

ENVIRONMENTAL COMPLIANCE AND ENFORCEMENT IN NJ



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WHO'S WHO IN ENVIRONMENTAL ENFORCEMENT

LOCAL/REGIONAL HEALTH DEPARTMENT

- **HEALTH OFFICER** – A HEALTH OFFICER IS GENERALLY THE ADMINISTRATIVE OFFICER OF A LOCAL HEALTH AGENCY AND EVALUATES THE COMMUNITY'S HEALTH ISSUES AND DEVELOPS PROGRAMS TO ADDRESS THE COMMUNITY'S NEEDS AND THE PREVENTION AND CONTROL OF HEALTH AND/OR ENVIRONMENTAL PROBLEMS
- **REGISTERED ENVIRONMENTAL HEALTH SPECIALIST** – REHS ADMINISTER ENVIRONMENTAL AND HEALTH PROGRAMS FOR BOTH PUBLIC AND PRIVATE AGENCIES AND ORGANIZATIONS IN FOOD PROTECTION AND SAFETY, WATER PROTECTION, AIR QUALITY, NOISE, INDUSTRIAL AND LAND POLLUTION, SEWAGE DISPOSAL, HAZARDOUS AND TOXIC SUBSTANCES, SOLID WASTE MANAGEMENT, AND INSTITUTIONAL HEALTH.
 - **BOTH POSITIONS HOLD LICENSES ISSUED BY THE NJDHSS**

LOCAL con't

- **BOARD OF HEALTH** – A LEGALLY DESIGNATED GOVERNING BODY WHOSE MEMBERS ARE APPOINTED OR ELECTED TO PROVIDE ADVISORY FUNCTIONS AND/OR GOVERNING OVERSIGHT OF PUBLIC HEALTH ACTIVITIES, INCLUDING ASSESSMENT, ASSURANCE, AND POLICY DEVELOPMENT, FOR THE PROTECTION AND PROMOTION OF HEALTH IN THEIR COMMUNITY.
- **ENVIRONMENTAL COMMISSION** – AN EC IS AN ADVISORY BODY COMPRISED OF LOCAL CITIZENS USUALLY APPOINTED BY A MAYOR AND COUNCIL. AN EC IS CHARGED WITH THE PROTECTION, DEVELOPMENT AND USE OF NATURAL RESOURCES WITHIN MUNICIPLITY.
- IN SOMERSET COUNTY ALL MUNICIPALITIES HAVE A **RECYCLING COORDINATOR**. THE RC HAS THE RESPONSIBILITY OF ENSURING COMPLIANCE, ENFORCEMENT IS OPTIONAL, WITH THE COUNTY SOLID WASTE MANAGEMENT PLAN. THIS PROGRAM IS MANAGED BY THE **COUNTY DIVISION OF SOLID WASTE**.

COUNTY HEALTH DEPARTMENT

<http://www.co.somerset.nj.us/health/index.htm>



- HEALTH OFFICER

- **CEHA INVESTIGATOR** – AGENTS OF NJDEP RESPONSIBLE FOR ENSURING COMPLIANCE WITH INVESTIGATION, INSPECTION, AND ENFORCEMENT PROVISIONS OF THE NJ COUNTY ENVIRONMENTAL HEALTH ACT. PROGRAM AREAS INCLUDE:
 - SAFE DRINKING WATER
 - WATER POLLUTION
 - AIR POLLUTION
 - SOLID WASTE
 - COMMUNITY NOISE ENFORCEMENT
 - EMERGENCY RESPONSE
 - PESTICIDE CONTROL
 - REGULATED UNDERGROUND STORAGE TANKS.

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COMPLIANCE AND ENFORCEMENT IN ACTION



SOIL CONSERVATION SERVICE

<http://www.co.somerset.nj.us/division.htm#SOIL%20CONSERVATION%20DISTRICT>

- Provides natural-resource information relating to soil conservation. Assists agriculture in management of soils, erosion control and conservation practices. Provides input on natural resources to local government in evaluation projects. Assists landowners by providing information on natural resources. Provides technical assistance to engineers in the development of erosion-control plans.



**NEW JERSEY DEPARTMENT
OF ENVIRONMENTAL PROTECTION**

<http://www.state.nj.us/dep/>

<http://www.nj.gov/dep/enforcement/>



- COMPLIANCE AND ENFORCEMENT CAN BE DIVIDED INTO 2 DIVISIONS:
 1. ENVIRONMENTAL DIVISION
 - ENVIRONMENTAL SPECIALIST
 - PESTICIDE CONTROL
 - COASTAL AND LAND USE
 - SOLID WASTE
 - HAZARDOUS WASTE
 - WATER ENFORCEMENT
 - AIR ENFORCEMENT
 - UNDERGROUND STORAGE TANK ENFORCEMENT
 - COMMUNITY RIGHT TO KNOW
 2. CONSERVATION DIVISION
 - DIVISION OF FISH AND WILDLIFE/CONSERVATION OFFICERS

PESTICIDE CONTROL

<http://www.nj.gov/dep/enforcement/pcp.html#progact>

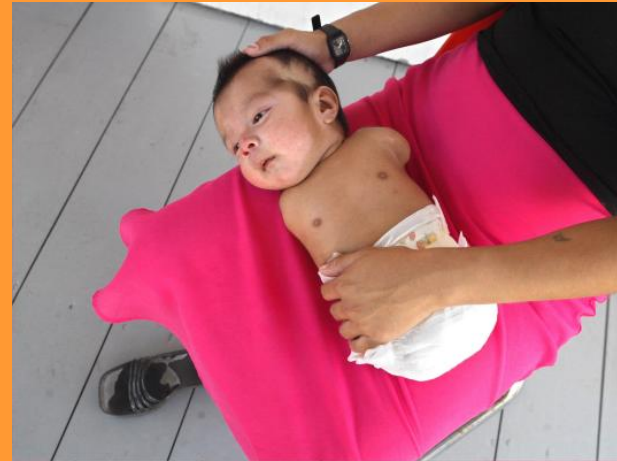


- The program consists of two bureaus.
- **Bureau of Pesticide Compliance:** The following activities support the enforcement of the state code and the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA)
 - Provide compliance assistance
 - Conduct complaint investigations at commercial applicator businesses (such as exterminators and lawn care companies), and farms
 - Conduct inspections
 - Conduct environmental sampling to determine violations and decide if any pesticide contamination must be removed
 - Enforce the Worker Protection Standard that involves the protection of 40,000 agricultural workers on New Jersey farms and nurseries

PEST con't

- **Bureau of Pesticide Operations:** The following activities support the certification and licensing of agricultural and commercial users of pesticides, and pesticide dealers.
 - Provide compliance assistance
 - Administer exams and monitors courses to ensure a knowledgeable workforce prior to licensing
 - Register all pesticide products sold, used or manufactured in the state
 - Register beekeepers for notification purposes
 - Conduct environmental monitoring and research projects
 - Provide technical assistance to the PCP on pesticide related matters
 - Perform hazard assessments on pesticide issues, coordinates activities regarding the promotion and implementation of IPM
 - Conduct routine pesticide use surveys
 - Perform laboratory analysis of pesticide samples taken for compliance activities, and environmental monitoring and research projects.
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- **Statutory and regulatory authority**
Pesticide Control Act of 1971: N.J.S.A. 13:1F-1 et seq. and N.J.A.C. 7:30-1 et seq.

PESTICIDE USE AND THE NEED FOR REGULATION??



COASTAL AND LAND USE

<http://www.nj.gov/dep/enforcement/lu.html#progact>



- **Program Activities**
- Respond to reports and/or complaints of possible land use violations received from municipal and county officials, private citizens, and other public and private organizations.
- Conduct education and outreach programs to educate all levels of government, organizations, and citizens on the technical aspects of the rules regulating development in areas under Land Use jurisdiction and the importance of complying with them.
- Respond to complaints of illegal activity in areas of our jurisdiction from citizens, towns, organizations.
- Conduct compliance inspections of Land Use Permits to ensure compliance with their conditions, requirements, and limitations.
- Issue enforcement documents compelling compliance, including Notices of Violation, Administrative Orders and Notices of Civil Administrative Penalty Assessments, as well as executing Administrative Consent Orders to resolve cases and ensure compliance and restoration.
- Monitoring enforcement cases to ensure compliance by the Respondent either securing appropriate Land Use permits or by removing the violation by restoration and/or mitigation.
- Provide compliance assistance to municipal governments and citizens unfamiliar with the regulations
- Attach and/or record violations to the property Deed of the site in violation.

LAND USE con't

- **Regulations They Enforce**

- **Acts and Statutes**

- **Freshwater Wetland Protection Act, N.J.S.A. 13:B-1 et seq.**
 - **Flood Hazard Area Control Act (Stream Encroachment), N.J.S.A 58:16A-52 et seq.**
 - **Coastal Area Facility Review Act (CAFRA), N.J.S.A. 13:19-1 et seq.**
 - **Waterfront Development Statutes, N.S.A. 12:5-1 et seq.**
 - **The Wetlands Act of 1970, N.J.S.A 13:9A-1 et seq.**
 - **Highlands Water Protection and Planning Act, N.J.S.A 13:20-1 et seq.**
 - **Riparian Lands Statutes (Tidelands Act), N.J.S.A. 12:3-1 et seq.**

- **Rules and Regulations**

- **Freshwater Wetland Protection Act, N.J.A.C. 7:7A-1 et seq.**
 - **Flood Hazard Area Control Act (Stream Encroachment), N.J.A.C. 7:13**
 - **Highlands Water Protection and Planning, N.J.A.C. 7:38**
 - **Coastal Permit Program Rules, N.J.A.C. 7:7-2.1**

SOLID WASTE

<http://www.nj.gov/dep/dshw/>



- **Program Activities**
- The **Bureau of Solid Waste Compliance and Enforcement** performs the following activities to ensure that solid waste is collected, transported and disposed of in an environmentally acceptable manner and in a competitive marketplace:
 - Provide compliance assistance
 - Investigate complaints
 - Conduct inspections
 - Issue enforcement documents, both formal and informal which may include assessed penalties
 - Assists the Attorney General in developing enforcement cases and testifies in court
 - Negotiate compliance schedule and penalty settlements
- **Statutory and regulatory authority**
Solid Waste Management Act: [N.J.S.A. 13:1E-1 et seq.](#)
Solid Waste Utility Control Act: [N.J.S.A. 48:1 et seq.](#)
[N.J.A.C. 7:26-1 et seq.](#), [N.J.A.C. 7:26A-1 et seq.](#), and [N.J.A.C. 7:26H-1 et seq.](#)

SOLID WASTE ENFORCEMENT



HAZARDOUS WASTE

<http://www.nj.gov/dep/enforcement/hw.html#progact>



- **Program Activities**

The **Bureau of Hazardous Waste** Compliance and Enforcement performs the following activities to ensure that hazardous waste is properly identified and collected, transported, treated and disposed of in an environmentally sound manner.

- Provide compliance assistance
- Investigate complaints
- Conduct inspections
- Issue enforcement documents, both formal and informal which may include assessed penalties
- Assists the Attorney General in developing enforcement cases and testifies in court
- Negotiate compliance schedule and penalty settlements
- The Department has been delegated authority by the USEPA to administer the RCRA (Resource Conservation Recovery Act - Cradle to Grave) program in New Jersey. There is also a transportation oversight function that includes, in coordination with the State Police, roadside operations and hazardous waste transporter terminal audits.

- **Statutory and regulatory authority**

Solid Waste Management Act: [N.J.S.A. 13:1E-1](#) et seq. and [N.J.A.C. 7:26G-1 et seq.](#),
Federal 40 CFR

WATER ENFORCEMENT

<http://www.nj.gov/dep/enforcement/water.html#progac>



- **Program Activities**

This program is responsible for ensuring compliance with the State's water programs. A particular focus is placed on inspections of wastewater discharge and community drinking water supply facilities.

- Provide compliance assistance
- Investigate complaints and notifications of unauthorized activities
- Conduct inspections
- Issue enforcement documents, both formal and informal which may include assessed penalties for the Water Allocation Program, the Water Supply and Wastewater Licensing Act, and against State certified laboratories that fail to comply with the laboratory certification program requirements
- Assist the Attorney General in developing enforcement cases and testifies in court
- Negotiate compliance schedule and penalty settlements
- Monitors compliance with all permits issued under the New Jersey Pollutant Discharge Elimination System for surface water, ground water and indirect discharges to Publicly Owned Treatment Works

WATER con't

- **Statutory and regulatory authority**

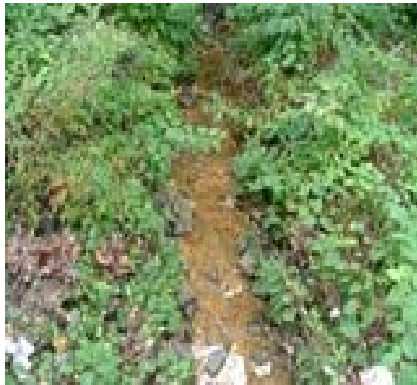
Water Pollution Control Act: [N.J.S.A. 58:10A-1](#) et seq.; N.J.A.C. 7:14-1 1 et seq.; and N.J.A.C. 7:14A-1 1 et seq.

Safe Drinking Water Act: [N.J.S.A. 58:12A-1 1](#) et seq. and [N.J.A.C. 7:10-1 1 et seq.](#)

Water Allocation Act: [N.J.S.A. 58:1A-1 1 et seq.](#) and [N.J.A.C. 7:19-1 1 et seq.](#)

Water Supply Waste Water Licensing Act: [N.J.S.A. 58:11-64 1 et seq.](#) and [N.J.A.C. 7:10-13 et seq.](#)

Quality Assurance: [N.J.S.A. 58:12A-1 1 et seq.](#); [N.J.S.A. 58:10A-1 1 et seq.](#); and [N.J.A.C. 7:18-1 1 et seq.](#)



AIR ENFORCEMENT

<http://www.nj.gov/dep/enforcement/air.html#progact>



- **Program Activities**

This program performs the following activities to ensure compliance with the Air Pollution Control Act and compliance with issued permits:

- Oversight to stack emission testing
- Provided compliance assistance
- Investigate complaints
- Conduct inspections
- Sample collection and gather evidence
- Issues enforcement documents, both formal and informal which may include assessed penalties
- Assists the Attorney General in developing enforcement cases and testifies in court
- Negotiate compliance schedule and penalty settlements

- **Statutory and regulatory authority**

The Air Pollution Control Act: [N.J.S.A. 26:2C-1 et seq.](#) and [N.J.A.C. 7:27-1.1 et seq.](#)



UST ENFORCEMENT

<http://www.nj.gov/dep/enforcement/ust.html#progact>



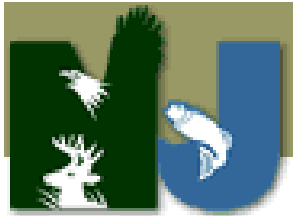
- **Program Activities**

Underground Storage Tank (UST) Compliance & Enforcement is a component of the Division's Water C&E program. This program component is dedicated to enforcing what are commonly referred to as the "operational compliance" requirements for UST's, found in N.J.A.C. 7:14B. These include, but are not limited to, the Registration requirements in Subchapters 1 & 2, General Operating Requirements found in Subchapter 5, Release Detection requirements in Subchapter 5, Release Reporting and Investigation requirements found in Subchapter 7, Out-Of-Service and Closure requirements found in Subchapter 9 and Financial Responsibility requirements found in Subchapter 15.

- Our functions include providing compliance assistance, performing UST facility inspections, investigation of regulated UST related complaints, issuance of enforcement documents that may include penalty assessments, negotiation of return to compliance schedules and penalty settlements and the administration
- Providing compliance assistance
- Performing UST facility inspections
- Investigation of regulated UST related complaints
- Issuance of enforcement documents that may include penalty assessments
- Negotiation of return to compliance schedules and penalty settlements

UST con't

- Issues enforcement documents, both formal and informal which may include assessed penalties
- Assists the Attorney General in developing enforcement cases and testifies in court
- Negotiate compliance schedule and penalty settlements
- **Statutory and regulatory authority**
To view and/or obtain copies of Department rules go to http://www.state.nj.us/dep/legal/nj_env_law.htm For N.J.A.C. 7:14B, Underground Storage of Hazardous Substances (UST) Rules, go to <http://www.nj.gov/dep/srp/regs/>
- See also Water Pollution Control Act: N.J.S.A. 58:10A-1 et seq. and related regulations found in N.J.A.C. 7:14-1 1 et seq.; and N.J.A.C. 7:14A-1 1 et seq.



NJDEP – DIVISION OF FISH & WILDLIFE



- The Bureau of Law Enforcement's primary responsibility is enforcing laws and regulations that protect wildlife and its habitat. Highly trained Conservation Officers patrol the state and its waters using the latest in law enforcement technology as well as traditional methods.
 - **Fish and Wildlife Law Enforcement**
- Every year Conservation Officers inspect more than 50,000 persons hunting, fishing, clamming or visiting wildlife management areas. These inspections result in the issuance of thousands of summonses and hundreds of written warnings.



F&W con't

- General patrols by Conservation Officers in four-wheel drive vehicles, on foot or boat are the most common means of detecting or deterring violations. However, a significant number of apprehensions are the result of thorough investigations as a result of calls from sportsmen/women and the public. Use of wildlife decoys has significantly decreased the amount of incidents of individuals shooting wildlife from vehicles. The increased use of cellular phones by the public has helped apprehend some violators.
- The past few years has seen a significant amount of officers' time spent assisting the Wildlife Control Unit with nuisance bear complaints, especially those which might require the use of a dart gun or adverse conditioning. Many other situations were handled concerning displaced or injured wildlife, especially during "off hours" and weekends.

NOT ENFORCEMENT BUT WORTH MENTIONING

- SMALL BUSINESS ASSISTANCE
- OFFICE OF QUALITY ASSURANCE
- BUREAU OF RISK MANAGEMENT / SITE REMEDIATION
- EMERGENCY RESPONSE

1-877-WARNDEP HOTLINE

THE DEPARTMENT HAS ESTABLISHED A NEW TOLL-FREE HOTLINE NUMBER YOU CAN USE TO REPORT ENVIRONMENTAL INCIDENTS, ABUSES, AND COMPLAINTS IN NEW JERSEY OR IMPACTING IT.



**NEW JERSEY ATTORNEY GENERAL'S OFFICE:
DIVISION OF CRIMINAL JUSTICE
ENVIRONMENTAL CRIMES BUREAU**

<http://www.state.nj.us/lps/dcj/ecb.htm>

<http://www.state.nj.us/lps/dcj/ecb/ecb-handbook.htm>

- For two decades, the Division of Criminal Justice, through the Environmental Crimes Bureau, has investigated and prosecuted environmental criminal violations throughout the State. The Environmental Crimes Bureau (ECB) investigates and prosecutes violations of the State's water pollution, air pollution, hazardous waste, solid waste and regulated medical waste laws, as well as traditional crimes such as racketeering, thefts, frauds and official misconduct that have an impact on environmental regulatory programs. The ECB reviews regularly Department of Environmental Protection (DEP) enforcement actions and also receives information from other government agencies or through citizen complaints. In addition to investigating and prosecuting cases on a statewide basis, the ECB also coordinates any environmental criminal enforcement activities by the county prosecutors' offices with the DEP and Marine Bureau of the State Police. The ECB also provides technical and legal assistance and training to those offices on a regular basis.
- **LOCAL POLICE AND COUNTY PROSECUTOR'S OFFICES SHARE INFORMATION WITH ECB AND ARE EMPOWERED TO ENFORCE THE SAME ENVIRONMENTAL STATUTES.**

ENVIRONMENTAL CRIMES

1. In State v. Cordell Nesbitt (Indictment No. 05-08-001310-S), the defendant, a supervisor for the Jersey City Incinerator Authority, pled guilty to third degree unlawful disposal of solid waste, contrary to N.J.S.A. 13:1E-9.6 for causing truckloads of debris to be dumped on a city owned lot. The Honorable Camille M. Kenny, J.S.C. sentenced defendant to a three year probationary sentence conditioned upon serving one year in the Hudson County jail and paying approximately
2. In State v. Dominick Galuzzo and Galuzzo Equipment and Excavating (Indictment No. 06-06 00062-S), the State Grand Jury charged both defendants with third degree criminal mischief contrary to N.J.S.A. 2C:17-3 and defendant Dominick Galluzzo with fourth degree witness tampering, contrary to N.J.S.A. 2C:28-5. Defendants are charged with abandoning a large volume of solid waste in Saddle Brook.
3. In State v. Kumar Ogala (Accusation No. 06-07-00692I), the State filed an Accusation against defendant charging him with a fourth degree violation of the Water Pollution Control Act, N.J.S.A. 58:10A-10f(3) for allowing subordinates over a period of several months in the first portion of 2006 to discharge wastewater contaminated with Isopropyl Alcohol into the storm drain system. Defendant pled guilty and was sentenced to a probationary term. The company, TransWeb entered into an agreement with the State to pay \$25,000 in fines and restitution.

ENVIRONMENTAL PROTECTION AGENCY

<http://www.epa.gov/>



- **Develop and enforce regulations:** EPA works to develop and enforce regulations that implement environmental laws enacted by Congress. EPA is responsible for researching and setting national standards for a variety of environmental programs, and delegates to states and tribes the responsibility for issuing permits and for monitoring and enforcing compliance. Where national standards are not met, EPA can issue sanctions and take other steps to assist the states and tribes in reaching the desired levels of environmental quality.



- <http://www.epa.gov/compliance/complaints/index.html>

WHEN WORKING WITH ENVIRONMENTAL REGULATIONS

- IF YOU DON'T KNOW, START AT THE LOCAL LEVEL
- ONCE YOU HAVE IDENTIFIED THE SET OF REGULATIONS, **START WITH THE DEFINITIONS**
 - Pursuant to N.J.A.C. 7:14A-2.1(d) it shall be unlawful for any person to discharge any pollutant, except in conformity with a valid NJPDES permit issued by the New Jersey Department of Environmental Protection.
 - “Discharge” means an intentional or unintentional action or omission resulting in the releasing , spilling, leaking, pumping , pouring, emitting, emptying, or dumping of a pollutant into the Waters of the State, onto land or into wells from which it might flow or drain into said waters or into waters or onto lands outside the jurisdiction of the State, which pollutant enters the waters of the State. “Discharge” includes the release of any pollutant into a municipal treatment works.

REGS con't

- “Pollutant” – means any dredged spoil, solid waste, incinerator residue, sewage, garbage, refuse, oil, grease, sewage, sludge, munitions, chemical wastes, biological materials, radioactive substances, thermal waste, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal or agricultural waste or other residue discharged into the Waters of the State. “Pollutant” includes both hazardous and nonhazardous pollutants.

COMPANY X



NOTIFICATION

- A FIRE MARSHAL FROM THE MUNICIPALITY REPORTED TO THE NJDEP HOTLINE:
 - **DOZENS OF 55 GALLON DRUMS CONTAINING PAINT HAVE SPILLED ONTO THE GROUND IN THE REAR OF THE FACILITY. NO CLEAN UP IS BEING DONE.**
 - **DEP REPORTED UNDER: SLOPPY HOUSE KEEPING**
 - **FORWARDED TO SCHD FOR FOLLOW-UP**

RESPONSE

- **SOMERSET COUNTY HEALTH DEPARTMENT**
- **NJDEP HAZARDOUS WASTE ENFORCEMENT**
- **NJDEP SITE REMEDIATION**
- **NJDEP WATER ENFORCEMENT**
- **NJ ATTORNEY GENERAL – ECB**

- **SCHD MULTIPLE VIOLATIONS:**
 - **WATER POLLUTION**
 - **AIR POLLUTION: MINOR SOURCE – UNREGISTERED EQUIPMENT**
 - **SOLID WASTE – UNREGISTERED EQUIPMENT, SCRAP TIRES**

- **FINES ASSESSED = \$20000/ FINES COLLECTED=\$10000**

Y CONSTRUCTION CO.



CONCRETE WASHOUT AREA

- INVESTIGATION WAS “SELF INITIATED”
- VIOLATION OF WATER POLLUTION CONTROL ACT
- FACILITY WAS ISSUED NOV WITHOUT PENALTY: GIVEN 30 DAYS TO COME INTO COMPLIANCE
- END RESULT = 100% COMPLIANCE