landfill that previously accepted mostly construction debris.	
	2.	Permittee has seen an increase in BOD5 due to accepting excess municipal solid waste that exceeds the counties trash incinerator design capacity.	
	3.	Permittee being issued Settlement Agreement for penalties.	
	4.	Permittee had SNC status published in December 2005 as required under GCUA's IPP Program.	
	5.	Permittee requested additional BOD5. Additional BOD5 within GCUA's design capacity. Permit was modified with additional BOD5 limitation and became effective January 1, 2006. No previous violation exceeded the BOD5 limit issued in modified permit.	
	6.	Permittee already monitors for BOD5 monthly and will continue to monitor monthly under new permit.	
Total Number of Violations:	03 (2005)		

APPENDIX IV-B

DLAs – SNCs

Section 6

Hamilton Township Department of Water Pollution Control

ATTACHMENT B

Permittees Qualifying as Significant Non-compliers

Medico Labs, Inc.
1000 Nottingham Way
Hamilton, NJ 08609
Permit No. 1-009

One IU (Medico Labs, Inc.) met the criteria for significant non-compliance (SNC) during this reporting period. The reporting violations committed by this IU were enforced via NOV's and a penalty assessment on December 13, 2005. The collection of penalties will be in monthly \$1,500 installments, with the last payment completing the balance owed. Medico Labs, Inc. has been in compliance since August 2005.

The violations were reportedly from internal communications problems.

Violation Summary:

Total Number of Reporting Violations: 10

<u>Date of Reporting Violation</u>	<u>Information/Report Missing</u>
June 16, 2005	Information required from June 2, 2005 site inspection.
July 21, 2005	Previous information + March, April, May & June SMRs.
August 19, 2005	All previous information & SMRs + July & August SMRs.

Summons History: Two summons were issued, one for \$5,000 for significant non-compliance and one for \$4,500 for all the missing information and reports. The missing information was provided on August 26, 2005.

APPENDIX IV-B

DLAs – SNCs

Section 7

Joint Meeting of Essex and Union Counties

FOR THE PERIOD JANUARY 1 THROUGH DECEMBER 31, 2005

**ATTACHMENT B
SIGNIFICANT NONCOMPLIERS**

INDUSTRY	IU #	PARAMETER	DATE	RESOLVED
814 Americas 812-814 Second Avenue Elizabeth, NJ 07202	0178 (O)	pH	9/05	Yes
		Oil/Grease	8/05, 10/05	Yes
		Petroleum Hyd.	8/05, 10/05	Yes
Cintas 56 Woolsey Street Irvington, NJ 07111	2036 (M)	Reporting	1/05, 2/05	Yes
Cintas 546 Green Lane Union, NJ 07083	5021 (O)	pH	10/05	No
Deb-El Foods 2 Papetti Plaza Elizabeth, NJ 07206	0037 (M)	pH	6/05 – 12/05	No
Hi-Speed Plating 460 Coit Street Irvington, NJ 07111	2030 (C)	Nickel	2/05	Yes
		Reporting	1/05 – 11/05	No
Interbake Foods 891 Newark Avenue Elizabeth, NJ 07207	0025 (M)	Reporting	1/05	Yes
LORCO Petroleum Services 450 South Front Street Elizabeth, NJ 07202	0070 (M)	pH	2/05 – 5/05	Yes
		Reporting	6/05, 8/05-9/05	Yes
Maplewood Beverage 44 Camptown Road Maplewood, NJ 07204	3050 (M)	pH	1/05 – 11/05	No
		Reporting	2/05, 3/05	Yes
Michaels Foods – North Avenue 847 North Avenue Elizabeth, NJ 07201	0100 (M)	pH	1/05 – 11/05	No
		Reporting	8/05, 9/05	Yes
Michaels Foods – Papetti Plaza 1 Papetti Plaza Elizabeth, NJ 07206	0105 (M)	pH	1/05 – 11/05	No
		Reporting	2/05 – 4/05	Yes
Oasis Foods 465 Hillside Avenue Hillside, NJ 07205	1054 (M)	Oil/Grease	8/05	Yes
Olympia Trails Bus Co. 1349 First Street Elizabeth, NJ 07206	0098 (O)	Reporting	2/05-6/05	Yes
Prince Donut 2345 E. Linden Avenue Linden, NJ 07036	0175 (M)	Oil/Grease	1/05-4/05, 6/05-7/05	Yes
		Reporting	1/05	Yes
Purepac Pharmaceutical 200 Elmora Avenue Elizabeth, NJ 07207	0067 (C)	pH	4/05-12/05	No
		Acetone	1/05-11/05	No
		Reporting	4/05-7/05, 9/05-10/05	Yes

INDUSTRY	IU #	PARAMETER	DATE	RESOLVED
Quest Industries 480 Mundet Place Hillside, NJ 07205	1058 (O)	Zinc	2/05, 4/05, 6/05, 8/05-11/05	No
Revlon 196 Coit Street Irvington, NJ 07111	2055 (C)	Reporting	8/05	Yes
SS Studios 1023 Commerce Avenue Union, NJ 07083	7150 (O)	Silver	6/05	Yes
		Reporting	6/05, 7/05	Yes
Tessler & Weiss 2389 Vauxhall Road Union, NJ 07083	7155 (C)	Zinc	2/05	Yes
Tuscan Dairy 750 Union Avenue Union, NJ 07083	7170 (M)	Oil/Grease	6/05	Yes
Union Beverage Packers 600 North Union Avenue Hillside, NJ 07205	1090 (M)	pH	4/05, 8/05-9/05	Yes
US Filter Electrocatalytic 2 Milltown Court Union, NJ 07083	7077 (C)	pH	2/05 – 6/05	Yes

APPENDIX IV-B

DLAs – SNCs

Section 8

Middlesex County Utilities Authority

COMPANY: Silgan Containers Manufacturing Corporation
ADDRESS: 135 National Road
Edison, NJ 08817

MCUA Permit No.: 05056

VIOLATIONS:

Brief Description	Date Sampled	Date Resolved
Oil & Grease, Serious Violation	1/05	10/05
Total Phosphorous (as P), Serious Violation	2/05	2/05
Oil & Grease, Serious Violation	4/05	10/05
Total Toxic Organics, Serious Violation	5/05	10/05
Total Toxic Organics, Serious Violation	7/05	10/05
Total Toxic Organics, Serious Violation	8/05	10/05
Oil & Grease, Serious Violation	9/05	10/05
Oil & Grease, Monthly Average Violation	12/05*	

Comments: The facility has completed process/pretreatment upgrades. * The facility is requesting an Affirmative Defense due to sampling/analytical error. Specific details on file.

TOTAL NUMBER OF VIOLATIONS: 8

COMPANY: Woodbridge Township, Department of Public Works (CP Chemicals)
ADDRESS: Arbor Street
Sewaren, NJ 07077

MCUA Permit No.: 28124

VIOLATIONS:

Brief Description	Date Sampled	Date Resolved
Nickel, Serious Violation	7/05	9/05
Nickel, Serious Violation	8/05	9/05
Zinc, Serious Violation	8/05	9/05

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

TOTAL NUMBER OF VIOLATIONS: 3

COMPANY: Hatco Corporation
ADDRESS: 1020 King George Post Road
Fords, NJ 08863

MCUA Permit No.: 28074

VIOLATIONS:

Brief Description	Date Sampled	Date Resolved
PCBs, Serious Violation	10/05	
PCBs, Daily Maximum Violation	11/05	
PCBs, Serious Violation	12/05	

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

TOTAL NUMBER OF VIOLATIONS: 3

COMPANY: Hercules, Incorporated
ADDRESS: 50 South Minisink Avenue
Sayreville, NJ 08872

MCUA Permit No.: 20075

VIOLATIONS:

Brief Description	Date Sampled	Date Resolved
pH (High), Serious Violation	1/05	4/05
pH (High), Serious Violation	4/05	4/05
Various organic chemicals, Serious Violations *	9/05	9/05
pH (High), Serious Violation	12/05	
Di-n-Butyl Phthalate, Serious Violation	12/05	

Comments: The facility has completed process/pretreatment upgrades. *Specific chemical violations are on file and are due to High Analytical Detection Limits resulting from Matrix Interferences. Specific details on file.

TOTAL NUMBER OF VIOLATIONS: 5

APPENDIX IV-B

DLAs – SNCs

Section 9

Northwest Bergen County Utilities Authority

**NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY
INDUSTRIAL PRETREATMENT PROGRAM**

CLEAN WATER ENFORCEMENT ACT ANNUAL REPORT 2004

**Item No. 23
Attachment A.**

List of Industrial Users which have been classified in
Significant Non-Compliance during the 2005 report period.

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

1st Violation:

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

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

2nd Violation:

*January 24, 2005 - Oil & Grease Non Petroleum Based 247.79 mg/L
Oil & Grease (Single Sample)
Exceeded Single Sample Daily Maximum Limit by 23.89%
Non-Serious Violation –cont. SNC determination from December
2004*

May 2005 – Bentley enters into ACO with NBCUA to install and
operate an Oil and Grease treatment system; and a payment
schedule to address all fines accumulated to date.

- 2) Implex Corp. (Zimmer)
80 Commerce Court
Allendale, New Jersey 07401

1st Violation:

*March 23, 2005 ~ Zinc 1.96 mg/L
Exceeded permit monthly average limit of 1.48 mg/L by 32.43%
Serious Violation - > 20% of hazardous pollutant*

2nd Violation:

*April 5, 2005 ~ Zinc 1.80 mg/L
Exceeded permit monthly average limit of 1.48 mg/L by 21.79%
Serious Violation - > 20% hazardous pollutant*

Implex asked for extension of hearing request time-line which was granted by NBCUA. Implex requested that their status of "categorical discharger" be removed due to changes in their operations. NBCUA conducted site visit, reviewed process, denied change of status.

- 3) Hudson Transit
4 Leisure Lane
Mahwah, New Jersey

1st Violation:

*May, 2005 ~ Total Petroleum Hydrocarbons /246.0 mg/L
Total Petroleum Hydrocarbons (Monthly Average
Exceeded Monthly Average Limit by 146.0%
Serious Violation - Violation occurs within previous 6-month monitoring
period issued from previous SNC and continues SNC determination.*

APPENDIX IV-B

DLAs – SNCs

Section 10

Ocean County Utilities Authority

Attachment B
List of Permittees qualifying as SNC

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

Facility Address
201 Commerce Drive
Freehold, NJ 07728

OCUA Permit #: NM-35-2002-063

Reasons for Significant Non-Complier Status:

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

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

April 2005	Serious Oil & Grease violation (penalty assessed and contested)
May 2005	Serious Oil & Grease violation (SNC, penalty assessed and contested)
June 2005	Serious Oil & Grease violation (SNC, penalty assessed and contested)
July 2005	Serious Oil & Grease violation (SNC, penalty assessed and contested)
August 2005	Serious Oil & Grease violation (SNC, penalty assessed and contested)

In addition, this facility failed to sample for pH in three (3) consecutive months resulting in the submission of at least two (2) incomplete monitoring reports within a six (6) month period.

March 2005	Failure to sample for pH (penalty assessed and paid)
April 2005	Failure to sample for pH (SNC, penalty assessed and contested)
May 2005	Failure to sample for pH (SNC, penalty assessed and contested)

Attachment B (continued)
List of Permittees qualifying as SNC

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

Facility Address
745 Airport Road
Lakewood, NJ 07728

OCUA Permit #: N-15-2001-058

Reason for Significant Non-Complier Status:

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

This facility is a pharmaceutical manufacturer covered by 40 CFR 439.46. The combined waste stream formula is utilized to calculate alternative discharge limitations as an end-of-process sampling location is not practical. This facility was listed as SNC in last year's CWEA Report for serious acetone violations in October and December 2004. After six (6) months of compliance, they came off SNC status only to reenter SNC with two (2) additional serious acetone violations in August and September 2005. Fines and penalties have been issued. The facility continues to feel that these are isolated violations that can be kept in check with acetone and isopropyl alcohol minimization.

IVC Industries, Inc.
500 Halls Mill Road
Freehold, NJ 07728

Facility Address
500 Halls Mill Road
Freehold, NJ 07728

OCUA Permit #: NM-35-2000-049

Reason for Significant Non-Complier Status:

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

This facility is a pharmaceutical manufacturer covered by 40 CFR 439.46. The combined waste stream formula is utilized to calculate alternative discharge limitations as an end-of-process sampling location is not practical. They had serious acetone violations in January and May 2005. As a result of these violations, the facility has changed its disinfecting agent so as to nearly eliminate the use of isopropyl alcohol and acetone used at the facility. After six (6) consecutive months of compliance, this facility is no longer in SNC status.

APPENDIX IV-B

DLAs – SNCs

Section 11

Passaic Valley Sewerage Commissioners

PASSAIC VALLEY SEWERAGE COMMISSIONERS

Attachment B – Permittees Qualifying as Significant Non-Compliers (SNC) – Calendar Year 2005

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

Effluent (Discharge) Violations

- 1. AGC Chemicals Americas, Inc. - #36200008 229 East 22nd Street, Bayonne, NJ 07002**
The company was not in compliance with the local monthly average limit for zinc. A Complaint will be filed, and the company will be fined.
- 2. American Metals Recovery Corporation – #27200052 One Jasper Street, Paterson, NJ 07552**
The company was not in compliance with the 40 CFR 437 monthly average limit for tin. A Complaint was filed on 07/28/05. The matter is in the process of being settled, and the company will be fined. The company is no longer in operation.
- 3. Empire Overall Dry Cleaners – #07220001 18 Stefanic Avenue, Elmwood Park, NJ 07407**
The company was not in compliance with the local daily maximum limit for total petroleum hydrocarbons and failed to accurately report non-compliance. A Complaint will be filed, and the company will be fined.
- 4. Imagine Screen Printing & Production– # 26210006 90 Dayton Ave Bldg 7D 4th Fl, Passaic, NJ 07055**
The company was not in compliance with the local monthly average limit for zinc. A Complaint was filed on 1/4/06. The matter is in the process of being settled, and the company will be fined.
- 5. Kreisher Industrial Corporation– #27200001 180 Van Riper Avenue, Elmwood Park, NJ 07105**
The company was not in compliance with the respective 40 CFR 413 daily maximum limits for nickel and total metals. A Complaint was filed on 07/28/05. The matter is in the process of being settled, and the company will be fined.
- 6. Langer Transport Corporation - #31200013 Rt. 440 Foot Of Danforth Avenue, Jersey City, NJ 07303**
The company was not in compliance with the 40 CFR 442 daily maximum limit for Non-Polar Material (SGT-HEM). A Complaint was filed on 08/11/05, and an Amended Complaint was filed on 12/8/05. The matter is in the process of being settled, and the company will be fined.

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

The company was not in compliance with the 40 CFR 439 monthly average limit for acetone. A Complaint was filed on 11/29/05. The matter is in the process of being settled, and the company will be fined.

Reporting Violations

1. A & B Famous Gefilte Fish, Inc. - #20220001 - 209 Mclean Boulevard, Paterson, NJ 07504

The company failed to submit analytical results for three consecutive months. A Complaint was filed on 9/1/05. The matter is in the process of being settled, and the company will be fined.

2. Anhydrides & Chemicals, Inc. - #272100317- 33 Amsterdam Street Newark, NJ 07105

The company was not in compliance with the Passaic Valley Sewerage Commissioners Rules and Regulations for failure to submit their Baseline Monitoring Report for the 40 CFR 414 regulation. A Complaint will be filed, and the company will be fined.

APPENDIX IV-B

DLAs – SNCs

Section 12

Rahway Valley Sewerage Authority

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

Attachment B: Significant Non-compliers

Permit Number	Industry	Date of Violation	Parameter	Results	# of Violations	Comments
014	Quala Systems 1045 East Hazelwood Avenue Rahway, NJ 07065	07/20/05 08/12/05 12/02/05	HEM Oil & Grease HEM Oil & Grease HEM Oil & Grease	1040 1820 231	3	Adjusting treatment system to correct violations.
016	GenTek Building Products, Inc. 11 Cragwood Road Woodbridge, NJ 07095	2/18/05 3/22/05	Zinc Zinc	3.62 9.21	2	Currently under compliance.
095	MasterTaste, Inc. 160 Terminal Avenue Clark, NJ 07066	04/25/05 06/03/05 06/03/05 10/18/05 10/18/05	HEM Oil & Grease HEM Oil & Grease HEM Oil & Grease HEM Oil & Grease HEM Oil & Grease	265 355 289 1590 1200	5	Currently under a compliance schedule.

APPENDIX IV-B

DLAs – SNCs

Section 13

Rockaway Valley Regional Sewerage Authority

ROCKAWAY VALLEY REGIONAL SEWERAGE AUTHORITY

**INDUSTRIAL PRETREATMENT PROGRAM
CLEAN WATER ENFORCEMENT ACT
ANNUAL REPORT**

ATTACHMENT B

During this reporting period (2005), RVRSA has identified one Significant Non - Complier.

- **Acura of Denville**, which is located at 3109, Route 10 East, Township of Denville, New Jersey, violated the Oil and Grease limitation contained in their Industrial Sewer Connection Permit on May 12, 2005; September 12, 2005, October 27, 2005 and December 22, 2005. Total number of violations were four (4) (three (3) serious).

Non-Compliance notifications were sent to Acura of Denville on all occasions and Acura was also issued a "Notice of Accelerated Testing Frequency" for the violations of Oil and Grease limit contained in their ISCP. As of this date Acura of Denville is still continuing with the accelerated testing.

APPENDIX IV-C

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

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

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

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

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

(2) Bayshore Regional Sewerage Authority

None Spent

(3) Bergen County Utilities Authority

LIST OF PENALTY MONIES EXPENDED DURING 2005

AMOUNT

USE

\$ 1,900.00

NJDEP Operator Training Fund

\$ 400.00

Watershed Conference, Rutgers University

(4) **Camden County Municipal Utilities Authority**

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

<u>PRETREATMENT STAFF NAME</u>	<u>TITLE</u>
Gayle E. Pagano	Chief Division of Regulatory Compliance
Patricia M. Wright	Industrial Pretreatment Supervisor
Barclay Conrad	Sr. Environmental Health Specialist Industrial Pretreatment
Samuel M. Loperfido	Sr. Environmental Health Specialist Industrial Pretreatment
Trudy N. Okonkwo	Environmental Health Specialist Industrial Pretreatment
Robert S. Downes	Environmental Health Specialist Industrial Pretreatment
Coleen Noble	Principal Clerk Typist Industrial Pretreatment
Edward Wharton	Environmental Health Aide Industrial Pretreatment

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

(5) Cumberland County Utilities Authority

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

- | | |
|---|----------|
| 1. Lab analysis, IPP testing | \$ 3,000 |
| 2. Computer software & support | \$ 4,000 |
| 3. Supplies & equipment, IPP | \$ 3,000 |
| 4. Vehicle operation & maintenance | \$ 2,000 |
| (proportionate amount for 1 vehicle out of a fleet of 20) | |
| 5. Personnel – IPP technician | \$45,000 |

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

(6) Ewing-Lawrence Sewerage Authority

None Spent

(7) Gloucester County Utilities Authority

None Spent

(8) Hamilton Township

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

(9) **Hanover Sewerage Authority**

Estimated enforcement costs incurred reviewing, issuing and collecting mandatory penalties.	\$ 4,000
Transferred to capital fund for upgrading and treatment works	\$ 6,125
Sent to the Wastewater Operator's Trust Fund:	\$ 1,125

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

Expenditure of monies from the industrial pretreatment account:

\$ 11,488.67	Legal Expenses
\$ 10,400.00	State of NJ – Operator's Training Fund
\$21,888.67	Total

(11) **Linden Roselle Sewerage Authority**

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

(12) **Middlesex County Utilities Authority**

In 2005, the Middlesex County Utilities Authority collected \$ 47,100.00 in penalties which includes assessments for calendar year 2005 and prior years. The MCUA has forwarded 10% of these monies to the NJDEP for deposit into the Wastewater Treatment Operator Training Account. The balance of these monies will be used by the MCUA for Pretreatment Program enforcement monitoring and treatment plant upgrades, pursuant to N.J.S.A. 58:11-55(b).

(13) **Morris Township**

None Spent.

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

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

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

None Spent

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

Penalty Monies collected during the calendar year of 2005 have been utilized in the following manner:

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

(17) **Ocean County Utilities Authority**

Thirteen penalties were assessed during the year 2005 totaling \$65,700.00

Eleven penalties from the year 2005 were collected for a total of \$28,700.00. The other two penalties are being contested

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

(18) **Passaic Valley Sewerage Commissioners**

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

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

INDUSTRIAL AND POLLUTION CONTROL DEPARTMENT

<u>MANAGER</u>	<u>COST CENTER 81050</u>
Salaries- Wages	5010
Salaries-Emergency	5030
FICA	5110
Health Plan	5210
Dental/Optical Plan	5220
Postage-Shipping	5410
Office Supplies	5420
Maintenance Supplies	5440
Janitorial Supplies	5450
Other Supplies	5470
Computer Supplies	5480
Computer Software	5490
Electrical Parts	5610
Plumbing Parts	5620
Paint Parts & Supplies	5640
Iron-Steel Parts & Supplies	5660
Other Replacement Parts	5690

Gas/Diesel-Vehicles & Vessels	5820
Telephone	6010
Electricity	6020
Water	6030
Gas	6040
Rent-Office Equipment	6110
Automobile Exp	6420
Travel Outside Area	6430
Office Furniture Equipment	6520
Out. Serv.-Rep. & Maint.	6940
Out. Serv.-Misc	6980
Tuition	7310
Training Programs	7320
Dues-Subscriptions	7400
Miscellaneous Expenses	7810

INDUSTRIAL OPERATIONS

COST CENTER 81100

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

INDUSTRIAL MONITORING AND
SURVEILLANCE

COST CENTER 81150

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

POLLUTION PREVENTION

COST CENTER 81200

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

CONNECTION PROGRAM,
SATELLITE MONITORING,
COMMUNITY FLOW

COST CENTER 81250

Salaries- Wages	5010
Salaries-Emergency	5030
FICA	5110
Health Plan	5210
Dental/Optical Plan	5220
Postage-Shipping	5410
Office Supplies	5420
Maintenance Supplies	5440
Printing Supplies	5460
Other Supplies	5470

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

LABORATORY

COST CENTER 82050

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

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

(19) Rahway Valley Sewerage Authority

During the 2005 reporting year, Rahway Valley Sewerage Authority collected \$29,000.00 in penalties, and in January 2006 ten percent (10%) of \$29,000.00 (\$2,900.00) was submitted to the New Jersey Department of environmental Protection for deposit into the Wastewater Treatment Operator Training Program account. The funds collected by RVSA were put into the RVSA General Operating Account.

(20) **Rockaway Valley Regional Sewerage Authority**

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

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

None Spent

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

None Spent

(23) **City of Trenton**

None Spent

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

\$2,000 collected via enforcement actions was used for payment towards services rendered by Bigler Associates, Inc. Since these monies were collected at the end of the reporting period, 10 percent will be forwarded to the NJDEP during the next report period.

\$1,800.00 Payment to Bigler Associates, Inc. (Pretreatment Consultant)

\$ 200.00 Payment to the NJDEP Wastewater Operators Training Fund

(25) **Wayne Township**

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

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

Equipment Funding:

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

Contracted Services:

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

