

Compliance & Enforcement



Fiscal Years 2011-12 Highlights



precedence as we engaged with staff, customers and stakeholders to chart a new course for our activities. Through many discussions, research and honest self-assessment, we have set a foundation for re-inventing the way we operate. While our mission remains the same, we believe we are now on a clear path to employ the best practices of high performing organizations in pursuit of our goal. By adopting the “Balanced Scorecard” strategic management system, we are in pursuit of newly defined results to be added to our core responsibilities of ensuring high and meaningful levels of regulatory compliance.

One new result we seek is a change in mind-sets that will lead to better environmental outcomes. This result recognizes that compliance is a minimum standard along a continuum and that we can and should seek to advance our customers toward the most positive behavior and activity as possible. Another new initiative is the resolution of real environmental problems beyond C&E’s traditional policing role using our skills, knowledge and experience as field personnel effectively. Going forward, we remain as committed as ever that our expanded role will not come at the expense of relinquishing any of the hard won environmental gains of the past.

I am pleased to present the 7th edition of the New Jersey Department of Environmental Protection's Compliance & Enforcement Highlights Report. As in past years, this report features major enforcement actions, settlements and initiatives that our various programs have undertaken. However, unlike previous editions, you will notice that this report bridges two years, covering Fiscal Years 2011 and 2012. Another change I'm excited to announce is our intention to place greater emphasis on our successes and efforts to provide education and compliance assistance to our regulated community. I think that this report better reflects the ongoing transformation of Compliance & Enforcement (C&E), particularly in finding and fixing environmental problems.

During the two years covered by this report, our transformation efforts took full

*-Assistant Commissioner
Wolfgang Skacel*

NJDEP
Compliance & Enforcement Highlights
for
Fiscal Year 2011-2012

Wolf Skacel, Assistant Commissioner



Report Compiled by:

New Jersey Department of Environmental Protection

Office of Strategy Management

Mail Code 401-04B

PO Box 420

Trenton, New Jersey 08625-0422

(609) 292-6549

www.nj.gov/dep/enforcement

May 2013

Table of Contents

	Page
About This Report.....	1
C&E Strategic Plan Overview.....	1
C&E Organizational Chart.....	3
Barnegat Bay Activities.....	4
C&E Division of Air and Hazardous Materials Enforcement.....	5
Air Compliance and Enforcement	
Bureau of Local Environmental Management	
Bureau of Hazardous Waste and Underground Storage Tank Compliance & Enforcement	
C&E Division of Solid Waste and Pesticide Enforcement.....	17
Bureau of Solid Waste Compliance & Enforcement	
Bureau of Pesticide Compliance & Enforcement	
Bureau of Licensing Programs	
C&E Division of Water and Land Use Enforcement.....	23
Water Compliance & Enforcement	
Coastal & Land Use Compliance & Enforcement	
Office of Strategy Management.....	34
Office of Administrative & Fiscal Support.....	37
Facilitated Settlement Program.....	38
Associated Compliance & Enforcement Programs.....	39
Graphs, Tables & Charts.....	49
Acronym Reference Table.....	58
Where to Get More Information.....	59

About This Report

As with all of our Compliance & Enforcement Annual Highlights Reports, the goal with this document is to summarize and communicate C&E's activities, success stories and highlights. Regular readers of the C&E Annual Highlights Report will immediately notice, however, that this edition marks a departure from previous issues. In the past, the report was front-loaded with tables, graphs and charts. While this material is still included, it has been moved to the end of the report so that the reader can directly access the most critical narratives first. Readers will further note that the tables and graphs section is now supplemented for the first time with narrative to give the data context and brief explanations regarding significant data trends.

Also, this edition covers fiscal years 2011 and 2012 highlights; past editions were issued annually. We acknowledge that reports issued annually better serve all interested parties including constituents, the regulated community, staff and others, but we are comfortable that the transformation outreach we have conducted during the last two years served to keep our stakeholders informed and our program transparent. Agendas, attendance lists, presentations, audio and sometimes video of our transformation and stakeholder engagement outreach sessions are all posted to DEP's "Transformation and Stakeholder Involvement" website at: <http://www.nj.gov/dep/transformation/>. Moreover, regular emails to stakeholders and issuance of our Compliance Advisories have also kept external parties informed.

Summaries highlighting significant activities from all C&E programs can be found in this document supplemented with relevant data and graphics to help convey the message when appropriate. You will note in this report an increased effort to focus on items that directly benefit the environment. Other focus areas also include finding and fixing problems, outreach, compliance and assistance.

Throughout the report, special efforts are made to link specific activities and present information that is consistent with or illustrates principles under our

Balanced Scorecard strategic management system. This integrated system, which is discussed in greater detail under the C&E Strategic Plan Overview below, allows the programs to identify and focus on critical executed activities by placing an emphasis on targets, performance measurements and accountability, among other things. While all of our work has been reviewed, dissected and honed under Balanced Scorecard, certain highlights will be accompanied by the "Spotlight On" graphic on the right to show the relationship to Balanced Scorecard.



C&E Strategic Plan Overview

Over time, new challenges and issues have arisen that required C&E to evaluate the ever-changing environment, economic situations and advancing technology. In this context, it was apparent an entire paradigm shift is needed to address the current conditions in line with NJDEP's transformation initiative.

Largely during FY2011, C&E conducted a thorough self assessment - aided by internal and external stakeholders - and proposed to dramatically overhaul operations by refining our vision and mission and developing a Strategic Management System.

C&E's mission is dedicated to ensuring that New Jersey's environment is clean, safe, enjoyable, preserved and enhanced for future generations. Moreover, our vision is to build a nationally recognized organization that empowers our trained and dedicated professionals to ensure that New Jersey's businesses, communities and individuals are models of environmental stewardship and compliance.

To accomplish this vision we are actively working to improve the efficiency and effectiveness of our operations with particular emphasis on innovation while striking the proper balance between education, assistance, and enforcement. We are also taking a holistic enforcement approach that is not limited to concerns of a single program. This joint operations approach ensures that behavior that ignores

compliance or shifts problems from one area to another is dealt with effectively. To do so requires us to gauge the value of our actions and begin the challenge of linking this to environmental results.

One of the exciting transformational developments C&E has embarked on is integration of the “Balanced Scorecard” management system into our operations. The Balanced Scorecard, which is used extensively in business, industry, government, and nonprofit organizations worldwide, ensures that all C&E’s operational activities align with the vision and strategy of the organization. The Balanced Scorecard management process also improves internal and external communications, and creates a mechanism for the monitoring of organizational performance against strategic goals.

During 2011, to further implement our transformation program, C&E developed a revised Strategic Management Plan that incorporates the following values into our business operations:

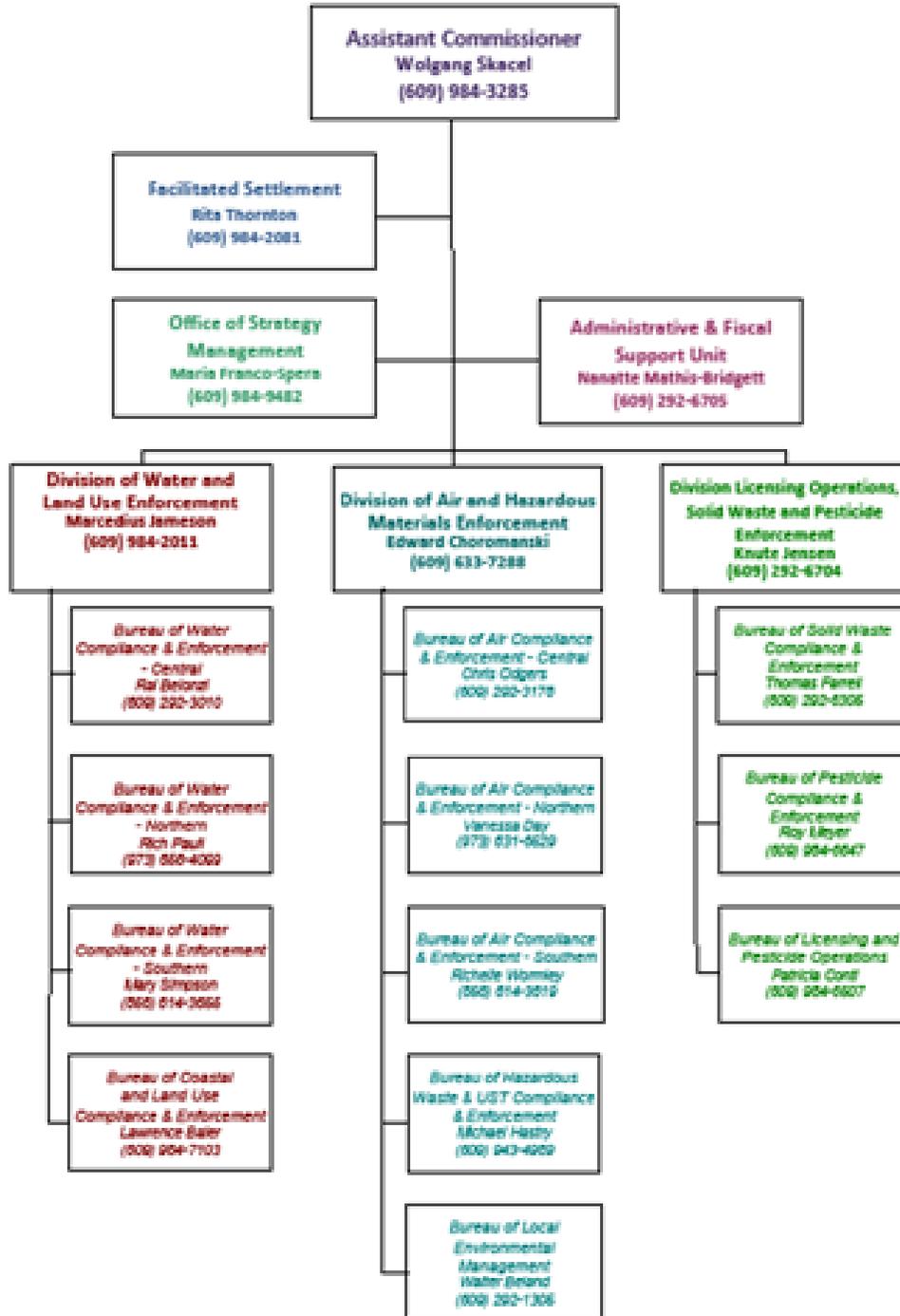
- **Integrity** - C&E is committed to performing all of its duties in a manner exemplifying the highest standards of professional, moral and ethical behavior.
- **Environmental Dedication** - C&E is dedicated in its efforts to preserve, protect, and sustain the environment of New Jersey for the residents of the state and future generations.
- **Responsiveness and Effectiveness** - C&E will be responsive to the issues influencing our environment and to the needs of the constituents we serve. All of our actions will focus on improving the effectiveness of our program through self-evaluation and a commitment to achieve excellence.
- **Clarity of Communication and Accountability** - C&E will improve our relationship with all of our stakeholders by expanding our outreach to the various constituents by providing clear purpose and goals, and sharing the results of our program’s performance with them.
- **Continuous Improvement and Innovation** - C&E will improve its operations and will use innovative methods to achieve excellence in the pursuit of our environmental goals.

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

Driven by purpose and guided by the aforementioned values, C&E is committed to executing this strategic management plan by pursuing the following five goals and objectives:

- **GOAL 1: Build and maintain organizational excellence** by integrating the balanced scorecard into our operations; ensuring management and staff function as a team, and by aligning, empowering and investing in our employees and leveraging technology
- **GOAL 2: Collaborate with partners critical to C&E’s mission, goals and objectives** by aligning C&E with NJDEP’s goals and accomplishing more through partnerships.
- **GOAL 3: Use science and data analysis to determine priorities and measure progress in achieving meaningful environmental health and safety objectives** by maximizing intelligence-led strategic management.
- **GOAL 4: Achieve high and meaningful compliance and foster sustainability** by maintaining deterrence, expanding our capabilities and finding and fixing environmental problems.
- **GOAL 5: Demonstrate accountability, responsiveness and trustworthiness** by communicating effectively, anticipating customer needs, ensuring stable funding and practicing fiscal responsibility.

**New Jersey Department of Environmental Protection
Compliance and Enforcement
Office of the Assistant Commissioner for Compliance and Enforcement**
Mail code 401-048, 401 East State Street, PO Box 420, Trenton, NJ 08625-0420
Ph: 609-984-3285 Fax:609-292-9938



Barnegat Bay Activities



In 2010, Governor Christie announced a comprehensive action plan to address the health of the 660-mile Barnegat Bay watershed. C&E highlights the following activities initiated during FY2011-12 that directly benefit Barnegat Bay.

Stavola Construction Materials

Stavola Construction Materials rock quarry in Bridgewater Twp., Somerset County was cited for an alleged violation of the Freshwater Wetlands Protection Act involving the placement of overburden from the mining operation into 6.5 acres of agriculturally modified wetlands. Stavola and NJDEP entered into a settlement agreement that includes the donation and permanent preservation of 200 acres in the Barnegat Bay watershed. The donated parcels are located in two distinct areas: 127 acres are located in the headwaters of the Metedeconk River in Jackson Twp., Ocean Co. This property is adjacent to existing open space in Ocean County extending to Turkey Swamp Park in Monmouth County. The second location is located along the Toms River in Toms River and Manchester Townships. These 85 acres complete a riparian corridor between the CSAO railroad and Route 70 for a length of approximately 8,400 feet. These land donations support the comprehensive plan to restore and maintain the ecology of Barnegat Bay and its watershed.

Cedar Cove Marina

Numerous environmental concerns were identified at Cedar Cove Marina in South Toms River. Lead by Coastal and Land Use Enforcement, a multimedia effort to address the issues at the site culminated on May 3, 2012, with the issuance of a multimedia NOV. Environmental issues impacting the bay included: land use violations for tidelands, illegal docks, and floating homes; water enforcement for

stormwater permit violations; as well as advisory warnings for numerous other concerns including a history of past spills, possible sewage discharges, occupation of Green Acres encumbered land, and solid waste issues. Subsequent to the issuance of this NOV there were numerous additional vessel sinkings and oil spills, and the Department obtained proof of sewage discharges.

Moreover, on July 5, 2012, the NJDEP's Site Remediation Program issued an AONOCAPA for these Spill Act and Water Pollution Control Act violations involving the oil and sewage discharges. The AONOCAPA orders the proper clean up and remediation of the entire site. CLUE continues to handle the project lead and work closely with NJDEP's Emergency Response Program, Site Remediation Program, Marine Water Monitoring Program, as well as with the Borough of South Toms River, and the Ocean County Department of Health in an effort remove unseaworthy vessels and eliminate illegal discharges at the site. As of July 9, 2012, six of the illegal floating homes have been removed from the water and are being dismantled for proper disposal, and approximately 25 dilapidated boats have been removed from the Green Acres encumbered Borough property.

Barnegat Bay Blitz

C&E was actively involved in the Barnegat Bay Blitz watershed-wide cleanup project in 2012. More than 100 C&E staff participated in the event, greatly exceeding the target we set of 50 staff participants. Employing a BSC project management approach, C&E provided assistance and outreach to the project owners and effectively maximize C&E's involvement and capabilities within this highly positive initiative by identifying additional environmental problems and leveraging partnership opportunities.

Division of Air and Hazardous Materials Enforcement

Air

Rowan University

This report reflects a number of settlements involving Rowan University in Glassboro that resulted in two significant Supplemental Environmental Projects (SEPs).

In March 2011, the Department and Rowan entered into an Administrative Consent Order (ACO) to settle violations related to their power plant including failing to perform required air pollution emission monitoring, failing to perform quality assurance testing on the continuous emission monitoring system, and excess emission violations. The violations resulted in penalty assessments in the amount of \$161,800.00.

Additionally, the facility and the Department entered into an ACO which included a SEP of \$150,000.00 for a University-wide Reforestation and Replacement Tree Planting Project to plant 375 trees on campus by July 1, 2012 and an additional penalty assessment of \$25,000. To date 240 trees have been planted and 80 trees are scheduled to be planted by mid-December. The Reforestation Project is part a campus wide program of re-establishing native, drought-tolerant species and is being implemented in conjunction with Rowan's Runoff Reduction Program consisting of rain gardens that manage storm water runoff and a bio-filtration system which will use native plants in a design that collects storm water runoff and diverts it from the storm sewers.

In February 2012, the Department and Rowan entered into an ACO to settle violations related to the power plant including failing to submit the 2010 Annual Emissions Statement timely, and excess NOx emission violations. The violations resulted in penalty assessments in the amount of \$58,000.00. The facility and the Department entered into an ACO which included a SEP in the amount of \$53,000.00 for a Vehicle Replacement Project to replace older

vehicles in the University's motor pool with new no emission electric powered vehicles.

The Department and Rowan are making a difference by creating a healthier environment and cleaner air for everyone with the reforestation project and electric vehicle projects.

Durand Glass Manufacturing Company

As a result of federal violations for nitrogen oxide at Durand Glass Manufacturing Company (Durand), Durand installed air pollution controls on Furnace #3 at its Millville, New Jersey facility. Moreover, Furnace #2, which had been idle for more than three years was restarted in an effort to meet economic demands with add-on controls. Duran voluntarily added Furnace #1, as well to the control system.

This facility is the first tableware glass manufacturer in the country to install emission control equipment on a glass furnace. The add-on controls reduce particulate, sulfur dioxide, and nitrogen oxide emissions by 52.1, 86, and 229 tons per year respectively facility wide. The cost of the new emission controls was approximately 9.1 million dollars. The operation of the all three furnaces resulted in the creation of 100 new manufacturing jobs and the employment of 1100 personnel at the facility and in the Cumberland County area.



RC Cape May

RC Cape May, located in Upper Township, is the oldest power plant operating in the state. On May 18, 2012, C&E negotiated a revised ACO with RC Cape May Holdings that will significantly reduce air pollutant emissions by shutting down a coal fired unit and converting the two remaining units to natural gas.

The revised ACO requires that by the fall of 2013, coal-fired Unit 1, will be shutdown permanently and interim steps will be taken by the company to minimize emissions from this source until operations cease. Units 2 and 3, which burn coal and fuel oil respectively, will be converted to natural gas by May 2016. Operations will be limited and measures will be implemented until this time to reduce the amount of pollutants released to the atmosphere. The shutdown and fuel conversion will reduce hourly nitrogen oxide emission by 98 percent, or 2,800 tons per year. Hourly sulfur dioxide emissions will be reduced by 99.9 percent, or 2,800 tons per year.

Trenton Psychiatric Hospital

Trenton Psychiatric Hospital signed an agreement with the Department under an ACO to install equipment to convert their three Power House Boiler's fuel from No. 6 fuel oil to natural gas as primary and No. 2 fuel oil as secondary fuel. After encountering several delays, Trenton Psychiatric Hospital completed the project on April 15, 2012.

By switching to a cleaner fuel, the facility's NOx emissions have decreased by 131.15 tons per year. Particulate Matter (PM-10), SO₂, Total Suspended Particulates and VOCs also decreased by 16.6, 200.86, 19.4 and .47 tons per year, respectively. Emissions of arsenic, hexavalent chromium, lead and nickel compounds have been eliminated.

Ferro Corporation

An ACO with the Ferro Corporation was executed on June 1, 2012. This ACO was developed to address

ongoing compliance issues associated with Hydrazine and formaldehyde (Hazardous Air Pollutants), VOC emission exceedances, and for failure to operate emission control devices in accordance with approved permit requirements. Under this agreement, Ferro has performed a number of corrective actions resulting in decreased emissions of formaldehyde (465.0 tons per year), hydrazine (203.0 tons per year), and VOCs (6.24 tons per year).



Spotlight on: Aligning C&E With NJDEP Goals

Camden County Municipal Utilities Authority

As part of a settlement between the Department and Camden County Municipal Utilities Authority (CCMUA) the Waterfront South Rain Garden Park was completed by Earth Day 2011.



Property Before SEP

The Waterfront South Rain Garden Park project was made possible by a settlement of air violations that stipulated that a SEP be done in Camden's impacted Waterfront South Community. The SEP requirements included the removal of 12 Underground Stor-

age Tanks (USTs), the removal of 1850 tons of contaminated soil, and treatment of 1200 gallons of contaminated groundwater.



CCMUA Completed Project

The C&E component of this project dovetailed perfectly with NJDEP's larger Goal 3, which provides for enhanced protection and restoration in New Jersey's overburdened communities.



Spotlight on: Ensuring High & Meaningful Compliance and Maintaining Deterrence

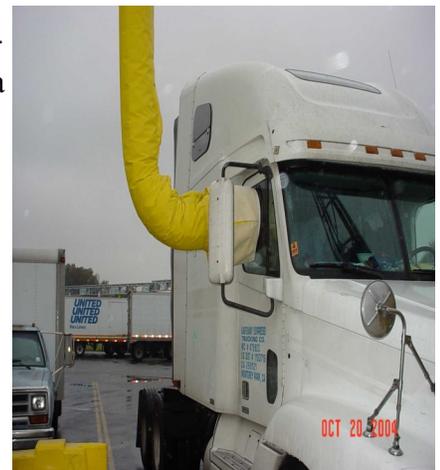
Metropolitan Woodwork Inc.

This company in Union Township, Union County mills woodwork and moldings and finishes their final products with a variety of VOC (volatile organic compound)-based coatings applied in a number of spray booths.

After four instances of denial of entry by the company to C&E inspectors, C&E management moved to secure an Administrative Search Warrant to conduct a multimedia inspection of this facility. On November 18, 2011, the Deputy Attorney General's Office and C&E representatives including Peter Madan met with a Superior Court Judge and secured a search warrant. A multimedia inspection was scheduled for November 30, 2011, with inspectors escorted by New Jersey State Police and NJDEP Park Police. As a re-

sult of this inspection and a subsequent review of information that was requested of this facility's representatives, C&E discovered numerous air pollution control violations, including:

- The company operated its four spray booths without valid operating certificates for which the company was ordered to submit applications for new permits and certificates within 30 days and obtain new permits and certificates within 180 days, or cease operation of the spray booths. These violations were assessed a penalty.
- The company permitted the use in its four spray booths of eight surface coatings that contain VOCs in excess of the maximum allowable regulatory content. The company was ordered to immediately cease operation of the booths or cease the use of such coatings. These violations were assessed a penalty.
- The company failed to maintain records of surface coating usage for the four spray booths. The company was ordered to immediately cease operation of the booths or begin maintaining the required records. In addition, these violations were assessed a penalty.
- The company failed to submit an administratively complete operating permit application for this facility, which has the potential to emit VOC in excess of the Major source threshold. The company was ordered to submit an operating permit application within 30 days or cease operation of its spray booths and were assessed a penalty.
- In addition, the violation for the denial of entry of October 18, 2011 was assessed a penalty.
- These air pollution control violations were included in the multimedia Administrative Order



and Notice of Civil Administrative Penalty Assessment (AONOCAPA) signed on May 24, 2012 by Assistant Commissioner Skacel.

Calpine New Jersey Generation

Conectiv Atlantic Generation (CAG), L.L.C., also known as Calpine New Jersey Generation, operates a steam and electricity generating facility in Deepwater, New Jersey. In settlement of heat input violations that occurred in 2004-2006, the Department and CAG entered into a settlement agreement that resulted in a cash payment of \$96,000 and a \$50,000 contribution to Convoy Solutions toward the re-installation of equipment for two truck stop electrification locations in around the area of Deepwater, NJ and Bordentown, NJ. The installation of this equipment will reduce diesel particulate emissions.

Hess Port Reading

A Joint Consent Decree with the EPA was executed by the Hess Corp Port Reading Refinery on February 24, 2012. This CD was developed over the last 8 years to settle alleged violations of federal regulations applicable to refinery operations as well as the NJ SIP, NJ Air Pollution regulations, and NJ's Title V air permit that incorporate and implement these federal requirements. Under the terms of this agreement, emissions of NOx have been reduced by 181 tons per year. This CD also includes a monetary settlement of \$850,000.00 which is being split between NJ and EPA.

Chevron Products Co.

A Joint Consent Decree with Chevron Products Co, Perth Amboy, was executed by the Department on July 11, 2012. This Consent Decree settles alleged state and federal air pollution violations pertaining to leak detection and repair requirements for hazardous air pollutants at the Perth Amboy plant, and two previously issued Administrative Orders issued for violating conditions of the plant's Title V air operating

permit. Under the settlement agreement, which still must be approved by the U.S. District Court, Chevron will provide enhanced leak detection and repair of valves and pipelines in the event Chevron – or a successor company – restarts operation of the Crude Unit. The Crude Unit at Chevron's Perth Amboy asphalt refining plant is currently closed, although the facility continues to operate on a limited basis as a tank terminal. This CD also includes a monetary settlement of \$463,650.00 which is being split between NJ and EPA.

Burlington County Resource Recovery Complex

An ACO with the Burlington County Resource Recovery Complex (BCRRC) was executed by the Department on March 9, 2012. This ACO was developed to resolve ongoing compliance issues associated with insufficient gas flow to their candlestick flare serving 5 landfill gas engines and associated gas conditioning system. Under the terms of this agreement, BCRRC successfully installed a new enclosed flare and gas conditioning system which translates to a reduction in VOC emissions. The ACO also included a monetary penalty and \$200,000.00 to be applied toward a SEP for installation of a 50 KW solar system at Memorial High School in Florence Township, Burlington County.

Nestle Inc.

Nestle Inc., located in Freehold Borough, Monmouth County, is a manufacturer of instant coffee and tea products. In 2011, the Department and Nestle entered into an ACO to settle violations related to failing to perform required air pollution emission monitoring, failing to maintain required records, having unpermitted equipment, and stack test emission violations. Nestle agreed to apply part of the penalty



amount toward a SEP involving the installation of diesel oxidation catalysts on three of their non-road diesel engines. Installing this air pollution control equipment will reduce emissions of products of combustion. Specifically, volatile organic compounds emissions will be reduced by 60 percent, and carbon monoxide (CO) and hydrocarbon emissions will be reduced by 80 percent.

Stony Brook Regional Sewage Authority

The Stony Brook Regional Sewerage Authority (SBRSA) is a wastewater treatment and sludge incineration plant located in Princeton, Mercer County. In July 2011, Department and SBRSA entered into a Settlement Agreement to settle violations associated with the non-compliant operation of their sludge incineration system. As part of the settlement SBRSA agreed to pay a penalty and create and implement an Environmental Management System (EMS) to improve overall environmental compliance at the facility by increasing awareness of environmental issues and establishing a formal mechanism for tracking and managing compliance issues.

Summit Plaza Associates

Summit Plaza Associates operates an affordable housing low-income subsidized apartment complex located in Jersey City. The complex, which consists of six buildings, was constructed under the federal Operation Breakthrough Program, which included a total energy on-site power plant built by the federal government and operated by the Department of Housing and Urban Development and the Department of Energy. This power plant consists of four oil-fired engines and one natural gas-fired engine. These engines have a potential to emit 120 TPY of nitrogen oxides, making this facility a major source. Stack tests conducted on these engines revealed that emissions exceeded several limits established in Summit Plaza Associates' Operating Permit. On June 14, 2011, an ACO was executed to allow Summit Plaza Associates until December 31, 2012, to eliminate the use of these engines and to begin obtaining

electricity from PSEG. Eliminating the use of these engines will eliminate the engines' potential to emit 120 TPY of nitrogen oxides.

Britton Recycling Inc. & Britton Concrete Inc.

Britton operates a facility in Lawrence Twp., Mercer County, that recycles wood and wood products, and

which formerly had a concrete cement plant on the site. Numerous violations were written between 2004 and 2008 for the operation of large tub grinders, screens and conveyors



and the associated diesel engines without appropriate permits to construct and operate; for the failure to record equipment operating parameters; for operating a waste oil burner without the proper registration; for the failure to submit emission statements and for the failure to submit an administratively complete operating permit. During FY11 the facility and the Department signed into an ACO which included a SEP for the electrification of a majority of the large diesel sources at the site and an additional penalty assessment. This also included the consolidation and removal of some equipment including the Concrete Plant. To date all of the electrification has been completed which resulted the removal of large diesel sources, eliminating approximately 18 tons per year of nitrogen oxide emissions.



Bureau of Local Environmental Management



The Bureau of Local Environmental Management (BLEM) oversees the administration of the County Environmental Health Act (CEHA) program and the Dry Cleaner Equipment Replacement Reimbursement Grant Program. BLEM staff directly oversees the activities of 21 local health agencies which conduct work on behalf of the Department. The bureau also administers the dry cleaner grant program.

support only CEHA related expenses. In fiscal years 2011 and 2012, BLEM reviewed more than 160 quarterly activity reports and processed over 150 invoices to reimburse county health agencies for this work.



Spotlight On: Getting More Done Through Partnerships

As part of the delegated activities, in fiscal years 2011 and 2012, CEHA agencies conducted more than 1,100 public non-community well inspections, 415 dry cleaner inspections, and over 2,300 solid waste facility inspections. CEHA agencies responded to almost 1,700 air and more than 1000 solid waste citizen complaints and referrals.

CEHA

BLEM administers the CEHA program by awarding grant funds on an annual basis to 21 CEHA certified local health agencies. Two grant awards are also provided to Rutgers University for Noise and Air program training classes. C&E delegates its enforcement authority to the county health agencies in the environmental program areas of air pollution, safe drinking water, solid waste, noise, and local hazardous material emergency response. BLEM has expanded the CEHA scope to include special projects including pesticide inspections, underground storage tank inspections, right-to-know inspections, coastal cooperative monitoring, and freshwater bathing beach monitoring.

CEHA Activities & Performance

The Department relies heavily upon these county agencies to perform a variety of environmental activities. Each county health agency participates in water, air, noise, solid waste control and hazardous material emergency response programs. The five coastal counties also conduct the coastal bathing beach monitoring program to ensure the cleanliness of the ocean and bays during the summer months. In fiscal years 2011 and 2012, the 21 CEHA agencies collectively conducted over 22,000 routine facility inspections; handled approximately 1,000 complaint investigations; responded to over 6,000 hazardous materials incidents and collected over 10,000 environmental samples on behalf of the Department.

BLEM regularly reviews CEHA agencies' quarterly activity reports and invoices to ensure inspections and enforcement actions are consistent with contractual requirements and that grant funding is used to

A portion of the grant funding provided to the CEHA agencies in fiscal years 2011 and 2012 continues to be tied to enforcement performance; the counties are all required to demonstrate through

quarterly activity reports that their enforcement activities are consistent with the Department's enforcement policies and procedures. Up to 15 percent of a county health agency's base grant may be withheld annually for lack of enforcement performance. In 2011 and 2012, the CEHA agencies' enforcement programs have improved, while the Department continues to work with some county agencies to bolster their enforcement efforts in one or more program areas.



Spotlight on: Anticipating Customer Needs

Special Environmental Projects

Each CEHA agency is encouraged to participate in additional departmental projects, and have the flexibility to develop and implement new environmental projects specific to the needs of their communities. Examples of departmental projects include the regulated UST program, the Right to Know (RTK) enforcement project, and the Pesticides Control program. The regulated UST program includes nine county health agencies that have dedicated staff to conduct inspections and undertake enforcement. There are eight counties participating in the RTK project, to identify businesses that have not filed a RTK survey with the Department and to return them to compliance. The long-standing Pesticides Control program is administered in 17 counties, with routine inspections of campgrounds, restaurants, and schools as well as commercial landscapers operating within the community. Some CEHA agencies also inspect urban grocery stores and retail establishments for the sale of illegal pesticides. In FY2012, two counties participated in county-specific projects including multi-media inspection and tire disposal investigations.

Noise Control

The Noise Control Regulations were re-adopted in the July 2, 2012, New Jersey Register with a substantial change that removes industrial facilities as a receptor of noise. This amendment was endorsed by the Department, the New Jersey Noise Control Council and the Rutgers Noise Technical Assistance Center.

Minor Sources Compliance Investigations

Minor Sources Compliance Investigations (MSCI) merged with BLEM in July 2011 to assist BLEM with additional CEHA duties. MSCI staff continued to oversee the inspection and enforcement of air pollution sources and also assisted with administration of the CEHA grant awards. During FY2011 and FY2012, CEHA agencies conducted almost 5,000 inspections at sources with boilers, emergency generators, at dry cleaning facilities and at auto body shops. MSCI ensures consistent enforcement of the state air regulations and provides support to the CEHA agencies, the regulated community and the public through training and open communication. The MSCI program also provides support and compliance assistance to the state's regulated public and administers the Dry Cleaner Grant Program.

Dry Cleaner Grant Program



During FY2011 and FY2012, the Dry Cleaner Grant Program continued to provide funding to facilities to convert to dry cleaning machines using a less hazardous solvent or professional wetcleaning. To date, the Department has received 320 applications to the grant program and has approved, contracted and paid 117 grants totaling \$3,342,000. An additional 21 grant contracts are approved and these

facilities are currently making changes to their equipment. Initial grant approvals were limited to dry cleaning facilities co-located with residences which resulted in 23 perchloroethylene dry cleaning machines being removed from buildings where people live.

The grant program has resulted in the removal of 18 Generation 3 machines and 83 Generation 4 machines. Removal of these machines equates to a yearly reduction of perchloroethylene use in NJ of 14,070 gallons or 189,382 pounds per year. These values are based on limits of 90 gallons per year for generation 3 machines and 150 gallons per year for generation 4 machines.

To replace the machines removed from service the facilities have installed 77 hydrocarbon dry cleaning machines and 71 professional wet-cleaning systems.

Approximately \$876,000 remains allotted to the program and with an expected additional \$840,000 dollars from the American Electric Power settlement this will continue to fund the program and result in approximately 70 additional grants being approved in 2012-2013.



Bureau of Hazardous Waste and UST Compliance & Enforcement



Fiscal Years 2011 and 2012 realized many challenges and opportunities for the Bureau of Hazardous Waste and Underground Storage Tanks (UST) Compliance and Enforcement. As a result of our November 2010 reorganization, the Bureau moved under the Air Compliance and Enforcement Program and added the inspection and enforcement component for Regulated USTs, the Regulated Medical Waste registration and inspection program and the Hazardous Waste Manifest and Biennial reporting programs. The reorganization resulted in a more efficient and effective alignment of services and activities and has streamlined management through effective use of staff resources, technology and data management. Readily recognized changes include cross-training among inspection staff, increased outreach and compliance assistance and education efforts in the various industries.

As a result of the reorganization, the program was consolidated into two sections (North/South) under one central manager. This change has allowed for more efficient oversight of the inspection procedures and data capture/utilization processes as well as increasing our interaction with the County Environmental Health Agents who perform a number of inspections for the program. The changes have also realized quicker response times and better coordination in emergent situations.

Dumont Spill

In March 2011, NJDEP received a ‘gasoline odor’ complaint from the Dumont area in Bergen County, with no information of a possible source. DEP UST inspectors, with the aid of CEHA inspectors and the local, county and State HAZMAT/Emergency response teams, located the source of a significant vapor intrusion incident. Volatile organic vapors had infiltrated an aging sanitary sewer that acted as a conduit for vapors to enter both residential and commercial properties in and around the intersection of Grant and Washington Avenues. The vapors were traced to a leaking gasoline dispenser at a gas station at that intersection. The gas station owner engaged the services of a Licensed Site Remediation Professional to oversee the investigation and subsequent remediation, which included the installation of monitoring wells, ventilating the sewer and installing a groundwater treatment system.

Regulated Underground Storage Tank Program

The UST program regulates and inspects all registered, underground fuel and heating oil tanks in excess of 2000 gallons and also performs air emission inspections at fuel dispensing facilities. Owners and Operators are required to monitor and maintain sophisticated leak detection systems and ancillary equipment.





Spotlight on: Finding & Fixing Problems

NJ Transit Glenloch Lake Spill

On January 12, 2012, approximately 26,000 gallons of diesel fuel spilled from NJ Transit's bus facility in Washington Township into Grenloch Lake in Gloucester County. In response, the program quickly mobilized and provided an in-depth inspection and analysis of the facility operation, which prompted NJ Transit to make numerous improvements including:

- relocating the fuel spill alarm panel to a spot in the bus garage where it is more visible to personnel;
- installing an improved audible and visual alarm system;
- installing liquid sensors in each valve pit to detect the presence of leaks;
- modifying the bus fueling protocol including requiring the fuel system automatically shut off after each fueling is completed and providing backup to ensure pumps are shut off.



The program then proactively inspected all of NJ Transit's fueling facilities providing similar guidance and assistance to avoid the chances of a similar spill at these other facilities

The program has been vigilant in ensuring that all UST facilities have leak detection systems and maintain the proper financial assurances in the event a discharge occurs. To this end the program issued nearly 300 product delivery prohibitions which ban delivery of additional fuel to a tank until the leak detection system is repaired. This is an effective mechanism to ensure prompt compliance.

The program is also expanding its role in the areas of tank "closure" and ensuring compliance with "out of

service" requirements formerly handled exclusively by the Site Remediation Program and in compliance assistance. In addition we are preparing rule amendments to ensure the program is consistent with Federal regulation including implementation of an UST Operator Training Program expected in late spring 2013.

Regulated Medical Waste Registration and Inspection (RMW) Program

The RMW Program provides for the annual registration of all entities that generate, handle and dispose of biohazard and/or infectious wastes (ex. hospitals, research facilities) and also provides for the inspection of these facilities to ensure wastes are properly managed.

Many of these facilities also generate regular hazardous waste which prompted cross-training upon reorganization, so that a higher degree of efficiency could be realized with our inspection resources. We also began to take a more multi-media approach to not only performing inspections, but also to assist in the development of cutting edge compliance measures.

University of Medicine and Dentistry of New Jersey (UMDNJ)

As a result of issues involving radiological equipment and poor RMW handling practices at UMDNJ, the program worked with UMDNJ staff to design a sophisticated



Environmental Management System (EMS) to identify environmental priorities, improve environmental performance and promote environmental understanding and responsibility as part of daily business operations for regulated medical waste and medical diagnostic x-ray installations (radiographic, fluoroscopic, and com-

puted tomography machines. The program also enhanced its ability to assist CEHA and Hazmat agents regarding responses to illegal disposal incidents and waste handling protocols.

Hazardous Waste Compliance and Enforcement Program

The Hazardous Waste Compliance and Enforcement Program ensures that hazardous waste, used oil and universal wastes/E-wastes are properly identified, collected, transported, treated and disposed of in an environmentally sound manner. The Department has been delegated authority by the USEPA to administer the RCRA (Resource Conservation and Recovery Act) program in New Jersey. RCRA requires "cradle-to-grave" management of hazardous waste calling for the environmentally responsible handling, storage and transportation of hazardous waste from its creation to its final disposal. RCRA also encourages waste reduction through recycling and reuse.

In the last two years, the program has inspected nearly 3000 facilities ensuring that hazardous wastes are being properly identified, stored and disposed and that employees who handle these dangerous wastes have received the appropriate training. We also track over 100,000 manifests yearly to ensure that wastes coming into New Jersey and wastes generated in New Jersey, destined for disposal sites in other states and countries, are properly disposed.

DuPont Chambers Works

A recent case involves E.I. DuPont De Nemours & Co.'s Chambers Works facility in Salem County wherein DEP reached an agreement with DuPont requiring the company to pay a fine and also providing for the upgrade of procedures for handling hazardous materials, and for routine and preventative maintenance.

The agreement reached through an Administrative Consent Order stems from the Program's investiga-

tions of spills and handling problems at the plant, hazardous waste disposal landfill, drum and container storage areas, a rail siding, and an industrial wastewater treatment plant. In the Consent Order crafted by DuPont and the DEP, DuPont initiated measures to perform plant-wide evaluations of waste generation areas, develop additional preventative measures to be undertaken to prevent spills and discharges of hazardous waste and perform various upgrades to the landfill and improve its maintenance and preventive measures plans.



Spotlight on: Leveraging Technology

In 2011, the Bureau began an aggressive two-year project to increase the use of data exchange technology to allow site location, hazardous waste generator attributes and inspection information to auto load to the National RCRAINFO data system. Previously this information was manually keyed into the Federal database. As part of this project, and as a result of the additional resources realized from the inclusion of the Manifest and Biennial Reporting Programs, the Bureau also set in motion the ability for NJDEP to issue hazardous waste facility ID numbers (previously issued by USEPA) and thus more accurately keep track of generators throughout the state. In addition, the Bureau updated its Web resources to include a simplified and easily downloadable compliance assistance package for generators and recyclers.

From a technology and inspection efficiency perspective, the program was able to secure a specialized camera that is able to visually detect fugitive organic vapors. This allows our inspectors to view drums, tanks, trailers, piping, valves and other chemical handling/storage equipment and quickly determine leaks and discharges. We also increased our soil and waste sampling capabilities, performing numerous sampling events of contaminated soil piles, abandoned/unknown

drums and ensuring the State's Treatment, Storage and Disposal Facilities are performing their waste acceptance sampling in compliance with prevailing requirements.



Spotlight on: Getting More Done Through Partnerships

PCB Partnership Programs

The Program also assisted in a multiagency effort to provide information to school administrators and maintenance personnel on the risks posed by polychlorinated biphenyls (PCBs) in light ballasts, how to properly handle and dispose of these items, and how to properly retrofit the lighting fixtures in the schools to remove potential PCB hazards.

The Hazardous Waste and Underground Storage Programs were also involved in the Camden Warehouse Initiative pilot program where abandoned industrial warehouses

and tanks were identified, secured and moved toward



remediation. We also initiated a number of enforcement actions against problematic operators in the Camden area.



Spotlight on: Communicating Effectively

Training & Seminars

Since 2006, the Bureau has provided a number of free compliance seminars. In FY11 and FY12, the program continued its effort to enhance its capabilities regarding the outreach seminars. The intent of the seminars is to assist DEP in its efforts to effectively balance compliance assistance, enforcement and education to achieve compliance and move the regulated community and the public towards environmental stewardship. Since their inception, over



1,000 individuals have participated in these seminars.

Recently, the seminar series has been expanded to include regulated medical waste and underground storage tanks. We have also partnered with leading industry companies to assist in the development and delivery of these events, including panel Q&A sessions, so that attendees can receive a more comprehensive view of the issues and compliance methodologies used in the industry. We also plan on providing multi-media (air, water) information where applicable.

Division of Solid Waste and Pesticide Enforcement

Solid Waste



Bureau of Solid Waste

Compliance & Enforcement

Bayshore Waterfront Park

The Bureau of Solid Waste Compliance & Enforcement in conjunction with the Bureau of Coastal Engineering and the Monmouth County Park System, initiated an enforcement action which included the issuance of an ACO to ensure proper closure of an illegal landfill at Bayshore Waterfront Park in Middletown Township, Monmouth County. The illegal landfill was largely comprised of waste demolition and construction debris along the dune and water line.

This effort, which was successfully completed in May 2012, resulted in proper closure of the illegal landfill including removal of material found buried along the waterline, and planting of native dune grasses.



Before



After



Spotlight on: Expanding our capabilities

Hazardous Waste Handler Notices

Each hazardous waste generator, transporter or facility is required to provide notice of their hazardous waste activities and obtain an identification number. Until July 2011 all such notifications were sent to the USEPA which in turn issued the number. The USEPA would then provide listings of such notifiers to our agency and we would update our databases accordingly. On August 1, 2011 New Jersey assumed this responsibility from the USEPA and now receives notices and issues the identification numbers. The data from our system is provided to the USEPA's system so that both database systems are "in sync." This change will result in better data management and an improved understanding of our regulated universe.

Hazardous Waste Enforcement Database Systems

The NJDEP has been an "authorized state" for the management, regulation and enforcement of the hazardous waste regulations, specifically the Resource Conservation and Recovery Act ("RCRA"). As part of this responsibility we are expected to provide the USEPA with data on each inspection conducted as well as any resulting enforcement actions. Until February 2012 this required staff to

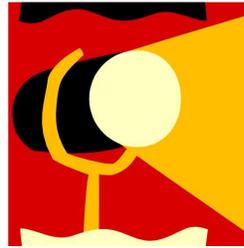
enter data into the NJEMS system and also enter such information into the RCRAInfo system. Starting in March 2012, the “Data Exchange Network” system gathered the data from our NJEMS system and transferred it to the USEPA RCRAInfo system. This will dramatically reduce our data entry workload and greatly improve the timeliness and accuracy of data in the RCRAInfo system.

Transporter Registration Program

Each transporter of Solid Waste, Medical Waste or Hazardous Waste is required to be registered with the NJDEP and have a decal for each piece of equipment used to transport such waste. Currently, there are approximately 7,300 registered transporters and 115,000 decals issued. In January 2010 the data was moved to the NJEMS system and additional features added. The new system provides numerous features such as online renewal of decals and online payment of bills. As a result of the new system the decals which expired on July 1, 2011 were renewed on time without the need for extension letters, the associated revenue was collected within the fiscal year, and more than 40,000 sheets of paper did not get printed, mailed out and returned.

Outstanding Debt

Until March 2012 the Solid and Hazardous Waste enforcement programs were carrying almost 1.5 million dollars in outstanding debt. All of this debt has now been assigned to a collection agency which is actively trying to recover the money owed for outstanding fees and penalties.



Spotlight on: Finding & Fixing problems

Decal Fronting

The Bureau of Solid Waste Compliance & Enforcement’s Transportation Oversight unit has been investigating a solid waste transporter registration decal fronting scheme affecting waste delivered from New York to Covanta in Essex & Union Counties solid waste disposal facilities from January 2006 through March 2009. Solid waste transporters that possessed New York City Business Integrity License (BIC) to service NY City, but lacked an A-901 license to dump in New Jersey collaborated with New Jersey A-901 licensed companies in order to receive decals to bring in NY City waste to Covanta’s facilities in New Jersey. These NY City solid waste transporters enjoyed steeply discounted tipping rates as a result of these unauthorized arrangements. This investigation was conducted in cooperation with the Attorney General’s Office and the New Jersey State Police in an effort to ferret out Organized Crime figures as part of NJDEP’s response to a recent report on the solid waste industry by the State Commission on Investigation.

The Department has prepared penalty assessments against the A-901 licensed companies that allegedly "fronted" their registration and provided solid waste decals as well as to the New York BIC approved transporters that lacked the required A-901 license and solid waste registration to dump in New Jersey.

Tri State Carting, Inc.

An investigation involving Tri State Carting, Inc. (Tri State) revealed that the company collected solid waste generated by customers located outside Pemberton Borough on days prior to servicing Pemberton Borough pursuant to its municipal contract. The scheme involved storing the truck overnight with solid waste before continuing to collect waste on multiple dates in June 2011 under the Pemberton Borough municipal contract. Pemberton Borough directly paid the disposal costs for the entire truckload of waste on the dates above after disposal at Burlington County Landfill. On those same June 2011 dates, the respondents allegedly certified false information on O&D forms by indicating the waste was 100% generated in Pemberton Borough, Burlington County. As a result of these activities, DEP issued Tri State an order assessing a penalty.



Spotlight on: Anticipating Customer Needs

Inspector Training

DEP solid waste enforcement staff assisted in conducting Solid Waste Facility Regulation and Inspection training on April 19, 2012 at the Middlesex County Fire Training Academy in Sayreville, New Jersey. Approximately 90 people from various CEHA agencies attended. Participants who successfully completed this educational program will be awarded 2.75 NJ Public Health Continuing Education contact hours.

Covanta

During FY2012, Solid Waste approved a 90-day test pilot project at Covanta's Essex County facility for use of a Hammel New York portable shredder to process mattresses. Processing mattresses could remove approximately 300 mattresses per week from the solid waste stream by separating combustible fuel material from the non-combustible material that can be recycled. Once the pilot project has been concluded, the shredder must be removed from the facility until an amendment of the Title V Air Operating Permit and the Solid Waste Permit have been submitted and approved by the Department for the equipment.

Also, during a solid waste inspection in 2012, an inspector raised a concern about the standing water on the public roadways in front of the entrance to the facility. Although these roads are not under the jurisdiction of the Department to make the facility repair them, the facility raised an issue with the condition of the roadways to every state and local agency dealing with the roadways that Covanta could find. Between April and July 2012, impressive teamwork occurred to increase the safety, aesthetics, and functionality of the roads. Covanta partnered with Department of Transportation, the City of Newark (for Police and Sanitation support), the NJ Turnpike Authority, and Clean Energy to clear the roads of debris and illegally dumped materials (including a burned out car), and to remove the standing water.

Bureau of Licensing Programs



Spotlight on: Expanding our Capabilities

Landscape Irrigation Contractors Examining Board

The Board's job is to administer the licensing of individuals and companies to perform the construction, repair, maintenance, improvement and alteration of any portion of a landscape irrigation system and the installation and connection to a public or private water supply system. In the fall of 2011, the Board began taking enforcement actions against companies that were advertising irrigation contracting services, but were not registered as a Landscape Irrigation Contractor or doing contracting services without being certified by the Board. The Landscape Irrigation Contractor Certification Act allows for a penalty of up to \$2,500 for the first offense and up to \$5,000 for each subsequent offense.

Beekeeper Notification by Pesticide Applicators

The NJ Pesticide Control Program maintains a bee yard registry to help protect bees from pesticides that are labeled as toxic to bees. Regulations require that beekeepers be notified when pesticides that are labeled as hazardous to bees are applied within three miles of a registered bee yard. Bees pollenate many of the vegetable farm fields, fruit trees, and other plants that grow in the Garden State and are very important part of the State's ecosystem. During FY11-12, we began upgrading the data we collect for beekeepers to include the exact physical address of the bee yards, not just the mailing address. This change will allow pesticide applicators to determine the exact location of the bee yards and therefore help prevent the exposure of bee yards to pesticides.

Bureau of Pesticide Compliance & Enforcement

Montvale Landscaping Inc.

In June 2100, Bureau of pesticide (BPC) entered into a settlement agreement with Montvale Landscaping Inc. As part of the settlement, Montvale pled guilty to a 3rd degree criminal offense under the Pesticide Control Act. The settlement came as a result of an 11 month investigation involving the Bureau, the Bergen County Department of Health, and the New Jersey Division of Criminal Justice. Montvale Landscaping Inc. was cited with numerous violations including improper licensing, misuse of pesticides and delivering grass clippings treated with clopyralid to a compost facility. Mulch or compost made from grass clippings treated with clopyralid retains enough of the herbicide to damage sensitive plants in areas where the mulch or compost is used. The compost can stunt tomato, clover, lettuce, pea, lentil, sunflower, pepper and bean plants at levels as low as 10 parts per billion.

CEHA Program

In FY2011 the BPC coordinated approximately 600 inspections through the CEHA program involving 17 county health agencies. The following inspection types were conducted: school integrated pest management (IPM), multiple family residences, landscapers, unregistered products, bed bug inspections and investigations, and complaint responses. The BPC's CEHA coordinator conducted training sessions for Bergen, Burlington, Camden, Cumberland, Essex, Hudson, Mercer, Middlesex, Monmouth, Passaic, Salem, and Warren Counties.

In 2011 the CEHA Pesticide program, in response to a growing local and national problem, introduced a new inspection type: Bed Bug Investigations. The BPC worked with county health agencies and local health officials to take a proactive approach toward

the problem of pesticide misuse for bed bug control. The BPC developed a checklist for local officials to utilize in order to quickly identify and document potential misuse and other important violations. At the time of publication the final results have not been calculated but a preliminary review has shown that the new inspection type was extremely beneficial.



Spotlight on: Communicating Effectively

Education and Outreach

Education and Outreach are important components of the PCP. Outreach sessions are conducted throughout the state for various groups, organizations and the regulated community. These may include outreach sessions to professional and educational organizations whose members require recertification credits from the PCP.

These organizations include:

- NJPMA – New Jersey Pest Management Assoc.
- NJ Plants Nursery/Landscape Assoc.
- John Deere
- Lesco Retailers
- Growmark Corporation
- County CEHA Agencies
- Valley Health Systems
- Rutgers University
- Worker Protection Standard (WPS) training
- School Integrated Pest Management (IPM) Coordinator Training Sessions
- New Jersey Beekeepers Association
- The PCP also offers public Outreach information to the general public.

Applicator Business Training Class

The program also conducts an Applicator Business Training Class, which is a basic four-hour class for individuals who wish to become licensed as pesticide operators or applicators. The course is offered free of charge by the Outreach program. Topics covered include: proper licensing for all members of a pesticide business, record keeping, proper maintenance of pesticide storage areas, service vehicle requirements, IPM practices and how to comply with the current notification requirements.



Spotlight on: Meeting Customer Needs

Pesticide Applicator and Pesticide Applicator Business Customer Training Course

The Applicator and Applicator Business Training Course classes include basic training for all individuals who wish to become licensed Pesticide Operators and Pesticide Applicators. The Basic Core Training Class covers rules and regulations for all pesticide Categories of work, licensing procedures, compliance inspections, service vehicle inspections (including transport of pesticides) pesticide storage, common inspection violations, and the addition of Subchapter 13-School Integrated Pest Management.

Classes are also held for recertification of licensed individuals with Pesticide Applicator licenses in various categories of work. This includes individuals who are licensed in the public and private sector such as pest control businesses, landscapers, farmers and other individuals involved in agriculture in the State.

School Integrated Pest Management Coordinator Training

All schools in New Jersey are required to practice IPM. An important component to the success of this any program is the opportunity for training. In FY2011-12 the Bureau of Pesticide Compliance provided training in IPM techniques and the regulations regarding pesticide applications in and around schools for 573 School IPM Coordinators and Commercial Pesticide Applicators (exterminators and landscapers).



Spotlight on: Leveraging
Technology

The NJDEP Pesticide Laboratory

The Pesticide Laboratory receives more than 500 individual samples annually. The analysis of these samples requires over 2600 analytical procedures using a range of instruments including the LC/MS/MS Triple Quad utilizing HPLC and the GC/MS equipped with chemical ionization option. These instruments combine to afford the detection of nearly 400 pesticide residues and their respective degradates in a wide range of environmental matrices.

Division of Water and Land Use Enforcement

Water



Spotlight on: Finding & Fixing Problems

Monmouth Park Racetrack

The Monmouth Park Racetrack, located in Oceanport Borough, Monmouth County, and owned and operated by the New Jersey Sports and Exposition Authority (NJSEA), was issued a NJPDES Concentrated Animal Feeding Operation (CAFO) Permit by the Department on June 1, 2003. As a result of numerous unpermitted discharges from Monmouth Park to the Branchport Creek, the NJSEA and NJDEP's Central Bureau of Water Compliance & Enforcement entered into an Administrative Consent Order (ACO) on May 10, 2010 to address these discharges. The ACO required NJSEA to construct a wastewater collection system (consisting of a collection system, 9 million gallon storage basin, and pumping station) which could contain all wastewater and convey it to the Two Rivers Water Reclamation Authority by August 31, 2012, eliminating the unpermitted discharges to the Branchport Creek. On April 26, 2012 an inspection of the Monmouth Park Racetrack was conducted by a representative

of Water Compliance & Enforcement. At that time, it was verified that construc-



tion of the wastewater collection system required by the ACO had been completed and the system was fully operational. As a result, the ACO was terminated on April 30, 2012. The completion of this project has eliminated a source of the bacteriological contamination which has been documented in the Branchport Creek and the Shrewsbury River watershed. In addition, by completing the construction of this project over 4 months ahead of schedule and prior to the arrival of horses for the 2012 thoroughbred racing season, the NJSEA has eliminated the potential for any discharges from the stable area during the entire 2012 and subsequent racing seasons.



South Jersey Well Drilling, Incorporated

The Atlantic County Division of Public Health ("ACHD"), Water Compliance and Enforcement ("Water C&E") and the Bureau of Water Allocation and Well Permitting conducted an investigation at the South Jersey Well Drilling Company, Inc. ("SJWD") business site during spring 2011. ACHD became concerned when a number of residential replacement potable wells drilled by SJWD and paid for by the Atlantic County Improvement Authority under a program that finances replacement wells for low income homeowners, continued to exhibit bacteriological contamination even after being disinfected numerous times.

During the investigation a well located at the SJWD site which had been used to fill the tanker truck with the water used by SJWD in its well construction activities was sampled and showed the presence of both total coliform and fecal coliform. Further inspection of the well discovered a hole in the side of the well

casing that could allow contamination to enter the well or enter the ground water. Moreover, department records revealed that no well permit had been issued for the well. There were also concerns that sand and gravel used in well construction was stored outside, in open containers where it could become contaminated. After an NOV was issued, SJWD began using city water to fill its truck, began using bagged sand and gravel and, on February 27, 2012, properly decommissioned the unpermitted well.



Spotlight on: Ensure High & Meaningful Compliance and Maintain Deterrence

Hera Tech Incorporated

Hera Tech Inc. (“Hera Tech”) operates an environmental laboratory in Cherry Hill, Camden County that was certified by the Department to conduct regulatory analyses in the Drinking Water program. Inspections of the laboratory by the Office of Quality Assurance (“OQA”) beginning in FY10 and continuing into FY11 revealed numerous violations of the Regulations Governing the Certification of Laboratories and Environmental Measurements. Following referral of the matter to Water C&E, an in-depth review of information and data obtained from Hera Tech was completed by OQA and Water C&E which showed that Hera Tech had allegedly falsified quality control data for radiological analyses.

On December 14, 2011, working with Water C&E, OQA and Cherry Hill Police, the Division of Criminal Justice (“CJ”) served a search warrant on Hera Tech, searched the site and seized analytical records and testing equipment related to the lab’s radiological analyses. During this raid, Water C&E also issued an Administrative Order, Penalty and Certification Rev-

ocation to Hera Tech, revoking their laboratory certification. Hera Tech has requested a hearing on the Administrative Order, Penalty and Certification Revocation.

Colonial Estates Mobile Home

Colonial Estates Mobile Home Park in Monroe Township, Gloucester County, consisting of 661 mobile homes and approximately 1,300 persons, entered into an ACO with the department on November 24, 2010 to address numerous issues with their public community water system. As a result of this action, on July 3, 2012 when Colonial Estates tied into the Monroe Township MUA (“MTMUA”) water system and ceased the use of its on-site water system which had been plagued with problems for many years. The ACO also requires Colonial Estates to properly decommission the supply wells and abandon the treatment system, which has not yet been completed, so the ACO remains open until those tasks are complete.

Pemberton Township Public Works – Water Division

Pemberton Township owns and operates a public community water system that serves approximately 12,500 people. Monitoring data in 2008 and 2009 showed levels of Combined Radium 226 & 228 at well 11 were above the maximum contaminant level established in the National Primary Drinking Water Regulations. Pemberton Township did not provide timely notification of these alleged violations to the Department or the public and did not implement corrective measures within the timeframe required by the New Jersey Safe Drinking Water Act. In addition, Pemberton Township allegedly did not monitor well 11 for Nitrate-Nitrogen in 2009, did not properly construct well #13, and did not have sufficient water supply firm capacity to guarantee the ability to meet normal customer demand.

On July 7, 2010, Pemberton and the Department executed an ACO that required minimizing use of well 11 while completing repairs to well 13 and upgrading well 12 for use as a permanent supply source. Required work on wells 12 and 13 was completed by June 2011, allowing contaminated well 11 to be removed from service while investigating long-term treatment options, all while providing for sufficient water supply capacity.

Constructional Dynamics/Gibraltar Rock

Constructional Dynamics Inc. (CDI), owner and operator of Gibraltar Rock of Belle Mead located in Hillsborough and Montgomery Townships, Somerset County, is authorized to discharge pollutants to waters of the state pursuant to an NJPDES R-13 Mining and Quarrying Activity Stormwater General Permit. Issues related to monitoring, reporting and the discharging of Total Suspended Solids in excess of the discharge limitations in the Permit resulted in the Department and CDI executing an Administrative Consent Order (ACO) in November 2011 which memorializes a compliance schedule for the construction of a closed loop, clarifier treatment system that will capture and treat the process water discharge to achieve compliance with effluent limitations.



Spotlight on: Finding & Fixing Problems

Great Gorge Terrace Condominium Association and Valley View Apartment

Great Gorge Terrace (GGT) Condominium Association and the Valley View Apartments (VVA) are each very small public community water systems located in Vernon Township, Sussex County. Each has

exceeded the Maximum Contaminant Levels for combined radium 226/228, gross alpha activity and uranium consistently as a running annual average. The contamination is from naturally occurring sources. In order to bring the water systems into compliance, the Northern Water Compliance and Enforcement entered into an ACO with GGT on February 23, 2011 and with VVA on February 3, 2011.

The ACO's formalized compliance schedules for each purveyor to tie into United Water's Vernon Valley Water System and seal their potable supply wells. VVA completed their tie into the United Water's Vernon Valley Water System on January 28, 2012, and their existing wells were sealed in March 2012. GGT completed their tie-in on July 26, 2012, and the existing well will be sealed by August 30, 2012 resulting in both associations now having a safe and dependable source of drinking water free from the pre-existing radiological contamination.

Cedar Grove Sewage Treatment Plant

The Northern Water C&E executed an ACO in June 2012 with the Cedar Grove Sewage Treatment Plant ("CGSTP") to facilitate a major upgrade of the facility. The facility and the Department have agreed on a construction schedule which will see the replacement of the 21 Rotating Biological Contactor Units during a construction project which will last until July 31, 2013. The ACO was the result of discussions between Cedar Grove and the Department that began with concerns over the excessive amount of maintenance that was needed in order to maintain these treatment units which had been in place since the facility's last major upgrade nearly 25 years ago. The construction project and corresponding ACO were prepared as a proactive measure to prevent from the facility from falling out of compliance and to insure the quality of their discharge to the Peckman River.

Coastal and Land Use

Enforcement



Coastal and Land Use Enforcement (CLUE)

During FY11-12, CLUE was responsible for restoring over 88 acres consisting largely of freshwater wetlands, wetland transition areas and stream buffers. In addition, during this period, CLUE removed over 3,870 cubic yards of fill from flood plains, floodways and open waters throughout the state.



Spotlight on: Aligning C&E with NJDEP Goals

Stavola Construction Materials

Stavola Construction Materials owns and operates a rock quarry in Bridgewater Township, Somerset County. The company was cited for an alleged violation of the Freshwater Wetlands Protection Act involving the placement of overburden from the mining operation into 6.5 acres of agriculturally modified wetlands. Stavola and the Department entered into a settlement agreement that includes the donation and permanent preservation of 200 acres in the Barnegat Bay watershed. The donated parcels are located in two distinct areas: 127 acres are located in the headwaters of the Metedeconk River in Jackson Township, Ocean County. This property is adjacent to existing open space in Ocean County extending to Turkey Swamp Park in Monmouth County. The second location is located along the Toms River in Toms River and Manchester Townships, Ocean County. These 85 acres complete a riparian corridor between the CSAO railroad and Route 70 for a length of approximately 8,400 feet (over 1.5 miles). These land

donations support the Department's comprehensive plan to restore and maintain the ecology of Barnegat Bay and its watershed.

Omnipoint

Coastal and Land Use Enforcement finalized a settlement with Omnipoint Communications that includes a penalty settlement and the planting of .25 of an acre of forest. Omnipoint applied for a Highlands Act exemption in 2005, for the construction of a cell phone tower in Washington Township, Morris County. That application was denied by the Department. Omnipoint proceeded to construct the cell phone tower without Highlands Act approval. The settlement agreement legalizes the cell phone tower at its present location, and mitigates environmental impacts by removing part of a driveway and planting trees.

Mori Properties/Eugene E. Mori

In November, 2011, CLUE and Solid Waste conducted a joint inspection of Mori's property, located in the Town of Secaucus, Hudson County. The investigation determined that over 4 acres of the Cromakill Creek flood plain and approximately 2.7 acres of wetlands had been filled on the property. Because the site is located in the New Jersey Meadowlands, it is exempt from the Freshwater Wetlands Protection Act and the wetlands remain under Army Corps of Engineers' (ACOE) jurisdiction. The fill material contains a large volume of solid waste, and subsequent sampling rounds indicate that the fill is contaminated with various semi-volatile compounds and also contains asbestos. The total volume of fill is estimated to be over 20,000 cubic yards. CLUE and Sol-

id Waste C&E have issued an AONOCAPA to the responsible parties, directing all fill and solid waste material be removed from regulated areas and disposed of at a licensed solid waste facility. The AONOCAPA also requires the restoration of the regulated areas.



The Department is coordinating its enforcement efforts with other agencies including the ACOE, the New Jersey Department of Labor (asbestos), the New Jersey Meadowlands Commission, the Hudson Regional Health Commission and the Town of Secaucus.



Spotlight on: Finding & Fixing problems

Brook Industrial Park/Arthur Fletcher

An estimated 80-100,000 cubic yards of miscellaneous fill material was illegally placed within the flood hazard area of the Raritan River on the Brook Industrial Site located in the extremely-flood prone town of Bound Brook, Somerset County. The Department

obtained a Court Order from Superior Court Judge Allison Accurso, (Somerset County) in 2009 requiring removal of the pile. Removal of the material was complicated by the discovery that the material failed to meet the Department's Residential Standards and therefore was considered "contaminated." Contaminated fill cannot be indiscriminately removed and placed, rather it must go to a site with proper engineering and institutional controls to ensure that the public health and environmental risks associated the material are properly managed. In 2011, the responsible parties arranged to have the material taken to the EPEC redevelopment site in Woodbridge, Middlesex County. As of July 2012, 60-70,000 cubic yards of the material have been removed from the floodplain to the EPEC site. Of note was the Court's incarceration of Defendant Arthur Fletcher for his failure to contribute the required funds to a cleanup escrow account.

Woodhaven Village

This site consists of 1,450 acres located in Old Bridge Township, Middlesex County. The development received an Army Corps of Engineers (ACOE) wetlands delineation in 1988, and a local development approval based on that delineation in 1989. CLUE staff members working with Woodhaven Village renegotiated the terms of a 1994 settlement between the Department and Woodhaven Village, saving approximately 200 acres of wetlands which were undelineated by the ACOE their 1988 delineation. Under the terms of the amended settlement, Woodhaven Village agreed to remove and restore a total of thirteen unauthorized stream crossings, deed restrict a total of 620 acres of wetlands, wetland buffers and other uplands on the Woodhaven Village site, donate 400 acres of land in Jefferson Township, Morris County, and contribute \$1.5 million to the Freshwater Wetlands Mitigation Council. In March 2011, WVI was found to have completed the removal of the thirteen illegal stream crossings.



Spotlight on: Finding & Fixing Problems

West Brook / Saddle Mountain Quarry

In September 2011, the Department received a complaint about a large amount of grey silt entering a tributary of West Brook in Ringwood Passaic County. The West Brook and its tributaries are Category One waters and one of the few streams in New Jersey to support both reproducing brook trout and rainbow trout.

The timing of this event was critical as it occurred only a couple of weeks before the trout spawning season. CLUE, Northern Water Enforcement and the Division of Fish and Wildlife collaborated on the investigation into the discharge and the cleaning of the stream in time for the trout spawning season. The cause of the problem was traced Saddle Mountain Quarry, which failed to evaluate the freeboard in a settling pond before directing wash water to it. The increased wash water discharge into the basin caused the containment berm to be compromised, with sediment laden water being discharged into the West Brook tributary and escaping the property. The quarry ceased the discharge of wash water into the basin until the required freeboard (storage) could be reestablished, has secured the settling basin, and fixed the berm. Eliminating the discharge and the potential for a repeat event was our initial response objective. In addition, the Quarry was required to

immediately place sediment barriers at the tributary's



confluence with the West Brook to prevent migration of sediment farther downstream.



The impact to the trout production tributary was severe. In places the silt

was six inches deep in the bed of the stream. The cleanup of the stream presented a different set of problems. The clean native cobble substrate together with low temperature and high dissolved oxygen are critical to successful trout reproduction. A method of cleaning had to be devised that would minimize the disturbance of the native substrate, while at the same time pre-

venting the resuspended sediment from proceeding farther downstream. The method selected involved “sweeping” and gently



“power washing” the bed of the stream to resuspend the sediment and allowing it to be carried downstream to the tributary's confluence with the West Brook, where the sediment barrier had previously been placed. At the location of the sediment barrier the sediment laden water was sucked out of the stream and pumped back up the hill to the Saddle Mountain Quarry where it could be contained in sediment basins until the sediment settled out. This work was completed by the first week of October 2011, saving this trout stream and the spawning season.



Spotlight on: Aligning C&E with NJDEP Goals

have been removed from the water and are being dismantled for proper disposal, and approximately 25 dilapidated boats have been removed from the Green Acres encumbered Borough property.

Cedar Cove Marina

As part of the Department's Barnegat Bay Initiative, numerous environmental concerns were identified at Cedar Cove Marina in South Toms River. Lead by CLUE, a multimedia effort to address the issues at the site culminated on May 3, 2012, with the issuance of a multimedia NOV.

Environmental issues impacting the bay included: land use violations for tidelands, illegal docks, and floating homes; water enforcement for storm-water permit violations; as well as advisory warnings for numerous other concerns including a history of past spills, possible sewage discharges, occupation of Green Acres encumbered land, and solid waste issues. Subsequent to the issuance of this NOV there were numerous additional vessel sinkings and oil spills, and the Department obtained proof of sewage discharges.

On July 5, 2012, the Department's Site Remediation Program issued an AONOCAPA for these Spill Act and Water Pollution Control Act violations involving the oil and sewage discharges. The AONOCAPA orders the proper clean up and remediation of the entire site. CLUE continues to handle the project lead and work closely with Department's Emergency Response Program, Site Remediation Program, Marine Water Monitoring Program, as well as with the Borough of South Toms River, and the Ocean County Department of Health in an effort remove unseaworthy vessels and eliminate illegal discharges at the site. As of July 9, 2012, six of the illegal floating homes



6/8/12 photo by Ocean Co. Air Support Squadron – "oil slick observed coming from one of the boats at Cedar Cove. The NJDEP was notified and it was given case number 12-06-08-2104-27"

Top Soil Depot/Alan Rombough Sr. & Jr./Tri-State Supply, LLC

Top Soil Depot (TSD), located in Wayne Township, Passaic County, has been an ongoing CLUE enforcement matter since the late 1980's, involving 300,000 cubic yards of fill material - including approximately 40,000 cubic yards of kaofin, a paper manufacturing waste byproduct- stockpiled within approximately 10 acres of floodway near the confluence of the Pequannock and Ramapo Rivers which form the Pompton River. CLUE and Solid Waste C&E litigated these matters with TSD, culminating in a December 2008 Judicial Consent Order (JCO).

As per the JCO, the kaofin removal, which had begun in July 2007, was to continue for a 30-month period. Progress seemed good until late 2009 when kaofin removal gradually stopped. Inspections during 2010 and early 2011 revealed that additional unauthorized fill (approximately 22,000 cubic yards) had

been brought to the TSD site, including solid waste. The matter was brought to the Superior Court where the Judge imposed sanctions until compliance is demonstrated. DEP also obtained a court order on March 14, 2011 to halt further disposal activity at the site. The order also named 20 additional defendants – various haulers who had brought soil and solid waste materials to the TSD site over the previous 18 months.

During FY2011, CLUE hired, with the assistance of the Green Acres program, a private engineering firm to conduct a new site survey and prepare a new site plan and fill volume calculations. The revised site plan will be the basis for a new restoration plan that will be part of a settlement expected to be finalized later in 2011.

LWS Spector Woodbridge

The Spector site in Woodbridge, Middlesex County, is a 10 acre site fronting on the tidal Woodbridge Creek. The entire site lies within the 500 foot upland waterfront regulated area. Over the past 30 years the site has accepted surplus fill material from numerous unknown sources without ever having secured a Waterfront Development Permit. Presently there exists approximately 330,000 cubic yards of fill on the site. In addition this fill has been placed into 1.4 acres of wetland and transition areas that existed on the property. Preliminary testing of the fill placed on the site indicates that the material contains certain polycyclic aromatic hydrocarbons and organo-chloride pesticides at concentrations that exceed the residential direct contact soil remediation standards. The Department is presently in Middlesex County Superior Court, Law Division moving against the site's owner, operator and several haulers known to have deposited material on this site attempting to have this unauthorized fill material removed from the regulated waterfront area and deposited on a site or sites) with proper engineering and institutional controls.

Hedaya Public Access Case

The vacant Hedaya oceanfront property in Deal, Monmouth County, has been the subject of a number of enforcement actions due to manipulation of the dunes existing on site. This property has historically been used by fishermen and surfers to access the beach and ocean. As the Hedaya's have applied for a CAFRA permit to develop the property with a single family home and appurtenances, the access will no longer be available to the public. In settlement of the remaining outstanding dune enforcement action, the Hedaya's have agreed to enhance public access in Deal, through the construction of public access stairways at two street ends. The Borough of Deal has agreed to the construction and bids are currently out for the work. Although the Hedaya lot will no longer afford access, the stairs will mitigate for the loss by allowing safe open access within the Borough.

Bayonne Golf Course

The Bayonne Golf Course site is located on Constable Hook in southern Bayonne. A waterfront development permit was issued to construct a golf course on the remediated former landfill site. The golf course permit was conditioned upon the creation of a public access easement and the construction of the Hudson River Waterfront Walkway along the northern and eastern shoreline of the property. The Department issued an AONOCAPA to Bayonne Golf for failing to allow 24 hour seven day access to the northern walkway and for failure to construct or allow any access to the eastern walkway.

During settlement negotiations the Department consulted with the New Jersey Office of Homeland Security and Preparedness determined that the eastern walkway presented an unacceptable risk to a nearby tank terminal located on the adjacent property to the south of the golf course. The Hudson County Prosecutor's Office and the Bayonne Police Department also requested that the northern walkway be closed

during non-daylight hours for public safety because the area is remote during the night hours and the walkway is nearly a mile in length, with only one access point and with limited visibility. Given the security concerns that are unique to this location, the Department has entered into a settlement agreement with Bayonne Golf that will require the public access easement to be filed and allow these restrictions to remain in place until the security concerns are ameliorated such as through a change in use of this property or adjacent properties.

**Fred A. Daibes site/1275 River Road Associates/
River Lookout Associates**

Since 2001, CLUE has conducted periodic inspections and investigations, and issued NOV's, for various unauthorized activities at Daibes' Hudson River waterfront site in Edgewater Borough, Bergen County. The initial NOV issued in July, 2001 cited Daibes et al for the cutting of trees, filling and excavation work and extensive grading of the slope (on a formerly forested river embankment), construction of an expanded parking lot for the existing LeJardin Restaurant and for the placement of rip-rap rock extending beyond the existing Mean High Water Line into a cove of the Hudson River. Mr. Daibes obtained a waterfront development permit in 2003, which among other things legalized the expanded parking lot, established the location of the shoreline (the "Boswell Line") and required stabilization and replanting of the slope and construction of an 850-foot section of Hudson Waterfront Walkway.

Subsequent inspections revealed an almost complete lack of compliance with permit conditions. In 2007, it was found that additional clearing/grading/filling/rip-rap wall construction along the slope had occurred which was not in conformance with the permit plans, and Daibes et al had also failed to receive approval from the Bureau of Tidelands for occupation of un-conveyed tidelands. A Field NOV was issued in Jan-

uary 2008. Follow up site inspections in Spring 2008 revealed additional violations, including confirmation that 1.23 acres of the Hudson River had recently been illegally filled. Another NOV was issued for the additional violations in April 2008. After continued failure by Daibes et al to take any substantive steps towards compliance, CLUE issued an AONOCAPA in May, 2011, requiring restoration of the slope and compliance with all permit conditions.

C&L Towing Service Inc.

In accordance with a February, 2008 ACO, C&L's wetlands and flood plain restoration in East Hanover Township, Morris County, was found to be complete and in compliance in April 2011. Approximately ½ an acre of wetlands and 6,000 square feet of transition area had been filled to expand parking areas. The restoration also involved removal of approximately 800 cubic yards of fill from the Passaic River flood plain.

Joseph Zecca

Mr. Zecca filled approximately 1.6 acres of wetlands and transition area and also placing fill within 1.6 acres of the Whippany River flood plain in East Hanover Township, Morris County. Subsequently, an AONOCAPA was issued requiring full restoration and a penalty. The matter went to the Office of Administrative Law, and a partial summary decision was issued in October 2010 finding that Zecca had violated both the FWPA and FHACA, and in an Initial Decision in May 2011 courts upheld the penalty. The Commissioner issued a Final decision on August 2, 2011 adopting both of ALJ Geraghty's previous decisions.

Lincoln Hanover, LLC

Lincoln Hanover caused excessive disturbances of wetlands during construction activities in East Hano-

ver Township, Morris County, and failed to file a deed restriction on regulated areas at its Michael Lane subdivision. In the settlement, the developer restored the approximately 3,000 square feet of wetlands, filed the deed restrictions with the cooperation of each of the affected homeowners, and paid a \$48,000 penalty.



Spotlight on: Finding & Fixing problems

Woodhaven Villages Inc.

After several years of diligent teamwork, including CLUE staff members walking most of the revised, miles-long wetland boundary with Woodhaven Villages Inc. in Old Bridge Twp., Middlesex County, CLUE succeeded in renegotiating the terms of a 1994 ACO settlement, resulting in the saving of approximately 200 acres of wetlands which had gone undelineated by the Army Corps in their June, 1988 Jurisdictional Wetland Determination (“JD Line”), and was slated for eventual development under a General Development Plan approval from Old Bridge Township. The Amended ACO required WVI to remove a total of thirteen unauthorized stream crossings, and restore the streambanks and environs. The Amended ACO also required WVI to deed restrict a total of 620 acres of wetlands, wetland buffers and other uplands. Finally, WVI must also pay money in to the Wetlands Mitigation Bank. On October 13, 2010, the Wetlands Mitigation Council accepted WVI’s contribution. In March 2011, WVI was found to have completed the removal of the thirteen illegal stream crossings.

Ocean City

Ocean City restored approximately 6.5 acres of beach and dune that was disturbed by a geotube installation

project that commenced without a CAFRA permit in January of 2011. A CAFRA Individual Permit was issued on 8/11/11 authorizing and legalizing the installation of 1767 linear feet of geotubes with I-5 core, as well as the installation or modification of access stairways and ramps to address ADA standards. The permit was issued subject to mitigation for the earlier unauthorized scraping of sand in the Northern Protected Zone.



Spotlight on: Getting more done through Partnerships

Hovbros Berlin/PlanLand LLC/Main Line Realty

In Berlin Township, Camden County, CLUE and DLUR conducted a joint investigation of the origins of a stormwater outfall discharging onto the subject site from a detention basin across the street at a Hovbros development. During a follow up site visit, it was discovered that Hovbros had excavated a ditch through Exceptional Resource Value wetlands on the PlanLand/Main Line Realty site, to improve the flow of stormwater out of its detention basin. A significant population of Swamp Pink (a federally endangered plant) exists on downstream portions of the site. In April 2011 an ACO was signed requiring the back-filling of the ditch and restoration of the wetlands, and a penalty. The restoration work was completed quickly at the insistence of the Department in an effort eliminate impacts on the downstream population of Swamp Pink.

Brigantine Hotel/Laguna Grill

In response to a Notice of Violation issued to the Brigantine Hotel for the excavation of 400 square feet of dune with the resulting sand being placed in front of the Laguna Grill, the owner of the Grill as-

sumed responsibility and submitted a restoration plan. An ACO was executed between the parties, resulting in a restoration of the dune area, including planting and fencing.

Guttenplan

Following the issuance of a number of enforcement actions, Guttenplan in Little Silver, Monmouth County, removed a rock wall placed in coastal wetlands and received a Zane exemption and modification to a Waterfront Development permit that legalized a majority of the unauthorized structures. The Department and Guttenplan then entered into an ACO which required the reconstruction of the remaining dock as well as mitigation for the coastal wetland disturbance. The mitigation required the planting of wetland species between the existing stand of *S. alterniflora* and the stone wall. In addition to the mitigation, a penalty settlement was paid in full.

Office of Strategy Management

The Office of Strategy Management (OSM) was busy and productive during FY2011 and 2012. Formerly known as the Bureau of Enforcement and Compliance Services – and briefly the Office of Innovation – OSM adopted its new name to better reflect its role facilitating within C&E the transformation efforts undertaken by the NJDEP in accordance with goals of the current management.

OSM formed a Steering Committee that included peer-approved representatives of the rank-and-file field staff along with a sampling of middle management working together with senior managers. At the onset, all significant C&E systems were identified and prioritized. Subsequently, transformation projects for priority-targeted systems were facilitated by OSM and in some cases directly managed by an OSM staff member.



Spotlight on: Integrate BSC into Our Operations

Strategic Management: Balanced Scorecard

The most ambitious project undertaken is the construction of a Strategic Management System using the Balanced Scorecard (BSC) Model introduced in the beginning of this Highlights Report. Constructing the Strategic Management System - along with a strategy map - allowed management and staff to achieve a line-of-sight alignment with C&E goals, and the greater goals of the Department.

A cross-program team was formed with two members from outside of C&E in order to develop the most comprehensive model. Paul Niven, author of many BSC books including Balanced Scorecard: Step-by-

Step for Government and Nonprofit Agencies conducted a 3 day training session. Much of FY2011 and 2012 then were dedicated to getting this management system off the ground; FY2011 to rolling it out, developing goals and educating and training staff. FY2012 largely saw OSM continue to refine the BSC approach by working with the various programs to identify and develop measures and cascade the effort to the Bureau Chief level. Instituted during FY2012 and integral to BSC, are the monthly Management Accountability Conferences that OSM organizes and facilitates to discuss strategic issues and to evaluate BSC progress in a management forum.

Environmental Intelligence Center (EIC)

The EIC is a data-gathering and intelligence producing unit inspired by, and modeled after, the NJ State Police Regional Operations Intelligence Center (ROIC). Using the strategic framework of the C&E Balanced Scorecard, future decision making, prioritization, performance, resource utilization and initiatives will be directed and measured according to data gathered and analyzed by the EIC.

The EIC's home is within the OSM and currently includes:

- A Lead Analyst to oversee data collection, analysis, and make recommendations;
- An Asset Manager to manage resources within C&E, make recommendations, and serve as a liaison to resource sources and recipients within and outside the Department.
- The NJEMs Unit which continues to provide significant support in service of the data and technology needs of enforcement staff.

During FY2011-12, staff handled a steady stream of support requests. Most requests were related to enforcement uses of NJEMS, the Department's integrated, enterprise data management tool. The fol-

lowing support was provided by OSM in the 2011-12 fiscal year.

- 2,430 support requests from internal customers for data corrections, requirement library updates, de-bugging/troubleshooting and system enhancement designs
- 230 requests for new or modified Business Objects reports
- 106 new or modified system document templates
- 48 new functions, procedures, packages or views for use in document templates or reports.



Spotlight on: Expanding our capabilities

Stewardship

The Environmental Stewardship Program gives recognition to regulated facilities that voluntarily engage in activities that exceed regulatory requirements and results in improvements to the environment. There has been increased participation by the regulated community during the past two fiscal years. In FY 11 (July 1, 2010 to June 30, 2011) the program added 79 new facilities with a total of 548 participants as of June 30th 2011. FY12 data (July 1, 2011 to June 30, 2012) showed an increase of 85 new facilities being recognized as environmental stewards resulting in an overall total of 633 stewardship sites for the FY 12 period. This program is expected to be more prominent going forward in pursuit of newly articulated, results-oriented goals of the organization. These goals include achieving maximum environmental benefit through changes in behavior among those we regulate, not just by enforcing rules, but through incentives, sharing information and expanding educational efforts.

OSM also investigated ways to link Stewardship with the Sustainable Jersey Program so that the programs directly reinforce each other. The Sustainable Jersey Program is a certification program for municipalities in New Jersey that want to go green, save money, and take steps to sustain their quality of life over the long term. OSM continues to look for new and innovative ways to grow the Stewardship Program and increase its effectiveness.



Spotlight on: Communicating Effectively

Outreach

OSM continues to be the lead on the highly successful Compliance Advisory system. During FY2011 and FY2012, 30 advisories were posted and distributed to approximately 1,500 subscribers – 15 in each fiscal year. A survey continued to be used to gain input on how effective the program has been and how it could be improved. Currently, 90% of the respondents agreed that the advisories are timely and helpful with compliance issues.

C&E, through OSM, continued its efforts to engage internal and external stakeholders during FY-2011 and 2012 as the program continued to transform and adopt the Balanced Scorecard approach. Moreover, as a follow-up to our February 22, 2012 external stakeholder meeting, OSM conducted a survey of participants to assess the effectiveness and identify ways to improve communication. While we generally received high marks for our efforts, areas for communication improvement were identified including the frequency of meetings and content – particularly as related to transformation. Recognizing this, since February 2011, OSM has stepped up its efforts to communicate with a number of email updates to stakeholders.

During FY2012, OSM was actively involved with C&E's efforts to host joint stakeholder meetings with other NJDEP programs including Environmental Management's Air Permitting Program, Land Use Management, Solid Waste Permitting and Water Resource Management. These meetings were conducted to provide constructive feedback on how to further improve communication and coordination between the Compliance & Enforcement and the department's various permitting programs to identify ways these programs can function more effectively, and therefore serve the regulated community more efficiently. FY2013 will see C&E continue to meet with stakeholders on all these issues as we continue our transformation.

Compliance Letters

A common perception is that any time the regulated community receives a letter from C&E it can't be good news. In an effort to change this perception, C&E sends out a Compliance Letter, an official notification of compliance with applicable Department regulations, to each facility that passes inspection without violations. In fiscal year 2011, approximately 9,000 compliance letters were issued in total with 6,000-7,000 processed by OSM. In fiscal year 2012, approximately 8,000 compliance letters were issued, with 5,384 being processed by OSM.



Spotlight on: Aligning C&E with NJDEP Goals

Barnegat Bay

OSM was integral to C&E's participation in the Barnegat Bay Blitz watershed-wide cleanup project in 2012. More than 100 C&E staff participated in the event, greatly exceeding the target we set of 50 staff participants. Employing a BSC project management approach, C&E provided assistance and outreach to

the project owners and effectively maximize C&E's involvement and capabilities within this highly positive initiative by identifying additional environmental problems and leveraging partnership opportunities.

The Response "COMPASS"

In FY12, OSM rolled out a tool that illustrates to the public and the regulated community the process by which we reach our decisions when responding to environmental problems. The Response COMPASS – short for **C**ompliance **O**ptions for **M**anaging **P**erformance and **S**urpassing **S**tandards - was developed in 2004 by a group of states (including NJ) collaborating as the Environmental Compliance Consortium.

It is expected that this project will further and support the following transformative goals and objectives from our current Strategic Plan, including: Goal 4 - Establish a new model for environmental field operations evolved from past successes and enhanced through innovation, and; Goal 5 - Demonstrate accountability, responsiveness and trustworthiness. Moreover, it achieves a number of specific objectives embedded within the aforementioned goals such as: Expanding our capabilities; Communicating effectively, and; Anticipating customer needs and creating a consistent and predictable customer experience. Among other things, the Response COMPASS tool empowers staff to use discretion, including written warnings when appropriate by making the framework for that decision clear to all. Consistent with the Response COMPASS, C&E rolled out a pilot program in the Land Use Enforcement section specifically to address minor noncompliance issues involving homeowners.

In June 2012, OSM engaged two neutral 3rd parties to interview approximately 100 regulated entities which had recently been the subject of an enforcement action to establish baseline measures for compliance, deterrence, stewardship and effective communication in order to gauge the effectiveness of the Response COMPASS as we go forward.

Administrative & Fiscal Services Support Unit

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

Through diligent hands-on involvement and monitoring our database design, members have worked collaboratively with DEP-OIRM to ensure the safe migration of the AFSU databases into the 2010 Microsoft Word operating system. Additional initiatives during 2011-12 included development of multiple processes for tracking, recordkeeping and data entry. The team members in particular: modified and expanded the AFSU purchasing database to encompass all C&E procurement actions into one system; developed a data system for recordkeeping of vehicle complaints; as well as created a system to track paper processing units (fax, printers, copiers).

In response to ongoing cell phone reception issues AFSU in coordination with the DEP-General Services office has successfully replaced all cell phone units assigned to C&E inspection staff. The removed cell phones will be provided to benefit the needs of others through donation to a vendor identified and authorized organization for families.

Further, in 2011, through its collaboration with DEP-General Services, AFSU provided in-time logistical support to C&E's Bureau of Solid Waste regarding

Decal Registration by the creation of a call center to address the hi-volume influx of seasonal calls from transport registrants.

In keeping with the direction of transformation of the department and the embracing of strategic management, early in 2012, the program formalized the administration of training through the establishment of the C&E Training and Staff Development Coordinator (C&E-TSD) within AFSU. The C&E-TSD responsibilities effectively include the coordination of training for both internal and external program constituents.

Thus far there has been increased outreach to regulated community resulting in doubling of the rate of Compliance Assistance seminars given between 2011 and the first half of 2012. During this period, 57 seminars were conducted and thereby over 3,500 people received Compliance Assistance.



Spotlight on: Learning & Capacity

Training

Training has not just been limited to external parties. As C&E continues to implement BSC, added emphasis is placed on learning and capacity in order to give C&E management and staff the tools needed to effectively operate in the most efficient, optimal and technologically advanced manner. Program investments included a total of 260 technical training requests were processed for C&E staff during FY2011-12 as follows:

- Assistant Commissioner's Office, 10

- Administrative and Fiscal Support Unit, 3
- Office of Strategy Management, 28
- Air and Hazardous Materials Enforcement, 45
- Air Program, 31
- Hazardous Waste, 16
- Underground Storage Tank, 8
- Solid Waste and Pesticide Enforcement, 33
- Bureau of Solid Waste, 26
- Bureau of Pesticide Licensing, 7
- Division of Water and Land Use Enforcement, 35
- Bureau of Coastal and Land Use, 18

Meeting technical and all other training issues for the division continues on a daily basis and remains challenging as budgetary constraints are increasingly tighter. Team members continue to support these and other new ventures on a daily basis.

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

Facilitated Settlement Program

During FY2011, C&E’s Facilitated Settlement program (FSP) handled 116 cases, of which 83 were settled. In addition, twenty-two cases were transferred to the Office of Legal Affairs (OLA) for referral to the state’s Division of Law (DOL) because they were Non-Responsive and/or the Program requested the case to be sent to DOL. The distribution of referred cases was distributed as follows across the following C&E programs:

- Air Enforcement – 6 cases
- Coastal and Land Use Enforcement – 4 cases
- Solid Waste Enforcement – 1 case
- Hazardous Waste Enforcement – 2 cases
- Water Enforcement – 5 cases
- Toxic Catastrophe Prevention Act. – 4 cases

After removing the 22 DOL referrals, the FSP program ended the year with a backlog of only 5 cases. More significantly, FSP exhibited a settlement success rate of 93% during FY11.

In January 2012, the Office of Legal Affairs began working with FSP on an initiative to address a backlog of 175 cases that were listed as still outstanding according to OLA’s database records.

From this list, FSP worked internally with C&E’s programs and with DEP’s Environmental Management Program to identify settlement cases specifically as “pending settlement” “settled” or needing to be transferred to the Division of Law (DOL) by OLA. This successful initiative resulted in the identification of 70 cases needing referral to the DOL. Moreover, the initiative identified another 105 cases being settled, pending settlement, or put on “hold” by the program managers.

Also during FY12, FSP addressed another back-log that existed within the Bureau of Pesticide Control program. From a list of 421 unresolved pesticide cases that represented 18% of C&E’s collection debt, FSP worked with the Pesticide Control to resolve these cases. As a result of this initiative, the collection of debt increased from 18% to 98%.

Also during FY12, FSP compiled and began using a Web-Intelligence-type database to generate a new FSP list of cases that could be eligible for the FSP settlement process. This effort resulted in 34 cases being open, outstanding or unresolved. With the help of the program staff, the FSP was able to address, settle and/or resolve all 34 cases.

Associated Compliance & Enforcement Programs



As the Department is committed to handling all C&E related issues in a manner that maximizes predictability and standardization of actions and policies, the Compliance & Enforcement Program serves a leading role ensuring consistency among all Departmental compliance monitoring, inspection, compliance evaluation and enforcement activities.

NJDEP Programs outside C&E that also conduct enforcement and compliance activities in which C&E either has a direct, complimentary, supporting, coordinating or advisory role include:

- Natural & Historic Resources
 - State Park Police
 - Fish and Wildlife, Bureau of Law Enforcement
 - Parks and Forestry, Forest Fire Service
- Pollution Prevention & Right to Know
- Quality Assurance
- Radiation Protection
 - Radon Program
 - Bureau of X-ray Compliance
- Release Prevention, Discharge Prevention and Toxic Catastrophe Prevention Act (TCPA) Programs
- Site Remediation Program

The following section briefly discusses the functions of some of these programs and selected highlights during fiscal years 2011 and 2012.

Natural & Historic Resources



State Park Police - New Jersey's State Park System is the seventh largest nationally in terms of acreage. More than 430,000 acres of lands are within the system, with 53 parks and forests and more than 50 historic sites and villages. Approximately 36 million people visited New Jersey state parks during fiscal years 2011 and 2012. The New Jersey State Park Police are charged with patrolling and protecting all of these resources and visitors.

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

In addition to their police functions related to patrolling and protecting New Jersey's park resources and

the parks' visitors, during FY2011 and FY2012, the NJ State Park Police performed almost 1,000 Outreach Programs including fireside talks, school presentations, talks to various civic groups and recruiting seminars.

Providing visitor aid is another service of the New Jersey State Park Police. During FY2011 and 2012 the NJ State Park Police rendered aid 13,425 times for instances ranging from providing directions, assisting with locked and stuck vehicles, jump starting dead vehicle batteries, and locating lost persons.

Checking campsites, advising on rules and the bear policy are other normal activities which the officers performed almost 24,000 times during this two-year period. Various field contacts included checking ID's, assisting lifeguards, and monitoring activities make up other important functions. The New Jersey State Park Police performed these combined activities over 17,000 times during FY2011 and FY2012.

Bureau of Law Enforcement Division of Fish & Wildlife

The Bureau of Law Enforcement is comprised of fifty-two sworn officers and four civilian employees. Forty-six of the sworn officers are patrol related and six are administrative. The typical patrol area of a Conservation Officer (CO) is 250 to 350 square miles.

A Bachelor's Degree in Fish & Wildlife Management, Environmental Science or one of the Natural Sciences and one year of law enforcement or envi-

ronmental experience is required for appointment as a conservation officer. Recently, a Conservation Officer Recruit title has been approved that will allow individuals with degrees in Criminal Justice and Parks and Recreation to be considered for employment. Conservation Officers must complete 22 week certified Police Academy training. After completion of the academy, conservation officer recruits attend an eight week Bureau Academy, which focuses on Wildlife Law Enforcement and will finish their first year of duty in a twelve week Field Officer Training program. The officers enter their second year of duty as one of the most educated and highly trained law enforcement officers in the world.

Conservation Officers have full law enforcement authority Statewide. They enforce compliance to all laws pertaining to wildlife on all lands and waters public and private. Additionally, they protect 350,000 acres of State Wildlife Management Areas. This responsibility comprises a large portion of their time, as public property has doubled since the 1960's. Officers investigate wildlife crimes, wildlife mortalities, incidents of pollution, hunting accidents and hunting related non-target impacts. They assist with black bear response and outreach, complaints of black bear feeding, farmer complaints of deer depredation as well as other wildlife related issues. They patrol via the use of four wheel drive vehicles, ATVs, boat, foot and occasionally aircraft. They combat complex wildlife crimes and commercialization by the use of conventional patrol and covert operations.

The Marine Enforcement Unit focuses on enforcement of marine finfish and shellfish laws and regulations for commercial and recreational users in territorial waters. Shellfish enforcement is a critical and necessary duty which provides for the public's safety relative to the potential consumption of tainted shellfish harvest which presents a serious public health threat. The New Jersey shellfish industry is the largest producer of shellfish in dollars nationwide.



During fiscal year 2011, conservation officers performed 59,112 hours of law enforcement related duties. Conservation officers contacted 51,545 hunters, fishermen, trappers and other natural resource users during the course of their patrols. As a result of these inspections, 3,963 fish and wildlife complaints were signed, 353 written warnings were issued for minor violations and 33 criminal arrests were made.

Assunpink Dumping Cases: A Conservation Officer investigating a dumping complaint on the Assunpink Wildlife Management Area determined the waste had originated from a pet supply company in Ewing Township, Mercer Co. The owner of the company informed Conservation Officer Martiak that she had placed an ad on Craig's List looking for someone to haul away the company's garbage because their transport vehicle had broken down. She agreed to assist Conservation Officer Martiak by informing him when the man was going to return to pick up more garbage. Conservation Officer Mascio and Lt. Lacroix assisted in watching the store and identifying the suspect. Conservation Officer Martiak then placed a GPS unit in the garbage for the next pickup date. The garbage was then tracked after it was loaded into the truck. The suspect took the garbage to a transfer station, but admitted that on one occasion he couldn't dump the garbage at the transfer station so he drove to the Assunpink Wildlife Management Area and dumped it there. Charges for N.J.S.A. 23:7-9, Discarding of refuse on a State Wildlife Management Area were filed. In March of 2012, the defendant appeared in Upper Freehold Township Municipal Court and plead guilty to the charges receiving the maximum penalty of \$1500.00.

In an unrelated case, conservation Officers Martiak and Szalaj went to a Hamilton Township (Mercer County) residence after two separate piles of household garbage from the residence were found dumped on the Assunpink Wildlife Management Area in Upper Freehold, Monmouth County. The owner of the residence knew immediately why the officers were there and admitted to dumping the garbage at the Assunpink. The owner

was charged with discarding refuse on a State Wildlife Management Area and paid a penalty of \$1000.

Colliers Mills Wildlife Management Area: Conservation Officer McManus was investigating a landowner whose property borders the Colliers Mills Wildlife Management Area in Jackson Township. CO McManus was able to determine the private landowner took his bulldozer and backhoe and plowed a roadway, destroying 382 square yards of Colliers Mills Wildlife Management Area pine forest and fauna. The landowner told him he wanted to allow horse owners a clean riding path into the state property. The landowner was charged with N.J.S.A. 23:7-9, destroying vegetation on a State Wildlife Management Area. The State will be asking for the maximum penalty of \$1500 plus restitution to restore the property.

Clamming Cases from Polluted Waters: Lieutenant Risher was patrolling the Muddy Run section of the Maurice River in Pittsgrove Township, Salem County when he observed a sport utility vehicle parked in the Rainbow Lake Wildlife Management Area. Upon inspection of the vehicle, Lt. Risher determined that the occupants were illegally harvesting freshwater clams downstream based on the plain view search of the vehicle. While attempting to relocate his patrol vehicle, a clammer exited the woods and entered the vehicle. The clammer proceeded to move the vehicle under surveillance to the east side of the stream and parked in a grassy area. Lt. Risher followed and observed five additional clammers exit the woods and place clams into the vehicle and try to leave the area. Lt. Risher conducted a motor vehicle stop, immediately after which one of the passengers fled on foot. The remaining clammers followed Lt. Risher's verbal directions and remained with the vehicle. Conservation Officers James and Vazquez provided assistance

and backup. All of the clambers were issued summonses for taking shellfish from prohibited waters, clamming without a commercial clam license, trespass for the purpose of taking wildlife and littering while clamming. The investigation is ongoing as the conservation officers try to identify the individual who fled on foot. Additionally, the State will be seeking forfeiture of the vehicle. A total of 11,000 clams which may have found their way into public distribution were returned to the water. All defendants paid the maximum penalty of \$600.



In addition, Conservation Officer Toppin was patrolling the Blackwood Lake Spillway section of Big Timber Creek in Washington Township, Gloucester County when he apprehended eight individuals illegally clamming in freshwater. There were approximately 12,000 clams in three five-gallon buckets. All the individuals were cited for clamming in prohibited waters and clamming without a commercial license. All defendants paid the maximum penalty of \$600.

Office of Pollution Prevention & Right to Know:

The Office of Pollution Prevention and Right to Know (P2RTK) staff conducted three workshops in fiscal year 2011 and three in fiscal year 2012. These focused on the Community Right to Know and Pollution Prevention (P2) Planning and Release and Pollution Prevention Report (RPPR) requirements. Moreover, P2RTK staff conducted 1,389



Community Right to Know inspections in FY2011 and over 1,060 in FY2012, resulting in 4,978 and 307, Enforcement Actions, respectively.

Office of Quality Assurance (OQA):

The Office of Quality Assurance has responsibility for leading the Department's activities related to establishing and maintaining effective quality systems and for assuring the quality of analytical data used by the department, industry, local government, municipal authorities and private citizens.

As part of its activities, the OQA certifies businesses conducting environmental analyses. Businesses can either be certified using standards generated by the State of New Jersey or accredited using standards generated through The NELAC Institute (TNI). New Jersey is one of fourteen states in the United States approved as a Recognized Accrediting Body in the National Environmental Laboratory Accreditation Program (NELAP); and able to grant businesses national status as a NELAP Accredited laboratory.

Currently, over 125,000 certifications/ accreditations are granted each year to over 850 businesses located throughout the United States, Canada, and Asia. New Jersey has one of the most analytically complex programs in the nation and grants certifications/ accreditations to businesses that analyze

drinking water, wastewater, ambient water, soils, solid/ hazardous waste, sludge and air samples for microbiological, inorganic, organic, radiochemical, radon and biological properties. To become certified/accredited, and to maintain this status, businesses are required to conduct a variety of activities. These include Proficiency Test (PT) Samples and On-Site Audits to demonstrate compliance. Following are the FY2011 and FY2012 numbers relating to these two activities:

FY11 Proficiency Test Samples

Sample/	Total Analyzed /	Total Unacceptable
Drinking Water	6,754	232
Radiochemistry	80	9
Radon-in-Air	10	0
Solid/Haz. Waste	5,366	90
Water Pollution	16,072	469
Clean Air	1,643	201

FY12 Proficiency Test Samples

Sample/	Total Analyzed/	Total Unacceptable
Drinking Water	7,017	319
Radiochemistry	100	10
Radon-in-Air	10	0
Solid/Haz. Waste	7,292	264
Water Pollution	16,072	469
Clean Air	1,919	109

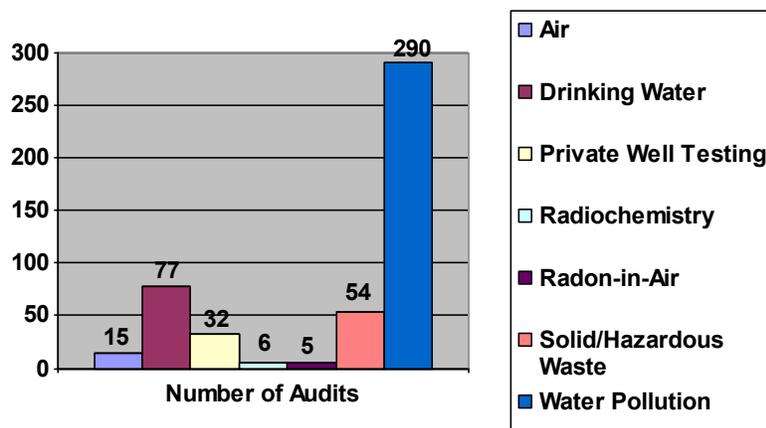
On-Site Audits/Performance Test Samples:

Laboratories are found to have an “unacceptable” result for either failing to submit a PT Sample result (this includes not submitting results by the appropriate method) or for submitting a PT Sample result that is outside the passing range. In either case, an “unacceptable” result is an indication of a laboratory’s inability to provide reliable analytical data. Laboratories submitting “unacceptable” results are required to analyze repeat samples, assessed a mone-

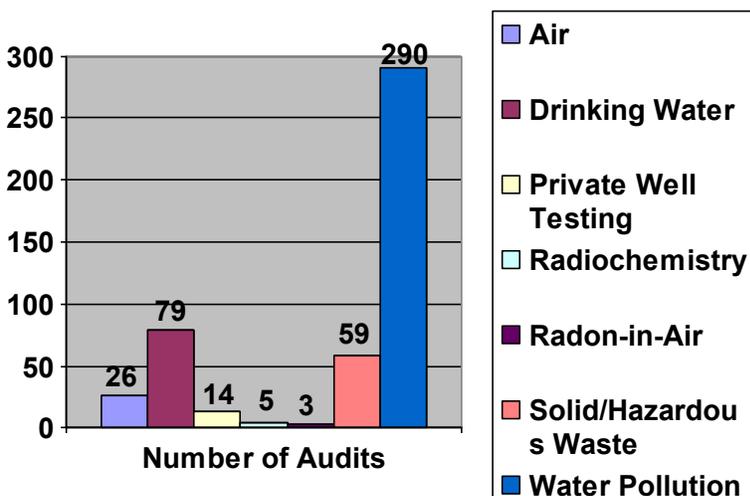
tary penalty and/or suspended from participation in the Environmental Laboratory Certification Program. Only laboratories with “acceptable” PT Sample results can be found eligible for certification/accreditation status.

The following two graphs depict the number of on-site audits by program conducted by OQA for fiscal years 2-11 and 2012:

On-site Audits for FY2011



On-site Audits for FY2012



Radiation Protection:



Bureau of Environmental Radiation, Agreement State Program – Radioactive Materials

The Bureau of Environmental Radiation's (BER) Radioactive Materials Program (RMP) has the regulatory responsibility for the licensing and inspection for over 650 medical and industrial nuclear material licensees in New Jersey. Inspections conducted at these licensees, cover areas such as training of personnel who use materials, radiation protection programs, radiation patient dose records, and security of nuclear materials. Below are brief descriptions of the types of inspections performed by the program:

Standard Compliance and Brief Compliance Inspections: Routine inspections are scheduled based on the priority of the activities performed by the licensee. The detailed list of priorities is found in the Inspection Procedures.

Reciprocity Inspections: Out of State licensees who plan to conduct regulated activities in areas under New Jersey's jurisdiction for a period not to exceed 180 days in any calendar year, are required to file for reciprocal recognition of their specific license. A data base is maintained on these licensees to track their reciprocity usage in the State. A certain required percentage of these licensees are inspected each year. Out of State licensees are

accountable for any improper activities within the State.

Reactive Inspections: Reactive Inspections are conducted when an incident occurs at a radioactive materials licensee's facility. Reactive inspections can involve reenactments (if overexposure to radioactive materials occurred) and interviews so that a complete timeline of the incident is reconstructed. After gathering sufficient information, dose calculations are performed (if necessary) and calculated doses are compared to measured dosimetry. This process can involve using computer models that take into account the physical size of the source, the activity and nuclides involved, and the size and location of any shielding. A Root Cause Analysis is required to determine the causes of the incident and any corrective actions to be implemented. Finally, violations and Severity Levels are determined according to BER procedures to determine the amount of fines, if any. During FY11 there were five reactive inspections and during FY12, there were four reactive inspections.

Radon Program: The Radon Program currently certifies 18 radon measurement businesses and 14 radon mitigation businesses. Over 600 certified radon professionals work for these businesses. All businesses are inspected annually and enforcement actions are issued for violations of the regulations. When complaints are received regarding a radon mitigation system, an inspection of the system is often conducted. These inspections are now being conducted routinely for all mitigation businesses to evaluate the quality of the mitigation systems that are installed.

Bureau of X-ray Compliance Program:

Transformation Initiatives

In October 2010, the Bureau changed its name from the Bureau of Radiological Health to the Bureau of X-ray

Compliance. The name change more aptly describes the Bureau's functions and has been well received by its customers. Program highlights include:

- The Bureau successfully implemented an on-line license renewal system through the Department's NJEMS database that processed over 14,500 license renewals (71%) in its inaugural year! The Bureau received many positive comments from customers about the speed and ease of use of the system. In addition to improved customer service, the on-line system freed up both Bureau and Division of Revenue FTE resources that were applied to other tasks.
- Continued with amalgam pollution reduction efforts via the cooperative intra-agency effort with the Bureau of Pretreatment and Residuals (BPR) in which the Bureau's x-ray inspectors inspect the installation of dental amalgam separators in dental offices and report the results to BPR for compilation and final disposition. During FY12, the Bureau inspected and reported inspection results at 363 facilities despite reduced inspector resources.

X-ray Inspections: The Bureau inspected 1,531 facilities and evaluated compliance of 4,602 x-ray machines in fiscal year 2011. These inspections resulted in the issuance of 496 enforcement documents of which 26 percent contained penalty assessments totaling \$108,155. There were 916 violations of radiation protection codes of which 420 (46 %) were violations of quality assurance regulations and 496 were of other radiation protection regulations. The majority of quality assurance violations were for failure to conduct various quality control tests (60%) and failure to have an annual medical physicist's survey performed (10%).

The majority of violations in non-quality assurance categories were for failure to pay registration fees (34 %); equipment performance issues (11 %); failure to perform and/or submit radiation safety surveys (9 %); permitting the operation of x-ray equipment without a license (8 %); failure to register x-ray equipment with the

Department (7 %); and, failure to monitor employees radiation exposure (7 %).

Mammography Facilities Inspected: In fiscal year 2011, the Bureau conducted 223 federally mandated Mammography Quality Standards Act (MQSA) facility inspections and discovered violations of MQSA regulations at

24 facilities (11 percent), which were forwarded to FDA for final action. New Jersey facilities continue to exceed national compliance rates (89 % vs. 84%) as reported by FDA.

Technologist Certification Section: License verification activities discovered 40 individuals working without a license or with an expired license. These individuals and/or their employers were assessed civil penalties. In FY 2011, the Section performed on-site compliance inspections at ten of its limited radiologic technology programs. The section also evaluated an unprecedented thirteen applications for sponsorship of new educational programs. The section anticipated two applications during work plan creation at the beginning of the fiscal year.

Release Prevention Program

The Bureau of Release Prevention constitutes two programs, the Dis-

charge Prevention program, and the Toxic Catastrophe Prevention Act (TCPA) program. The Discharge Prevention program provides assistance to New Jersey facilities that are required under the Spill Compensation and Control Act, to develop



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

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

Discharge Prevention Program

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

Inspections are conducted unannounced each year except during plan renewal. Technical site visits are conducted every three years during the DPCC/DCR plan renewal process. During inspection, a Notice of Violation is issued for any out of compliance items found. Non-minor violations are elevated to a formal enforce-

ment action. Currently, there are 292 sites covered by the Discharge Prevention rule. The Bureau conducted inspections at 142 facilities and technical site visits at 108 facilities in Fiscal Year 2011 and inspections at 124 facilities and technical site visits at 112 facilities in Fiscal Year 2012.

Toxic Catastrophe Prevention Act (TCPA) Program

The TCPA program currently regulates 90 facilities and performed inspections of 72 facilities in FY11 and 46 facilities in FY12 to monitor and evaluate implementation of their risk management programs, to verify compliance with the TCPA Act and rules, and to minimize the risk of a catastrophic accidental release to the environment and the public. A risk management program includes process safety information, standard operating procedures, operator training, mechanical integrity/preventive maintenance, process hazard analysis with risk assessment, management of change to operations/equipment, safety review, and emergency response.

Program staff review annual reports submitted by facilities which summarize risk management program activities over the previous year. Staff also review risk management plans, which include registration information and data on worst case releases from the facility.

Inspections conducted by the TCPA program's chemical safety engineers cover the management system for the facility's risk management program including the procedures, records and reports, and tracking systems, along with an inspection of the equipment and controls of the covered process. If the TCPA program finds material deficiencies, a consent agreement, which includes the description of the finding and a corrective action, is issued.

Site Remediation and Waste Management Program

Throughout FY11 and FY12 the Site Remediation Program (SRP) continued to implement program changes required under the Site Remediation Reform Act (SRRA) and amendments to the Brownfield and Contaminated Sites Act, which were enacted May 7, 2009. Those statutory changes established a 3-year transition period during which the process of remediation of contaminated sites would move from the detailed involvement of NJDEP staff to oversee and approve remediation, to one where a licensed site remediation professional (LSRP) has the responsibility for remediation and the authority to issue a Response Action Outcome, the equivalent of the No Further Action letters previously issued by the Department. The statutory changes became fully effective on May 7, 2012.

SRRA established a licensing program for qualified environmental consultants (LSRPs) who must be retained to conduct the cleanup of a contaminated site, must adhere to a strict code of conduct, and are overseen by the Site Remediation Professional Licensing Board. The Department implemented a qualification-review process that established temporary LSRPs authorized to conduct remediation through February 28, 2013. The Board implemented a testing process that, to date, has included four (4) licensing exams and has resulted in the confirmation of 514 individuals worthy of permanent LSRP status.

A Compliance Assistance Section was established within the Site Remediation Program for the specific purpose of reaching out via phone to individuals who have an affirmative obligation under the law to conduct remediation. To date, over 19,000 compliance assistance phone calls have been made. SRRA authorized the Department to establish timeframes for the completion of specific tasks and milestones in the cleanup process.

During the phase-in period afforded by the law, one of the purposes of the compliance assistance was to help businesses and individuals understand these timeframes and their obligations to avoid penalties and other ramifications associated with noncompliance. Along with the phone calls noted above, the compliance assistance efforts have also consisted of multiple mass-mailings resulting in the distribution of over 25,000 letters to the parties the Department determines to be responsible for remediation. These efforts included sending letters to owners and operators of regulated underground storage tanks advising them that failure to comply with remediation requirements will result in the Department's denial or revocation of a facility's registration certification, meaning they will no longer be allowed to operate the tank.

The efforts have been extremely successful, with approximately 94% of noncompliant parties achieving compliance with the Department's assistance. Further, approximately 75% of parties who remain out of compliance after compliance assistance efforts come into compliance after they become aware that the matter has been referred for issuance of an enforcement action.

Additionally, the program stepped up its enforcement actions against those parties who remain in violation despite the Department's extensive compliance assistance efforts. The enforcement actions focused on the violators' failure to retain a licensed site remediation professional to conduct remediation, failure to meet regulatory timeframes for evaluating whether contamination at the site was impacting nearby sensitive receptors such as residences, childcare centers, schools or drinking water supplies, and failure to pay the required annual remediation fee which is the source of funds the Site Remediation Program relies upon to administer the LSRP program.

Site-Specific SRP Highlights

Cedar Cove Marina, South Toms River Borough, Ocean County

On June 12, 2012 the Site Remediation Program and the Compliance & Enforcement Program issued an administrative order and notice of civil administrative penalty assessment in the amount of \$115,000 against the Cedar Cove Marina. The Cedar Cove Marina had numerous ongoing violations including: discharging sewage from houseboats directly to the Toms River, which the Department alleges prompted the closing of two public swimming beaches; petroleum product discharges onto land and into the Toms River from several boats that repeatedly sank at their moorings; petroleum product discharges related to poor housekeeping practices; and encroaching on Green Acres property owned by the Borough of South Toms River by storing a significant number of derelict boats and trailers of solid waste. Cedar Cove Marina requested a hearing concerning the enforcement action and that hearing is pending.

To date, through significant negotiations and repeated site visits, the Cedar Cove Marina has made significant progress in addressing the violations. They have removed and disposed of more than 70 derelict boats from both their property and the Borough's Green Acres property. Numerous roll-off containers of solid waste have been removed and the Green Acres property is now free of visible debris. All house boats have been removed or vacated from the Cedar Cove Marina. An LSRP is being hired to conduct remediation.

Tables & Graphs



As noted in the “*About This Report*” section of this Highlights Report, we are supplementing the data graphics with narrative that gives the data context and brief explanations regarding significant data trends reflected in the most recent 5-year span. This section consists of the following Graphs:

- Figure 1 – Number of Enforcement Investigations by FY
- Figure 2 – Number of Enforcement Site Inspection by FY
- Figure 3 – Total Enforcement Actions by FY
- Figure 4 - Number of Investigations by C&E Program by FY
- Figure 5 - Number of Inspections by C&E Program by FY
- Figure 6 - Number of Enforcement Actions by C&E Program by FY
- Figure 7 – Monthly Facility Compliance Rates, FY11
- Figure 8 – Monthly Facility Compliance Rates, FY12
- Figure 9 - FY2008-FY2012 Inspection-based, Facility Compliance Rates
- Figure 10 - Number of Site Inspections versus Compliance Rates versus Time

Figure 1, **Number of Investigations Completed by Fiscal Year**, shows the number of times DEP responded to a report requiring an investigation. Because investigations are predominately generated by external complaints to the Department either by referral, direct phone calls to C&E or from the Department’s WARNDEP Action Hotline, the number of complaints in any given year can vary significantly. The data indicate that the number of investigations conducted overall increased approximately 40% between FY2008 and FY2012. For the period covered

by this report, the number of investigations completed were 11,241 and 11,947 during FY11 and FY12, respectively.

Figure 2, **Number of Site Inspections Completed by Fiscal Year**, shows the number of times enforcement personnel conducted a physical inspection at an entity which is regulated by the Department. Most - if not all - of these inspections are for facilities holding some type of NJDEP Permit. The data indicate that the number of inspections conducted by enforcement increased between FY2008 and FY2012, with the largest increases occurring during FY11 and FY12. Much of the increase is attributable to the number of inspections performed by the CEHA program. Collectively, the 21 counties reported 45,736 inspections for FY11. The top five counties (Hudson, Union, Middlesex, Monmouth and Burlington) conducted 33,336 inspections including over 21,000 container inspections and more than 3,000 truck checks. In Fiscal Year 2012, the counties reported 42,900 inspections, with the aforementioned five counties accounting for 31,191 inspections.

Figure 3, **Total Enforcement Actions by Fiscal Year**, depicts the number of formal enforcement actions undertaken by C&E in response to a compliance issue discovered during an investigation or inspection. In FY11 and FY12, C&E issued 18,360 and 13,555 enforcement actions, respectively. This represents a decrease from FY08 and FY09 where 29,579 and 22,947 were issued, respectively. The numbers represent increases over the 3 years immediately preceding FY2008 when 5,800 (FY2005), 6,432 (FY2006) and 6,393 (FY2007) enforcement actions were issued. The trend reflects the program’s increased emphasis on compliance assistance training and outreach to the regulated community.

Tables & Graphs



Figures 4 through 6 examine similar data as figures 1-3, except the graphs breakout the results on a C&E program by program basis. As such, the data reflect similar trends as depicted C&E-wide with site investigations remaining relatively consistent over time, the number of site inspections increasing and enforcement actions trending slightly downward.

Figures 7-9, **Monthly and Annual Facility Compliance Rates, FY2008-FY2012**, indicates the percentage of facilities or entities inspected by the various C&E programs found to be in compliance. The compliance rate trends are based on the number of discrete facilities or entities inspected by the programs and reflect the percentage found in compliance. Entities are only counted once even if inspected multiple times within a given period. One or more violations at any inspection in the period counts as non-compliance. Moreover, the entities counted are only where routine or pre-planned inspections occurred and are primarily where permits, licenses, or other Departmental approvals exist. These figures exclude observations based solely on submittals of self-reported information, monitoring and investigations (such as those stemming from hot-line calls or complaints). As might be expected, the monthly compliance rates depicted in Tables 7 & 8 show much more variability than the compliance trends illustrated in Table 9, which depicts annual data.

During the 5-year span analyzed, most programs showed relatively static compliance rates. The lower compliance rate for Land Use and Pesticides can be somewhat attributed to the sophistication level of those being regulated. A significant portion of the Land Use universe is comprised of individual homeowners without the knowledge or wherewithal of larger regulated entities found in Water Supply and Hazardous Waste, for example. The same principle

applies to a large percentage of those regulated by the Pesticides Program. In general less sophisticated entities are more likely to have compliance issues.

Nevertheless, the overall data trends depict stability or are trending upward showing a larger number of facilities routinely in compliance. The one exception is air, however; this compliance rate dropped 5.5%. A 5.5% drop is likely not be statistically significant by itself and will become more meaningful if it continues or decreases further. The three preceding fiscal years compliance rates for the Air Program were consistently above 66%. C&E will continue to track all the rates and monitor emerging trends.

Figure 10 depicts **Number of Site Inspections versus Compliance Rates versus Time**. The left-side vertical axis represents the number of times C&E personnel in our Air, Hazardous Waste, Land Use, Pesticide Control, Solid Waste, Underground Storage Tank, Water Quality and Water Supply Enforcement Programs a physical inspection at an entity which is regulated by the Department for the fiscal years 2008-2012. The right-side vertical axis consists of the overall percentage of all facilities' compliance rates in these programs during the same time span. In FY2008, NJDEP performed approximately 12,100 inspections. During FY2012, NJDEP performed 10,483 inspections representing a decrease of approximately 14%. During the same 5-year time span, overall facility compliance rates have consistently stayed in the range of 80-83%.

Fig. 1 - Number of Investigations Completed by FY

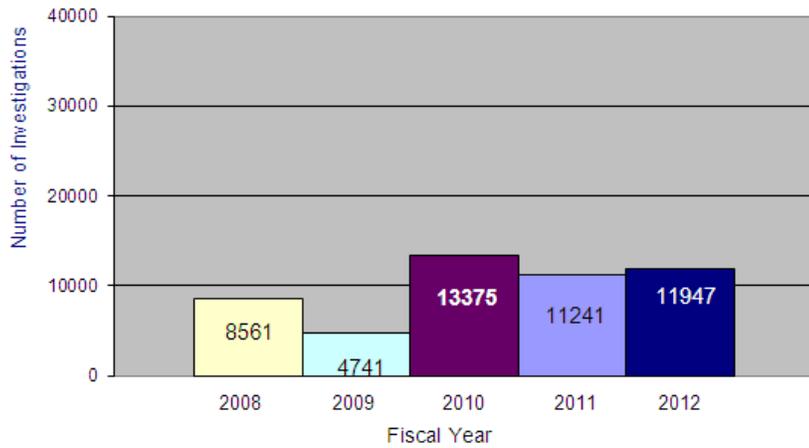


Fig. 2 - Site Inspections Completed by FY

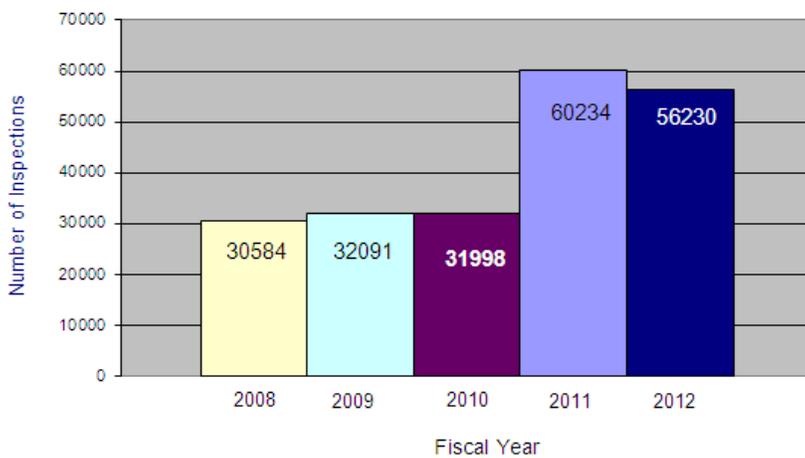
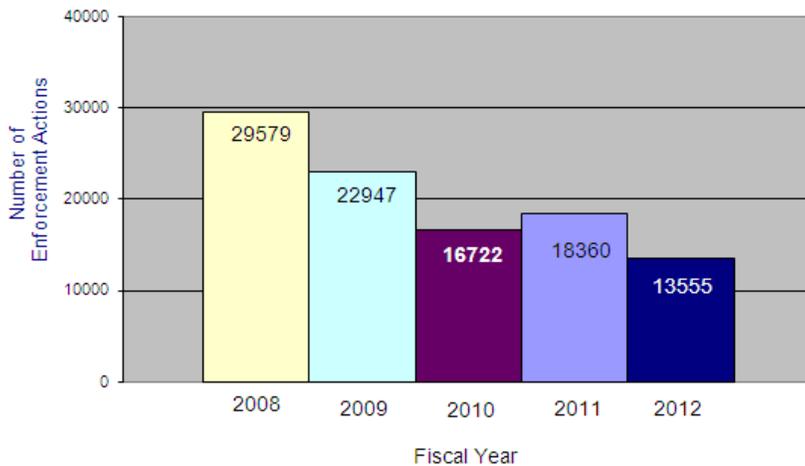


Fig. 3 - Total Enforcement Actions Issued by FY



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

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

Fig. 4 - Number of Investigations by C&E Program by Fiscal Year

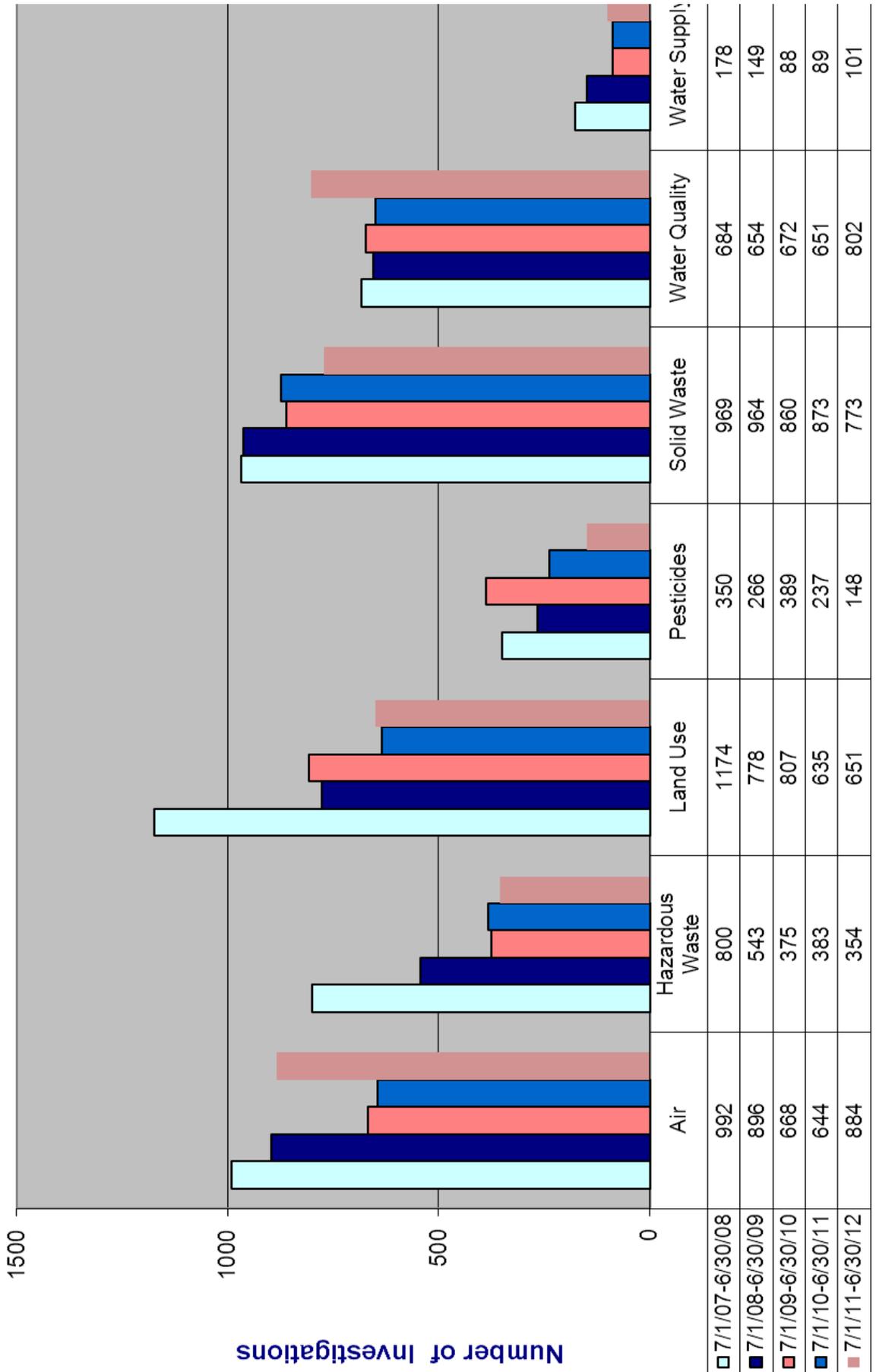


Figure 5 - Inspections by C&E Program by Fiscal Year

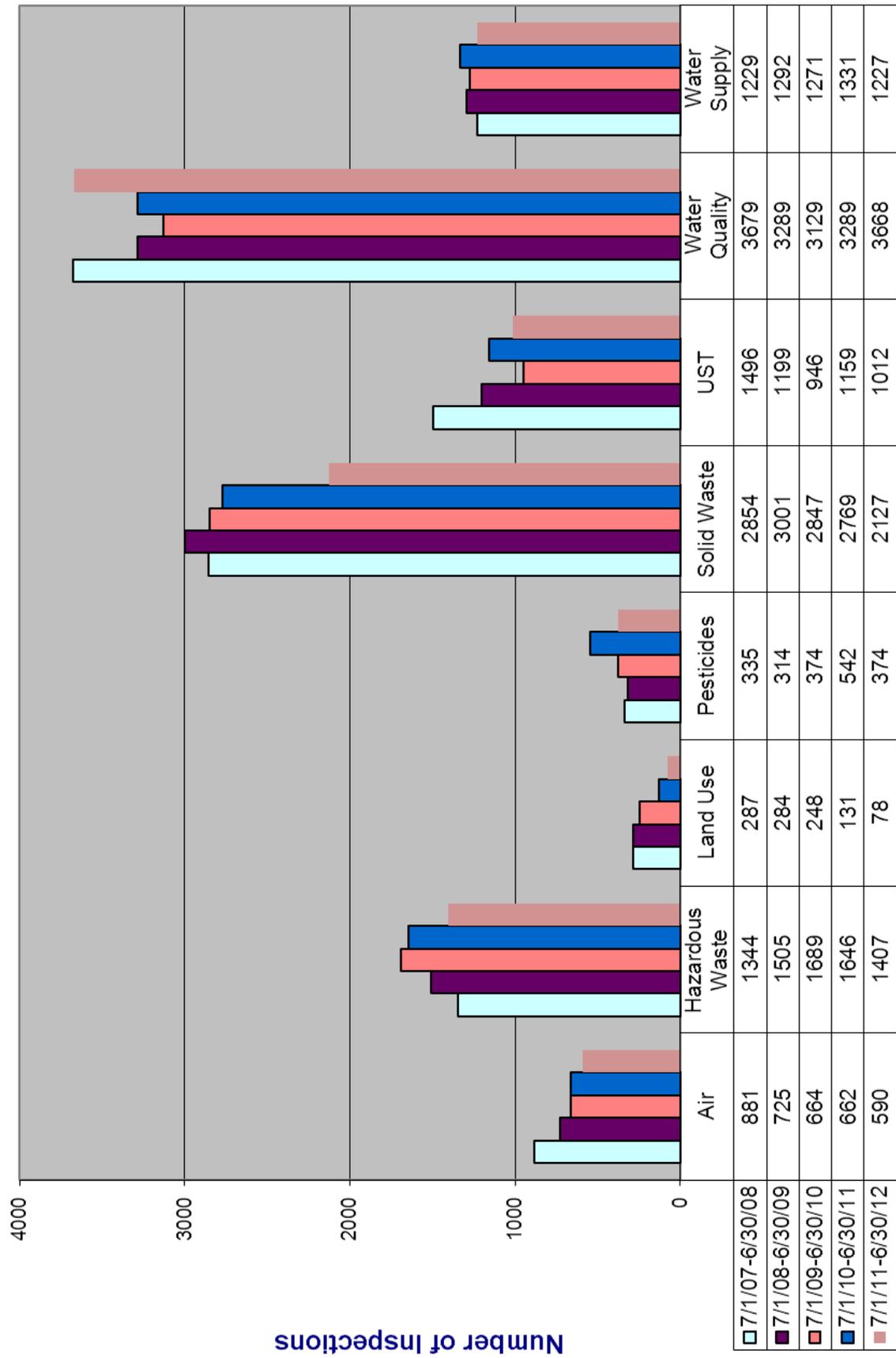
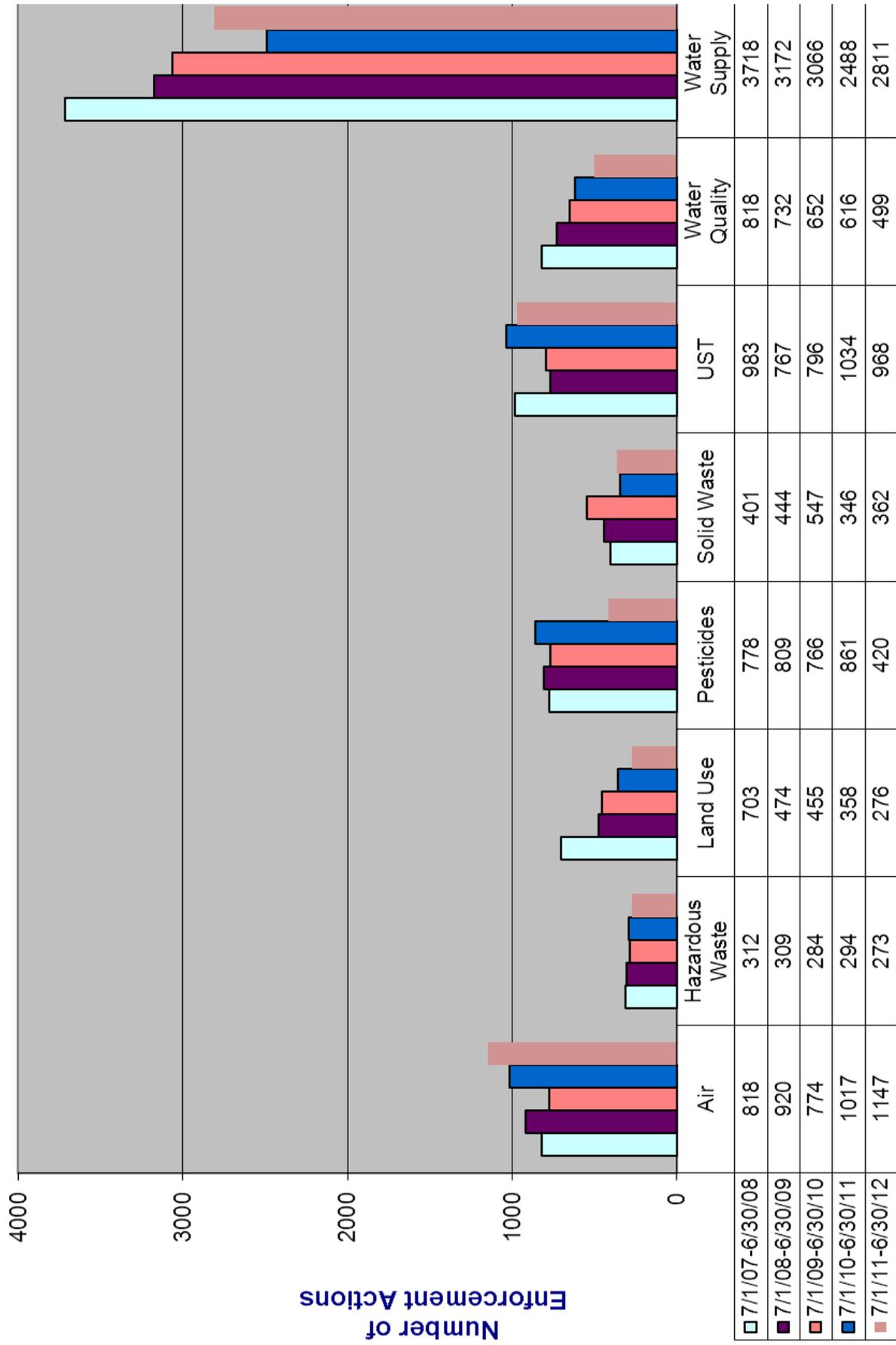


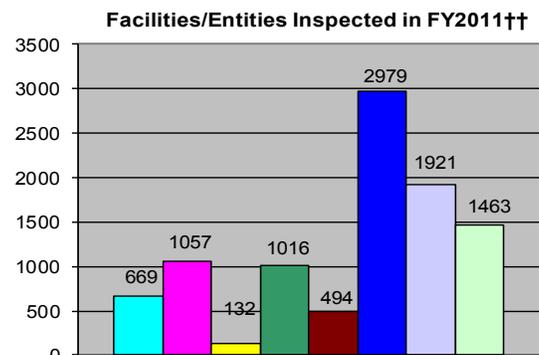
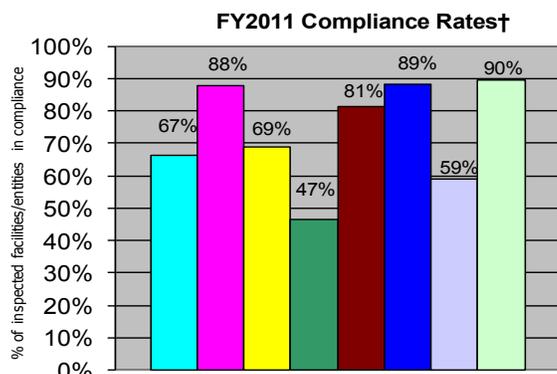
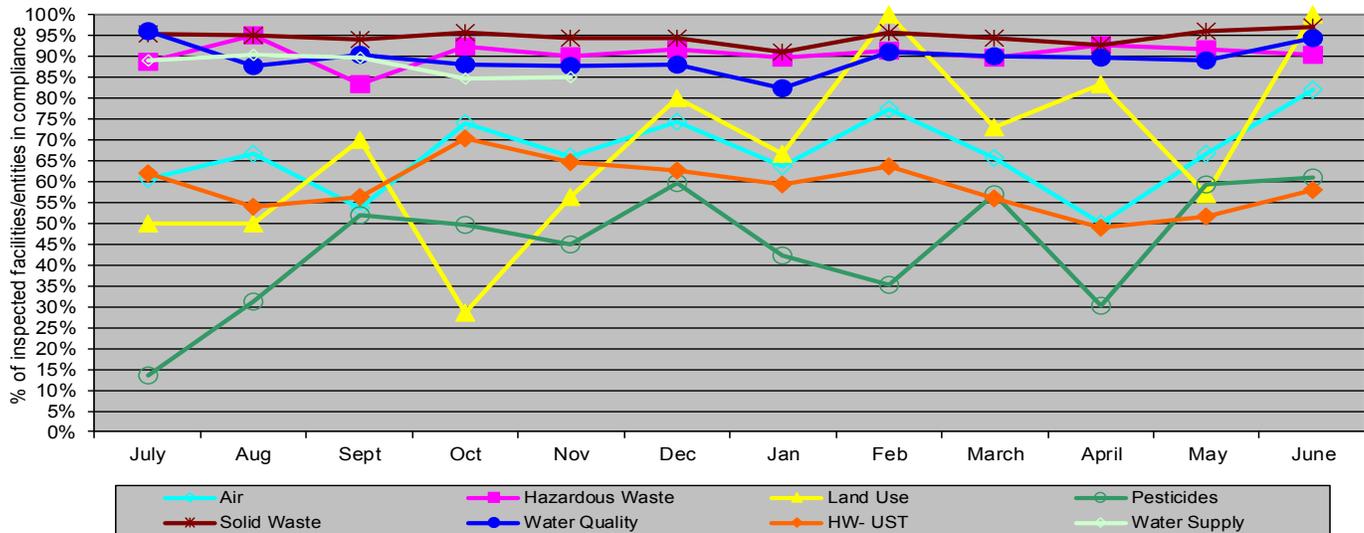
Fig. 6 - Number of Enforcement Actions by C&E Program by Fiscal Year



FY2011 Inspection-Based, Facility Compliance Rates

Figure 7, Monthly Compliance Rate Trends, below, is based the number of discrete facilities or entities inspected by the programs and reflect the percentage found in compliance. Entities are only counted once even if inspected multiple times within a given period. One or more violations at any inspection in the period counts as non-compliance. The entities counted here are only where routine or pre-planned inspections occurred and are primarily where permits, licenses, or other Departmental approvals exist. These figures exclude observations based solely on submittals of self-reported information, monitoring and investigations (such as those stemming from hot-line calls or complaints). This report was run on September 26, 2012.

Fig. 7 - FY2011 Monthly Compliance Rate Trends



Compliance Rate	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	Entire year†
Air	60.7%	66.7%	53.5%	73.9%	65.9%	74.5%	63.6%	77.2%	65.5%	50.0%	66.7%	82.1%	66.5%
Hazardous Waste	88.8%	95.1%	83.3%	92.5%	90.0%	91.8%	89.7%	91.5%	89.7%	92.7%	91.6%	90.5%	88.0%
Land Use	50.0%	50.0%	70.0%	28.6%	56.3%	80.0%	66.7%	100.0%	73.0%	83.3%	57.1%	100.0%	68.9%
Pesticides	13.6%	31.3%	51.9%	49.7%	44.9%	59.6%	42.3%	35.2%	57.1%	30.4%	59.4%	61.0%	46.5%
Solid Waste	95.3%	95.2%	94.0%	95.8%	94.5%	94.5%	90.9%	95.7%	94.5%	92.7%	96.2%	97.0%	81.4%
Water Quality	96.2%	87.7%	90.3%	88.0%	87.8%	87.9%	82.5%	90.9%	90.0%	89.7%	89.2%	94.4%	88.5%
HW- UST	61.9%	53.8%	56.3%	70.3%	64.7%	62.5%	59.2%	63.7%	56.1%	48.8%	51.5%	58.0%	59.1%
Water Supply	89.2%	90.4%	89.8%	84.8%	85.0%	86.9%	92.7%	93.6%	88.8%	95.6%	92.0%	96.1%	89.7%
Facilities Inspected	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	Entire year††
Air	28	54	71	69	88	55	55	57	58	50	60	39	669
Hazardous Waste	125	123	132	107	130	147	78	106	117	123	119	95	1057
Land Use*	4	4	10	7	16	10	18	16	37	6	7	4	132
Pesticides	22	64	156	159	156	99	78	108	77	46	32	41	1016
Solid Waste	215	227	234	216	236	235	209	233	219	220	210	231	494
Water Quality	182	212	320	274	401	379	194	274	340	291	231	179	2979
HW- UST	97	132	254	202	153	232	169	226	107	168	132	81	1921
Water Supply	93	115	166	125	214	199	82	94	116	113	100	76	1463
Totals	766	931	1343	1159	1394	1356	883	1114	1071	1017	891	746	9731

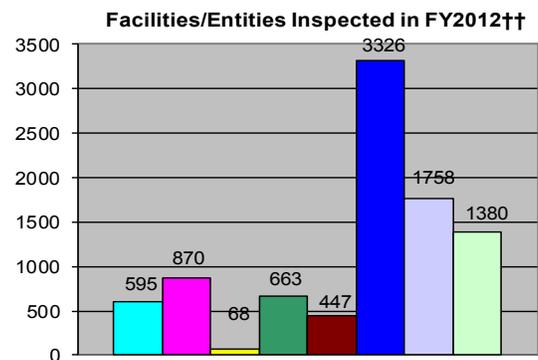
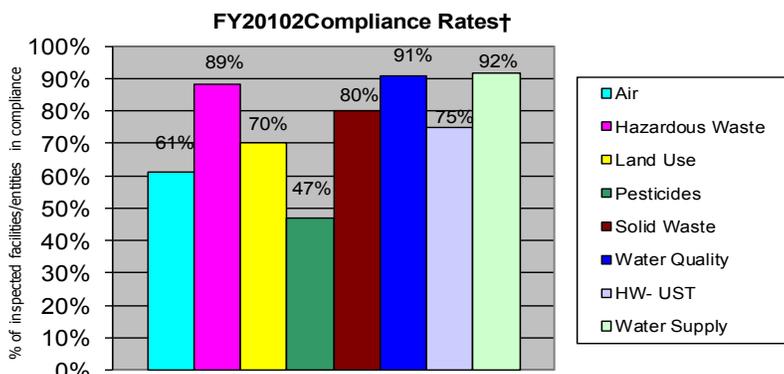
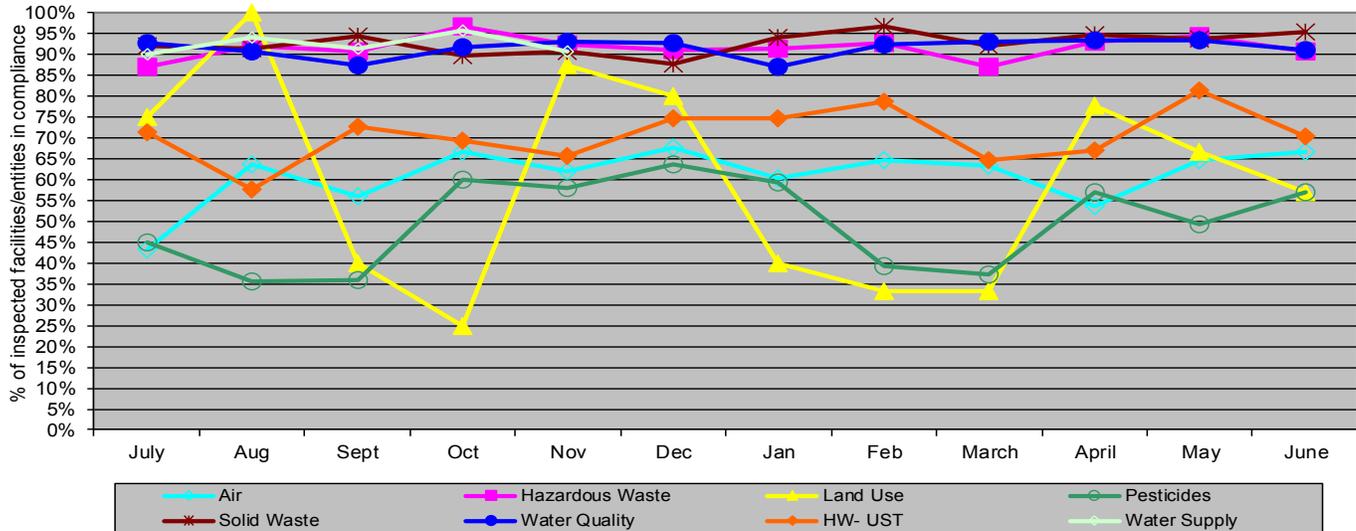
† Compliance Rates for the entire year will be lower than average monthly rates because of repeat visits to some facilities.

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

FY2012 Inspection-Based, Facility Compliance Rates

Figure 8, FY2012 Monthly Compliance Rate Trends, below, is based the number of discrete facilities or entities inspected by the programs and reflect the percentage found in compliance. Entities are only counted once even if inspected multiple times within a given period. One or more violations at any inspection in the period counts as non-compliance. The entities counted here are only where routine or pre-planned inspections occurred and are primarily where permits, licenses, or other Departmental approvals exist. These figures exclude observations based solely on submittals of self-reported information, monitoring and investigations (such as those stemming from hot-line calls or complaints). This report was run on September 26, 2012.

Fig. 8 - FY2012 Monthly Compliance Rate Trends



Compliance Rate	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	Entire year†
Air	43.4%	63.6%	56.1%	66.7%	62.1%	67.7%	60.3%	64.8%	63.4%	53.7%	64.8%	66.7%	61.0%
Hazardous Waste	87.2%	92.0%	90.8%	96.6%	92.5%	91.0%	91.5%	92.8%	87.1%	93.0%	94.5%	90.7%	88.5%
Land Use	75.0%	100.0%	40.0%	25.0%	87.5%	80.0%	40.0%	33.3%	33.3%	77.8%	66.7%	57.1%	70.3%
Pesticides	45.0%	35.7%	35.8%	60.0%	58.1%	63.6%	59.2%	39.4%	37.3%	57.1%	49.2%	57.1%	47.0%
Solid Waste	91.9%	91.4%	94.3%	89.8%	90.7%	87.8%	94.1%	96.9%	92.2%	94.8%	93.8%	95.3%	80.0%
Water Quality	92.6%	90.6%	87.5%	91.8%	92.9%	92.6%	87.2%	92.4%	93.0%	93.4%	93.4%	91.1%	91.0%
HW-UST	71.2%	57.5%	72.7%	69.3%	65.7%	74.7%	74.8%	78.7%	64.8%	66.9%	81.3%	70.4%	75.0%
Water Supply	90.2%	94.2%	91.4%	95.7%	90.8%	89.8%	95.5%	89.4%	95.5%	89.7%	93.5%	86.7%	91.7%
Facilities Inspected	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	81.10%
Air	53	55	41	39	29	62	78	71	41	54	54	27	595
Hazardous Waste	109	112	120	58	106	100	94	83	101	115	91	86	870
Land Use*	8	5	10	4	8	5	5	6	3	9	3	7	68
Pesticides	40	70	53	65	43	55	49	71	59	77	65	28	663
Solid Waste	197	187	157	127	140	82	205	226	192	192	211	191	447
Water Quality	296	266	353	245	380	299	274	340	316	378	256	236	3326
HW-UST	156	127	216	153	140	225	135	178	142	124	91	115	1758
Water Supply	102	103	128	116	207	166	88	85	112	97	108	98	1380
Totals	961	925	1078	807	1053	994	928	1060	966	1046	879	788	9107

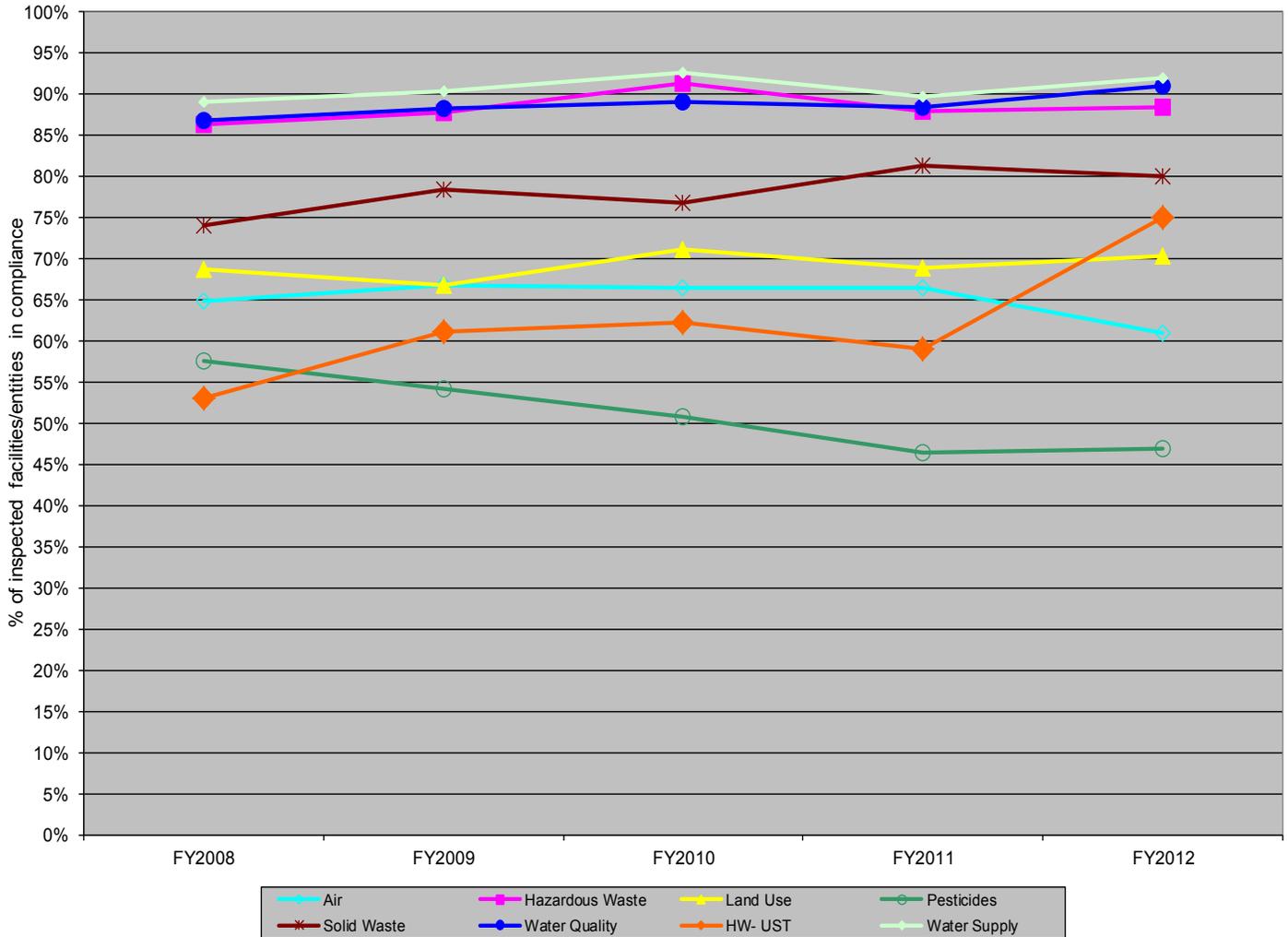
† Compliance Rates for the entire year will be lower than average monthly rates because of repeat visits to some facilities.

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

FY2008 - FY2012 Inspection-Based, Facility Compliance Rates

Compliance rates are based the number of discrete facilities or entities inspected by the programs and reflects the percentage found in compliance. Entities are only counted once even if inspected multiple times within a given period. One or more violations at any inspection in the period counts as non-compliance. The entities counted here are only where routine or pre-planned inspections occurred and are primarily where permits, licenses, or other Departmental approvals exist. These figures exclude observations based solely on submittals of self-reported information, monitoring and investigations (such as those stemming from hot-line calls or complaints). This report was run on September 26, 2012.

Fig. 9 - Facility Compliance Rates, FY2008 - FY2012



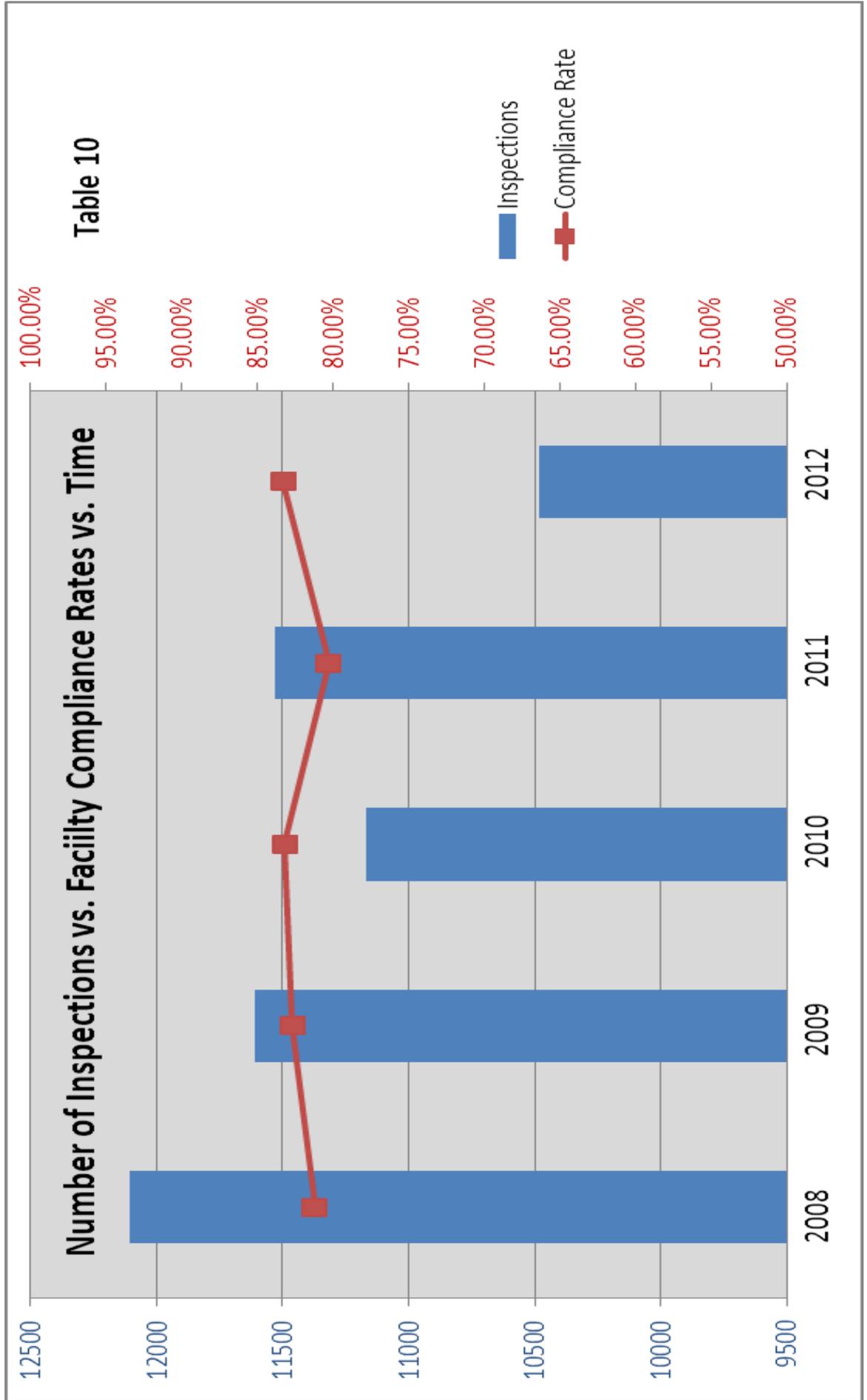
Compliance Rates FY2008 -FY2012

Compliance Rates	FY2008	FY2009	FY2010	FY2011	FY2012
Air	64.9%	66.8%	66.5%	66.5%	61.0%
Hazardous Waste	86.4%	87.8%	91.4%	88.0%	88.5%
Land Use	68.8%	66.8%	71.1%	68.9%	70.3%
Pesticides	57.6%	54.2%	50.8%	46.5%	47.0%
Solid Waste	74.1%	78.4%	76.8%	81.4%	80.0%
Water Quality	86.8%	88.3%	89.0%	88.5%	91.0%
HW- UST	53.0%	61.1%	62.2%	59.1%	75.0%
Water Supply	89.1%	90.3%	92.7%	89.7%	92.0%

Facilities Inspected FY2008 - FY2012

Facilities Inspected	FY2008	FY2009	FY2010	FY2011	FY2012
Air	854	656	487	669	595
Hazardous Waste	789	898	1055	1057	870
Land Use	269	256	225	132	68
Pesticides	601	546	658	1016	663
Solid Waste	517	528	483	494	447
Water Quality	3399	2989	2760	2979	3326
HW - UST	1489	1382	1366	1921	1758
Water Supply	1490	1486	1462	1463	1380

Figure 10 depicts **Number of Site Inspections versus Compliance Rates versus Time**. The left-side vertical axis represents the number of times C&E personnel conducted a physical inspection at an entity which is regulated by the Department for the fiscal years 2008-2012. The right-side vertical axis consists of the overall percentage of all facilities' compliance rates during the same time span. In FY2008, NJDEP performed approximately 12,100 inspections. During FY2012, NJDEP performed 10,483 inspections representing a decrease of approximately 14%. During the same 5-year time span, overall facility compliance rates have consistently stayed in the range of 80-83%.



ACRONYM Reference Table

The flowing acronyms are used throughout this highlights report:

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

Where to Get More Information

While we've taken painstaking efforts to present useful and relevant data in this document, we realize there may be readers who seek more detailed or site specific information. DEP's Data Miner database, located at <http://www.state.nj.us/dep/opra/online.html>, is a flexible and easy-to-use system that provides up to date information to the user on a variety of topics. Users have the ability to define specific search parameters and criteria allowing for the creation of customized searches and documents.

Within Data Miner one can find a variety of reports providing up to the minute results on the following categories:

2008 Permit Extension Act	NJPDES Permitting Program
Air Quality Permitting and Reporting	Pending Permit Progress Reports
Ambient Water Quality	Permitting Dashboard
Certified Laboratories	Pesticide Control Program
Community Access	Radiological Health
Compliance & Enforcement*	Site Remediation
Exams & Licensing	Stewardship
General Environmental Reports	Vehicle Registration Search (2009 Forward)
Hazardous Waste Manifest	Volunteer/Watershed Ambassador Ambient Water Quality
Incidents/Complaints*	Water Supply
Mandatory Diesel Retrofit Program	What's New

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

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

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

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