



## Permitting for Environmental Results (PER)

# NPDES Profile: New Jersey

### PROGRAM RESPONSIBILITY

**State of New Jersey:** NPDES authority for base program, general permitting, federal facilities, pretreatment  
**EPA Region 2:** NPDES authority for biosolids

### Program Integrity Profile

This profile characterizes key components of the National Pollutant Discharge Elimination System (NPDES) program, including program administration and implementation, environmental outcomes, enforcement, and compliance. EPA considers profiles to be an initial screen of NPDES permitting, water quality, enforcement, and compliance programs based on self-evaluations by the States and a review of national data. EPA will use the profiles to identify program strengths and opportunities for enhancements. For more information, please contact Jeffrey Reading, Assistant Director, New Jersey Department of Environmental Protection, at (609) 292-9977 or Jeffrey Gratz, Chief, NPDES Section, EPA Region 2, at (212) 637-3873.

## Section I. Program Administration

### 1. Resources and Overall Program Management

#### The State of New Jersey:

EPA authorized the New Jersey Pollutant Discharge Elimination System (NJPDES) program on April 13, 1982, including authority for federal facilities, pretreatment, and general permits. The biosolids program has not yet been authorized. In addition, the NJPDES program includes the following State permits and activities: Discharge to Groundwater permits, Significant Indirect User permits (where the New Jersey Department of Environmental Protection [NJDEP] is the control authority), and Residuals permits. Within NJDEP, the NJPDES program is primarily administered by two units: the Division of Water Quality and the Office of Water Compliance and Enforcement. (Organizational charts are provided at the end of this profile.)

The Division of Water Quality is responsible for NJPDES permit development and issuance, data management, permit fees, and the approval and oversight of delegated pretreatment programs. In addition to the NJPDES program, the Division of Water Quality also administers the Onsite Septic Management, Treatment Works Approval (TWA), Capacity Assurance, and Sewer Ban programs. The Onsite Septic Management Program establishes the standards for the location, design, construction, installation, repair, and operation of individual septic systems. The TWA program regulates the construction and operation of wastewater treatment and conveyance systems, while the Capacity Assurance and Sewer Ban programs prevent further pollution by restricting additional sewage flow to nonconforming treatment and conveyance systems.

The Office of Water Compliance and Enforcement monitors compliance with all permits issued under the NJPDES program, provides compliance assistance, conducts inspections, investigates complaints,

issues notifications of unauthorized activities, issues enforcement documents (both formal and informal) and assesses penalties, negotiates compliance schedules and penalty settlements, and assists the Attorney General in developing enforcement cases. In addition to its NJPDES responsibilities, the Office also has enforcement responsibility for community drinking water supply facilities, the Water Allocation Program, the Water Supply and Wastewater Licensing Program, and the State laboratory certification program. The Water Compliance and Enforcement program routinely inspects all regulated underground storage tanks and is responsible for all operational compliance issues.

NJDEP reports the NJPDES universe as including 5,007 individual permits and permit authorizations. This includes 155 major surface water permits, 538 minor surface water permits (not counting stormwater only permits), 3,194 stormwater permits (including 647 new municipal stormwater permits), 987 groundwater permits, 75 industrial user permits, and 58 residual permits.<sup>1</sup>

Table 1 (provided by NJDEP) shows the staffing levels and funding for the NJPDES and related programs for State fiscal year (FY) 2004.

In Table 1, the “NJPDES Services: Municipal” column includes municipal NPDES permitting, related residuals permitting, and local pretreatment program oversight. “NJPDES Services: Industrial” includes industrial NPDES permitting and related residuals permitting. “NJPDES Services: Nonpoint” includes stormwater NPDES permitting, groundwater NPDES permitting, and related residuals permitting. “NJPDES Services SIU” includes permitting of significant industrial users (SIUs) in municipalities without local pretreatment programs. The Water Planning and Standards staffing provides for guidance and assistance to the permitting programs. The Office of Information Resources Management (OIRM) staffing provides for computer system operations and support for the permitting programs.

With respect to training, for permit writers NJDEP provides training internally on various technical issues and water quality-based and technology-based limit calculation methodologies. NJDEP also has a mentoring program in place, where a new staff member is teamed with a more knowledgeable, experienced staff member. NJDEP also sends staff to the EPA’s NPDES Basic Permit Writer’s Course for overall permitting training and to the Society of Environmental Toxicology and Chemistry (SETAC) courses for whole effluent toxicity (WET) training. The NJDEP Surface Water Program conducts regular “Permit Issues” meetings to discuss problem situations, create new policies, reevaluate existing policy issues, and disseminate pertinent information.

NJDEP uses the New Jersey Environmental Management System (NJEMS), which contains the permit boilerplates in a database-type structure. The system is used to prepare the NJPDES permits. NJDEP provides ongoing, extensive training to all staff in the use of this system.

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<sup>1</sup> The numbers in the Management Report, measures #1 and #2, appear to be different from those provided above because they represent a different breakdown of the permitted universe and are based on EPA’s Permit Compliance System (PCS) database, rather than New Jersey’s NJEMS database. The difference between the 159 major facilities reported in the Management Report, measure #1, and the 155 reported by NJDEP occurs because NJDEP included four stormwater major permits in its 3,194 “stormwater permits” instead of in its accounting of major permits. The difference between the 556 major facilities covered by individual permits shown on the Management Report, measure #2, and the 538 minor surface water permits mentioned above is due partially to the Management Report count, including individual stormwater only permits, and due partially to data differences between NJEMS and PCS. See section I.7, Data Management, for a further discussion of these differences.

There is no formal training program for newly hired inspectors; however, each new inspector receives extensive hands-on training from a experienced inspector. Each office has many inspectors with more than 15 years of experience to provide this training.

**Table 1: 2003-2004 NJPDES Budget Summary**  
State FY 2004 (July 1, 2003 through June 30, 2004)

<b>Bureau</b>	<b>Total Man-Years</b>	<b>NJPDES Services: Municipal</b>	<b>NJPDES Services: Industrial</b>	<b>NJPDES Services: Nonpoint</b>	<b>NJPDES Services: SIU</b>	<b>Total NJPDES Fee Budget</b>
Director's Office	7.95	\$147,223	\$164,543	\$112,582	\$8,660	\$433,008
Point Source Permitting 1	16.90	\$416,668	\$503,814	\$0	\$0	\$920,482
Point Source Permitting 2	16.90	\$420,480	\$500,001	\$0	\$0	\$920,482
Nonpoint Pollution Control	42.74	\$0	\$0	\$2,327,893	\$0	\$2,327,893
Pretreatment and Residuals	18.00	\$577,343	\$93,682	\$180,284	\$129,085	\$980,395
Permit Management	14.90	\$275,927	\$308,389	\$211,003	\$16,231	\$811,549
Municipal Wastewater Assist.	6.37	\$346,951	\$0	\$0	\$0	\$346,951
Enforcement – Municipal	6.78	\$369,282	\$0	\$0	\$0	\$369,282
Enforcement – Industrial	8.36	\$0	\$455,339	\$0	\$0	\$455,339
Enforcement – Pret. & Resid.	1.60	\$0	\$0	\$0	\$87,146	\$87,146
Enforcement – Groundwater	8.24	\$0	\$0	\$448,803	\$0	\$448,803
Enforcement – Stormwater	14.42	\$0	\$0	\$785,405	\$0	\$785,405
Water Quality Planning Stds.	14.50	\$347,495	\$347,495	\$94,771	\$0	\$789,762
OIRM	5.00	\$88,259	\$63,447	\$114,405	\$6,221	\$272,332
<b>SUBTOTAL</b>	<b>182.66</b>	<b>\$2,989,628</b>	<b>\$2,436,710</b>	<b>\$4,275,146</b>	<b>\$247,343</b>	<b>\$9,948,827</b>
<b>FRINGE</b>		<b>\$871,477</b>	<b>\$710,301</b>	<b>\$1,246,205</b>	<b>\$72,101</b>	<b>\$2,900,083</b>
<b>INDIRECT</b>		<b>\$1,011,223</b>	<b>\$824,202</b>	<b>\$1,446,042</b>	<b>\$83,662</b>	<b>\$3,365,129</b>
<b>TOTAL PERSONNEL COSTS</b>		<b>\$4,872,328</b>	<b>\$3,971,212</b>	<b>\$6,967,392</b>	<b>\$403,106</b>	<b>\$16,214,039</b>
<b>TOTAL OPERATING COSTS</b>		<b>\$330,930</b>	<b>\$369,863</b>	<b>\$253,064</b>	<b>\$19,466</b>	<b>\$973,323</b>
<b>TOTAL PROGRAM COSTS</b>		<b>\$5,203,258</b>	<b>\$4,341,075</b>	<b>\$7,220,456</b>	<b>\$422,573</b>	<b>\$17,187,362</b>

#### EPA Region 2:

The biosolids NPDES program is not authorized in New Jersey. EPA Region 2 implements this program and conducts oversight of the remainder of the State program. Within Region 2, the Division of Environmental Planning and Protection (DEPP) and the Division of Enforcement and Compliance Assistance (DECA) carry out the bulk of program activities. The Division of Environmental Science and

Assessment (DESA) may at times provide support through sampling, analysis, and quality assurance. In addition, the Office of Regional Counsel (ORC) provides support and input on issues related to policy and enforcement.

## **2. State Program Assistance**

EPA Region 2 would support any State effort to seek authorization for the biosolids program. NJDEP has previously expressed interest in obtaining partial authorization (for biosolids recycling but not for incineration). However, at present, NJDEP sees that there is little to be gained by seeking authorization. NJDEP has recommended that the sewage sludge program authorization process be simplified.

## **3. EPA Activities in Indian Country**

Not applicable because there are no federally recognized Indian Nations located within the State of New Jersey.

## **4. Legal Authorities**

*EPA is conducting a comprehensive review of the State's legal authorities. This review has not yet been completed. As a result, EPA is reserving this section of the profile; when the legal reviews are complete, EPA will update profiles to include the results of the reviews.*

## **5. Public Participation**

*An evaluation of the State's legal authorities regarding public participation will be included in the legal authority review. As noted above, the legal authority review section of this profile is reserved pending completion of the legal authority review.*

NJDEP strives to implement the public participation process in accordance with federal and State law and NJDEP procedures. In addition to the requirements under the Clean Water Act, the following State statutes and administrative rules provide the framework for public participation: The Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq; New Jersey Administrative Code, New Jersey Pollutant Discharge Elimination System (NJPDES) Rules, N.J.A.C. 7:14A.

Meaningful public involvement is provided in the following key elements:

Public Involvement in the Permit Development Process and Outreach: NJDEP makes an effort to involve the public, including permittees, in the process of general and individual permit development. Many general NPDES permits have been developed with the assistance of advisory groups of stakeholders and interested parties. These groups meet at regular intervals, usually monthly, with NJDEP staff tasked with developing the permit. The advisory group provides expertise and insight into the conceptual development of the permit, in addition to guidance on its details. Draft general permits are issued and sent to potential permittees and interest groups for comment (also see the discussion of draft permits below).

When individual permits are being drafted, site visits are often performed early in the process and facility staff are involved in the permit development process. These permits are also issued as drafts for public comment.

NJDEP has an active outreach program to permittees and interested parties. Seminars are held frequently at various locations around the State, often under the auspices of the Continuing and Professional Education Program at Rutgers University. The availability of these seminars to permittees and interested parties is announced through mailings to permittees and, if held through Rutgers, to their extensive mailing list of consultants, engineers, government agencies, and others. Smaller, targeted workshops are held for groups with specific interests. For example, seminars and workshops included more than 50 presentations on the new Phase II Municipal Stormwater Regulation Program.

Informational outreach to interested parties and entities possibly requiring a permit is accomplished through targeted mailings. Mailing lists are obtained from industry associations, the New Jersey Department of Labor, permittee databases, and so forth. NJDEP has made an effort over the years to let potential permittees know that they may need a permit through a series of mailings. For example, there have been more than 60 mass mailings over the past 12 years for the Phase I stormwater program. Those entities not responding are referred to the NJDEP enforcement unit for a site visit.

Environmental Justice: Through Executive Order No. 96, affected groups of 50 or more residents and workers, of which 25 must be residents of the petitioning community, are encouraged to submit petitions to the New Jersey Environmental Justice Task Force, chaired by the Commissioner of NJDEP and the Commissioner of the Department of Health and Senior Services (DHSS). If eligible under task force criteria, petitioners are entitled to have an Action Plan developed that will seek multiagency remedies to address urban environmental and public health concerns.

NJDEP recognizes the significance of early and meaningful public participation in the permitting process. New Jersey's communities of color and low-income communities have historically been located in areas of the State having a higher density of known contaminated sites as compared to other communities. These communities have the potential for increased environmental and public health impacts. NJDEP, through its Environmental Justice Program working with programs throughout the Department, proactively informs community stakeholders of opportunities for involvement in the permitting process through constituency e-mails, hearings, improved public records access, meetings, and phone calls. In addition, NJDEP is identifying areas throughout the department where public participation can be increased.

In accordance with New Jersey's Environmental Justice policy, NJDEP uses available environmental and public health data to identify existing and proposed industrial and commercial facilities, as well as low-income communities and communities of color. With this information, NJDEP targets compliance, enforcement, remediation, siting, and permitting strategies to address the impacts from the facilities on those communities.

Recognizing the diversity of New Jersey's municipalities, NJDEP and DHSS are establishing Spanish-language Web sites to communicate significant public health and environmental information in efforts to increase and facilitate meaningful involvement in environmental decision-making by community stakeholders and interested parties.

Public Notice of Draft Permits: Fact sheets for NPDES permits are prepared consistent with title 40 of the Code of Federal Regulations (CFR) 124.8 and N.J.A.C. 7:14A-15.8. The fact sheet outlines the derivation of the permit limits and contains all additional information required by federal regulations. NPDES permits are placed on public notice in accordance with federal regulations, N.J.S.A. 58:10A-7 and -9, N.J.A.C. 7:14A-15.10, and NJDEP procedures. All draft NPDES permits continue to receive legal public notice by publication in the NJDEP Bulletin (discussed below), and certain individual draft permits, including major facilities that discharge to surface water, are also given public notice in a daily or weekly newspaper within the area affected by the facility or activity. An NJDEP staff person's name, address, and phone number are included in the public notice and fact sheet so that the public can obtain further information about the draft permit action.

As part of the public notice process, NJDEP continues to maintain and use a mailing list of parties ("persons") who have requested copies of public notice documents or are otherwise identified in N.J.A.C. 7:14A-15.10. Those parties receiving direct mailings include municipal, State, interstate, and federal agencies, as well as any requestors.

NJDEP Bulletin: The NJDEP Bulletin is published by NJDEP on a semimonthly basis. It is available on the NJDEP Web site and is also available to anyone for an annual subscription fee. The NJDEP Bulletin informs the public about certain NJDEP permits including NPDES permits. The NJDEP Bulletin provides public notice of draft NPDES permit actions and reports of authorizations issued under general NPDES permits.

NJDEP Web Site: The NJDEP Web site includes many important features designed to increase citizens' access to New Jersey's programs and services. The Web site address is <http://www.state.nj.us/dep>. Key features include organizational contacts, information and news, environmental grants and loans, laws and rules, online services, environmental permits, and program information. With respect to NPDES permits, the Web site, through the Open Public Records Act (OPRA), lists active individual NPDES permits and general NPDES permits. Public notices of draft permits and permit actions can be accessed through a link to the NJDEP Bulletin. Permit-related forms, worksheets, and other documents can be accessed and printed or downloaded through the Web site. Copies of full draft permits are not available online at this time, but can be requested from the NJDEP permitting program. A process for making draft or final permits available online as PDF files is under review. Select reports and other data and information on compliance and enforcement activities that have occurred (i.e., not cases under review) are available through the Compliance and Enforcement section of the Web site at <http://www.nj.gov/dep/enforcement/reports-list.html>. Information on inspections and violations is available through an online application linked to the site called Data Miner. Other enforcement-related information is available through various reports that are posted online. For environmental justice, the Web site has a user-friendly portal that allows easy navigation to program information.

Public Comments on Draft Permits: Public participation opportunities during the NPDES permit process continue to be provided in accordance with State law, federal regulations, N.J.A.C. 7:14A-15, and NJDEP procedures. All draft permits receive a public comment period of at least 30 days following legal public notice. During the public comment period, any person can submit written comments on a draft permit based upon significant and relevant issues and data. NJDEP must issue a response to the comments document that briefly describes and responds to all significant and relevant comments on the draft permit raised during the public comment period or during any public hearing. Please note that responses to comments on draft permits are not presently available on the Web site. When the process

for making final permits available online as PDF files is developed, it is expected that any response to comments will be part of the posted file.

Public Hearings on Draft Permits: N.J.A.C. 7:14A-15.11 and 15.12 provide that if a public hearing has not already been scheduled, a person may request a public hearing on a draft permit. The request must be in writing and must state the nature of the significant and relevant issues proposed to be raised in the hearing and why these issues cannot be adequately expressed other than at a public hearing. NJDEP must hold a public hearing if there is or may be a significant degree of public interest in favor of holding a public hearing. NJDEP may hold a public hearing if it determines that a hearing is likely to clarify one or more legal and/or factual issues on a draft permit and that oral testimony is essential to adequately express all issues and concerns. Public hearings must be conducted in a nonadversarial manner, wherein a person must be afforded an opportunity to submit oral or written statements and data concerning the draft permit. The hearing is recorded and/or a transcript is prepared. In accordance with N.J.A.C. 7:14A-15.10 and 15.12, certain procedural requirements must be followed for a public hearing, including the requirement to notify the public of the hearing at least 30 days in advance.

The term “public” is not defined by State statute or regulation. However, the N.J.A.C. 7:14A-1.2 definition of “person” includes “an individual, corporation, company, partnership, firm, association, owner or operator of a treatment works, political subdivision of this State and any state, Federal or interstate agency or an agent or employee thereof.”

Public access to all NPDES records, reports, or information obtained by NJDEP, or required to be developed and retained by the permittee as an NPDES permit condition, must be made available to the public for inspection and duplication at the offices of NJDEP. These include all NPDES permit applications, documented information concerning actual and proposed discharges, comments received from the public, draft and final NPDES permits, fact sheets, and related correspondence. Certain information pertaining to enforcement cases or trade secrets, may be subject to confidentiality or other access restrictions. New Jersey’s OPRA addresses access to public records. During 2003, the Division of Water Quality received approximately 2,600 OPRA requests and spent approximately 1,300 staff hours responding to them.

#### EPA Region 2:

EPA makes NPDES permit and compliance information available on its Web site. Envirofacts is an on-line access point to many EPA data systems, including EPA’s Permit Compliance System (PCS). PCS is EPA’s national database of information about NPDES permits.

Some individual NPDES permits and fact sheets issued by the State can also be accessed via EPA’s Web site. EPA began an effort to include State permits (in PDF files) on the Internet in 2003.

Instructions for accessing these documents are available at <http://www.epa.gov/npdes/permitdocuments>. As of July 2004, only two New Jersey permits were included on this site, although more permits will be added over time.

## **6. Permit Issuance Management Strategy**

#### The State of New Jersey:

For major facilities, New Jersey has committed to achieve 80% current permits and has indicated a willingness to strive to meet the national goal of 90% current permits. New Jersey’s rate of current

major permits has improved over the past few years and is approximately 84% (from the EPA Management Report dated July 9, 2004.)

In its review of permit numbers in EPA's Management Report, the State noted that EPA's count of minor facilities covered by individual permits in previous permit issuance reports included facilities covered by general permits, including stormwater general permits. The State provided EPA Headquarters with codes to separate individual, non-stormwater general, and stormwater general permitted facilities for future reports. Following the screening, the count of minor facilities covered by individual permits for the State of New Jersey decreased from 2,882 to 556 and the count of facilities covered under non-stormwater general permits increased from 0 to 143. Data provided by New Jersey, based on the NJEMS data system, indicate that the number of minor facilities covered by individual permits, excluding stormwater only individual permits, is 538.

As a result of the screening correction described above, the percentage of current permits for minor facilities covered by individual or non-stormwater general permits, as reported from PCS, has been revised from historical levels of between 85% and 89% (see table below) to approximately 58%. As more fully discussed in the Data Management section below, NJDEP is using its own data system, NJEMS, to manage NPDES activities. Although NJDEP continues to input data into the PCS national database, NJEMS is updated more promptly. As a result, the current status of the NPDES universe can be more accurately described using NJEMS data. Based on these State data, individual permits for major facilities are 85% current, 73% of non-stormwater minor facilities are covered by current individual or general permits, and the overall rate of current individual permits (major and minor) is 76%. The table below is based on PCS data from the past 4 years and does not match NJEMS data from the same period because of the data issues and screening discussed above.

New Jersey has a low percentage of permits that have been expired for long periods. New Jersey has 3 major and 16 minor permits that have been expired for over 10 years and 3 major and 28 minor permits that have been expired for more than 5 years (about 4% over 5 years, and about 2% over 10 years).

**Table 2: Percentage of Facilities Covered by Current Permits in New Jersey**

	2000	Nat'l Avg.	2001	Nat'l Avg.	2002	Nat'l Avg.	2003	Nat'l Avg.
Major Facilities	57%	74%	57%	76%	74%	83%	82%	84%
Minor Facilities Covered by Individual Permits	87%	69%	85%	73%	89%	79%	89%	81%
Minor Facilities Covered by Individual or Non-stormwater General Permits	N/A	N/A	N/A	N/A	89%	85%	89%	86%

Source: Permit Compliance System (PCS), 12/31/00; 12/31/01; 12/31/02; 12/31/03. (The values in the National Data Sources column of the Management Report, measures #19 and #20, are PCS data as of 6/30/04.)

In July 2004, Governor James E. McGreevey signed into law a bill related to processing of various State environmental permits. This law is generally referred to as the "smart growth" or "fast track permitting"



law. In general, the law establishes tight time frames for State action on permit applications. In addition, the law has a savings clause that states that the law must not be “construed or implemented in such a way as to modify any requirement of law that is necessary to retain federal delegation to the State of the authority to implement a federal law or program.” Prior to the Governor’s signing of the law, EPA Region 2 wrote to the Governor and legislative leaders raising some concerns about the effect the proposal could have on authorized State programs (such as wetlands permitting and NPDES). Region 2 expects to have additional discussions with the State about this law and will monitor State actions regarding the development of regulations to implement it. In November 2004, Governor McGreevey signed an Executive Order that delayed the effective date of this new State law.

## **7. Data Management**

### The State of New Jersey:

NJDEP does not use PCS to manage its NPDES/NJPDES program.

New Jersey recently developed the NJEMS and began using it to manage the NJPDES program in July 2000. NJEMS is a combination of an operating environment, applications, and utilities that run “on top of” Microsoft Windows. NJEMS is used to create, modify, and renew permits (including creation of permit templates to guide the permit writer to capture all relevant information and to maintain the consistency and quality of permits); create inspection checklists and record inspection results; create records of violations and enforcement actions; manage reporting data and automate compliance verification; review workload; and provide easy access to permitting, testing, and enforcement data that the permit writers need.

New Jersey’s old NJPDES system had the ability to export data and related fields to the PCS system. However, this system was on a mainframe platform and has since been taken offline and is no longer in operation. As a result of developing and switching to a new environmental management system (NJEMS), New Jersey’s ability to export data to the existing older EPA PCS database has been adversely affected. While New Jersey was creating its new system (NJEMS), EPA was also undergoing a modernization of its current PCS system to the Integrated Compliance Information System (ICIS). As a result, computerized data exchange can be problematic, as the designated format for exchange between the State and federal systems is in flux until the EPA modernization effort is complete. New Jersey does not want to invest in the creation of an interface to current PCS since a new PCS would soon necessitate the creation of another interface. Accordingly, EPA and the State of New Jersey recognized the problems and embarked on the joint development of a temporary solution, the Interim Data Exchange Format (IDEF). The “Smart Through” IDEF application will make the necessary adjustments between the NJEMS data format and the PCS data format by creating implied transactions and/or creating the necessary keys to ensure a successful upload to the EPA PCS system. EPA will then be able to pull the data out of IDEF and move it into PCS.

Currently, New Jersey is entering its data manually into the State’s NJEMS and then manually into PCS. For PCS, this effort includes input of permit information for major and minor facilities; discharge monitoring report (DMR) data for major and minor facilities; and compliance and enforcement actions for major facilities only. Although New Jersey has completed the creation of its end of the IDEF “Smart Through” application, it is now in the testing mode and the system is expected to be up and running some time later this year. Once this happens the State’s double data entry will cease and NJEMS will create files automatically that will then be compiled and uploaded to IDEF on a daily basis.

Because NJDEP is manually entering data into both NJEMS and PCS, there is a time lag of 30 to 60 days between the time data are entered into the State system and the time data are entered into PCS. This time lag will be eliminated with the adoption of IDEF.

NJDEP enters all the Water Enforcement National Database (WENDB) data elements except those related to compliance schedule record information and evidentiary hearing event information. The compliance schedule record information elements will be included in the IDEF interface, but evidentiary hearing event information will not. For flow information, NJDEP has indicated a willingness to upload municipal design flow information on a batch basis; this is an opportunity for enhancement that should be completed shortly.

The Department does collect latitude/longitude data in NJEMS for both facilities and pipes. Enforcement personnel are verifying this information using global positioning system (GPS) technology when conducting routine site inspections. This information is not being updated in PCS. NJDEP plans to upload this information after the IDEF interface is operable.

The Department has a dedicated staff of data entry operators whose sole job is to input information received on DMRs into NJEMS. The process is set up to ensure data quality in the following way: once one data entry operator is finished with the input of the form, the form is then picked up by another data entry operator who inputs the information once again. This minimizes data discrepancies or mistakes.

Additional measures to ensure the quality of data submitted to the Department include (1) the requirement that NJPDES permits use State-certified laboratories (using EPA-approved test methodologies as specified in 40 CFR part 136) for data required by a permit; (2) the requirement that NJPDES permits include recommended minimum quantification levels for test sensitivity and require a report to the Department if a permittee cannot meet them; (3) the opportunity for permittees to submit their data online via the program's Electronic Data Interchange (EDI) tool; and (4) the opportunity for permittees to verify the reported data online (this is recommended especially during the permit renewal process).

NJEMS is the basis of all NJPDES permit activity. All administrative, permitting, and compliance activity is generated and maintained in the data system, including information for combined sewer overflows (CSOs), sanitary sewer overflows (SSOs), stormwater, concentrated animal feeding operations (CAFOs), pretreatment, and biosolids. Therefore, an inventory of all regulated sources is one of the main components of the system. Locational data contained in NJEMS and other related databases can be used in a geographic information system (GIS) format. Thus, the Department can identify sources within a watershed/subwatershed or distance from a stream.

Data management staff log in and administratively review all permit applications. Information is verified against existing data, and discrepancies are resolved. Administrative updates are reviewed and processed to keep basic identifying information current. The processes for permit revocations and administrative closures ensure that sources that are no longer active are removed from the active facility inventory.

Looking ahead, a communication link or gateway to ICIS-NPDES is scheduled to become available to batch States sometime in 2007. To use this link, appropriate program specifications would need to be provided to New Jersey prior to 2007 to allow the development of the necessary programs to facilitate the interface of NJEMS with ICIS-NPDES.

## **Section II. Program Implementation**

### **1. Permit Quality**

#### The State of New Jersey:

Water quality-based effluent limitations (WQBELs) are authorized in accordance with section 301 of the Clean Water Act, 40 CFR 122, N.J.S.A. 58:10A-4, and N.J.A.C. 7:14A-13.2 and 13.3. Specific procedures, methodologies, and equations are contained in the current EPA “Technical Support Document for Water Quality-based Toxics Control” (TSD) (EPA-505/2-90-001) and are referenced in N.J.A.C. 7:14A-13.5 and 13.6.

WQBELs are imposed in accordance with N.J.A.C. 7:14A-13.5, where it has been determined that the discharge of a pollutant causes, has the reasonable potential to cause, or contributes to an excursion of criteria specified in the surface water quality standards (SWQS). For each pollutant discharged in quantifiable amounts in the effluent, an analysis is conducted using the procedures specified in the TSD in accordance with N.J.A.C. 7:14A-13.5 and 13.6. WQBELs are also imposed based on wasteload allocations (WLAs) adopted as part of a total maximum daily load (TMDL).

For this determination, the Department uses effluent data reported on DMRs, wastewater characterization reports (WCRs), and, for delegated local agencies, from the annual reports submitted under the Industrial Pretreatment Program (IPP). If a determination cannot be made, the Department includes the necessary effluent monitoring requirements in the permit. Data can also be collected as part of the TMDL process.

For impaired waters without TMDLs, the instream surface water quality criteria (SWQC) is already being exceeded for specific pollutant(s). Therefore, NJDEP incorporates the applicable SWQC as the end-of-pipe effluent limitation consistent with EPA guidance from the July 13, 2000, Federal Register (Vol. 65, No. 135, Section III(A)2).

Technology-based limitations are authorized in accordance with section 301 of the Clean Water Act, 40 CFR 122, N.J.S.A. 58:10A-4, and N.J.A.C. 7:14A-13.2(a)1.ii., 13.3(b), and 13.4. In general, effluent limitations are based on effluent limitation guidelines (ELGs), developed by EPA, or on case-by-case limitations developed through a best professional judgment analysis in cases where ELGs are not available or appropriate. ELGs are minimum technology-based requirements applicable on a nationwide basis and are published in 40 CFR subchapter N. ELGs consider the category of industry that produces common pollutants, taking into account the specific factors unique to a particular type of industry (for example, manufacturing process, type and quantity of pollutants generated, types of treatment facilities available to treat the pollutants). In cases where ELGs are applicable for surface water dischargers, ELG loading limitations are calculated using the specified concentration value and the production information provided by the permittee. Determinations based on best professional judgment are authorized by section 402 (a)(1) of the Clean Water Act.

If both a water quality-based limit and a technology-based limitation are applicable for the same parameter, then the more stringent limit is imposed. The specific regulatory bases for all limitations along with calculations are included in the fact sheet of the draft permit.

For new discharges, NJDEP has a rigorous review process that addresses threatened and endangered species/habitat protection, antidegradation analysis, and alternatives analysis. In addition, mixing zone policies prohibit mixing zones for discharges to intermittent streams; new or increased discharges to lakes, ponds, and reservoirs; documented locations of threatened and endangered species; and for new or expanded discharges within 1,500 feet of a potable water intake.

NJEMS is used to develop permits and thereby contributes to permit quality and consistency. NJDEP reports the following features of NJEMS that relate to permit quality:

- Creates new permits, modifies permits, and renews permits by using requirement libraries and customization functions
- Creates permit templates with usage text within NJEMS to guide the permit writer to capture all relevant information and to maintain the consistency and quality of permits
- Creates inspection checklists and record inspection results
- Creates records of violations and enforcement actions
- Manages reporting data and automates compliance verification
- Reviews workloads and assesses the amount of time a task should take to complete
- Provides easy access to permitting, testing, and enforcement data that permit writers need
- Locks away an electronic version of a permit or a permit modification that is generated using the system
- Facilitates drafting future renewal permits by using the system to bring forward an electronic copy of the existing permit to serve as a template

NJDEP has been implementing a WET program for many years. NJDEP implements WET limits by interpreting its narrative criteria. The Department uses WET to measure and control the aggregate toxicity of the effluent. The WET limitations also serve as a surrogate for parameters without numeric criteria.

For the purposes of WET, in accordance with the TSD, NJDEP uses the values of 0.3 acute toxic unit and 1.0 chronic toxic unit for the interpretation of the narrative water quality criteria of “no toxics in toxic amounts.” If the projected toxicity exceeds the criteria values for WET, there is reasonable potential that the discharge may cause or contribute to an excursion above the narrative water quality criteria. In such cases, a WQBEL is developed and imposed in the permit. The more stringent of the acute or chronic WET limitation is imposed. Toxicity reduction evaluation (TRE) requirements are included in the permit in accordance with N.J.A.C. 7:14A and recommendations in the TSD to ensure and expedite compliance with the water quality-based WET limit, should an exceedance of the limitation occur.

Because of the test's complexity, special attention is paid to WET testing data. In addition to reporting the test result on their DMR, NJDEP requires permittees to complete and submit a testing report form and conducts a quality assurance review on those testing report forms. This review includes acceptability of the tests and data analysis and the validity of the reported results. NJDEP has a designated staff person to review all WET test results. NJDEP staff have participated in WET training.

#### EPA Region 2:

EPA Region 2 has not conducted a permit quality review in New Jersey in recent years; however, all State permits receive at least a cursory review. Permits for CSOs or CAFOs and stormwater general permits receive a more detailed review by Region 2 program area experts.

EPA Region 2 has found that NJDEP's fact sheets are detailed, comprehensive, and complete.

Neither EPA Region 2 nor NJDEP makes use of national permit review tools in permit development or permit reviews.

## **2. Pretreatment**

#### The State of New Jersey:

NJDEP was authorized to implement the pretreatment program on April 13, 1982. NJDEP implements pretreatment through approval and oversight of publicly owned treatment works (POTW) programs and through direct permitting of significant industrial users/categorical industrial users (SIUs/CIUs) in areas not covered by approved POTW programs. The Bureau of Pretreatment and Residuals (BPR) within the Division of Water Quality is responsible for the industrial pretreatment program.

The bulk of the SIUs in New Jersey (583 of 659, or 88%) are covered under 1 of the 24 approved POTW pretreatment programs. New Jersey issues permits directly to the SIUs in areas not covered by a pretreatment program. As indicated in the Management Report, 100% of the 583 SIUs covered by local POTW programs are subject to control mechanisms. As of January 26, 2004, 89.5% (68/76) of all SIUs where the State is the control authority had current permits, and all applications of permittees subject to federal categorical standards had been processed at least to the extent of producing a draft permit for publication. Overall, the number of control mechanisms issued to SIUs (including SIUs in nonapproved pretreatment cities) in New Jersey is 651 out of 659. Therefore, the total percentage of SIUs addressed by control mechanisms that implement applicable pretreatment standards and requirements is 98.8%.

In accordance with the NJPDES regulations at N.J.A.C. 7:14A-21, persons intending to initiate a new or modified activity, or are subject to any newly promulgated standard that will cause them to become significant industrial users (SIUs), are required to identify themselves and obtain an appropriate permit. In addition, the Department requires all agencies operating POTWs to submit annual pretreatment program reports (40 CFR part 403 annual reports or equivalent reports for nondelegated local agencies) identifying SIUs. These reports are compared to GIS data identifying service area boundaries and known facilities located within the boundaries, with Department-level data on sites regulated under other programs (e.g., Resource Conservation and Recovery Act), and with results of Internet searches to identify discrepancies. If discrepancies are identified, the Department uses a combination of field inspections, questionnaires, and telephone contacts directed to the POTW operator and/or potential SIUs to resolve them.

Upon identification of a new SIU, or 180 days prior to expiration of an existing permit, the Department requires submittal of a permit application. Applications are received by the control authority (the State or a delegated local agency, as appropriate). New SIUs are prohibited from discharging until the appropriate permit is in effect.

Permits are issued for a maximum term of 5 years and incorporate pretreatment program requirements including, as a minimum, limitations based on federal categorical pretreatment standards; local discharge limitations developed for each POTW; and requirements for submittal of baseline reports following promulgation of any additional applicable categorical pretreatment standard. The assigned permit writer is required to conduct a site inspection, generally within 30 days of receipt of the application.

Data management, compliance evaluation, and enforcement of violations of SIU permits issued by NJDEP are handled in the same manner as other NJPDES permits.

NJDEP conducts audits of approved pretreatment programs at least once every 2 years. Deficiencies noted by the BPR during on-site pretreatment audits are discussed with the delegated local agency (DLA) at the conclusion of the audit interview process. In addition, these deficiencies are compiled on the Bureau's Initial Audit Findings sheet. This sheet is used to cite all deficiencies noted or found during the audit, as well as to indicate the POTW response required for each deficiency. The DLA signs the sheet and a copy is given to the DLA at the conclusion of the audit interview so that deficiencies could be addressed as soon as possible. Upon completion of the audit report, a cover page for the report is generated and all deficiencies found by the BPR during the file review and audit interview process are noted. Each deficiency noted on the cover page includes a specific time frame during which that deficiency must be addressed and/or corrected. The DLA must respond to all deficiencies noted on the cover page. The complete audit report (cover page and all attachments) is sent to the DLA via certified mail with a return receipt. The BPR engineer responsible for oversight of that DLA tracks the audit receipt date and response time. Generally, deficiencies noted during the audit must be addressed, corrected, or responded to within 30 to 60 days of receipt of the audit report, depending upon the severity of the deficiency noted. Failure to properly respond to audit deficiencies will result in a referral to the Department's Water Compliance and Enforcement Program. If needed, penalties may be assessed under N.J.A.C. 7:14-8.17, which includes provisions that specifically address the failure to implement an approved industrial pretreatment program.

New Jersey has 24 approved pretreatment programs that cover 30 POTWs and has identified 3 other POTWs as needing a pretreatment program that have not yet been approved.

#### EPA Region 2:

EPA Region 2 (DECA) conducts general oversight of State actions and provides support and assistance as necessary. NJDEP provides EPA with copies of its correspondence to the DLAs. EPA Region 2 reviews all the audit reports and follows up with NJDEP on concerns and comments. When EPA's review reveals the potential need for enforcement, EPA/State discussion and coordination are performed through the significant noncompliance action program (SNAP). Described more fully in the enforcement section below, SNAP is a structured dialogue process that includes quarterly meetings between EPA and NJDEP to discuss and document required actions.

In prior years, Region 2 conducted an annual on-site review/audit of the State pretreatment program. This effort was discontinued both because of resource constraints and because of the similarity of the results of past reviews.

### **3. Concentrated Animal Feeding Operations**

#### The State of New Jersey:

In January 2003, NJDEP issued a CAFO general permit that includes key elements of the current federal rules, such as waste retention and nutrient management plan development and implementation. The permit also requires liners for containment structures for groundwater protection. Revision of State rules to completely conform to the updated federal rules (and to adopt the nine minimum measures) is anticipated over the next few years. NJDEP has reported that the rule update should be completed by 2006.

As indicated in the Management Report, NJDEP has permitted six CAFOs.

In an effort to publicize the State general permit, NJDEP and the New Jersey Department of Agriculture (NJDA) coordinated a mass mailing to all animal feeding operations (AFOs) in the State (about 4,500) in 2003. NJDEP estimates that there are about 6 to 10 CAFOs in the State. NJDEP enforcement will continue to conduct inspections to assist with identification of CAFOs.

NJDEP reports that evaluating the quality and effectiveness of nutrient management plans will be done by the Natural Resources Conservation Service (NRCS), NJDA, local conservation districts, and NJDEP (through its watershed management initiatives). Nutrient management plans are not required to be developed by certified planners, but they are subject to a mandatory review by NJDEP with recommendations from conservation districts.

The New Jersey general permit incorporates NRCS technical standards as permit requirements and includes key elements of the current federal rules. The general permit requires review of the facility's comprehensive waste management program (CWMP) by the county Soil Conservation District for conformance with technical requirements. Based on this review, NJDEP may approve or deny the CWMP.

NJDEP has entered into a cooperative agreement with the NJDA to implement a strategy for animal feeding operations management. That strategy outlines a process for coordinating all AFO activities, which includes identification, permitting, enforcement, outreach, compliance assistance, and funding. To date NJDEP has coordinated with NJDA to issue compliance advisory updates and permit information sheets to all AFOs in the State. In addition, NJDA is completing new animal waste management regulations that will be applied to all AFOs statewide that are not regulated by NJDEP. CAFOs are inspected at least annually, which negates the need to target them for inspections. It is an established procedure to perform compliance assistance prior to the finalization of an NJPDES permit or when new permit provisions are included in a permit modification. Any violations of the permit discovered during an inspection will be cited in a notice of violation. An escalation of enforcement, including the assessment of civil administrative penalties, would be based on the seriousness of the violation and other facts on a case-by-case basis.

## 4. Stormwater

### The State of New Jersey:

New Jersey is implementing a comprehensive stormwater control program.

NJDEP has implemented a permitting program for Phase I industrial and construction facilities. There were no Phase I municipal permits required in New Jersey, as all the large and medium municipalities benefitted from the CSO exemption.

NJDEP adopted changes to its NPDES rules in January 2004 to allow for implementation of the Phase II program. The program includes four municipal separate storm sewer system (MS4) general permits (issued February 2004) that affect every municipality and county in the State, as well as many State, interstate, and federal entities. NJDEP also modified its construction stormwater general permit to address development down to 1 acre. The permits incorporate language that will enable implementation of stormwater-related TMDL requirements once the TMDLs are adopted into areawide water quality management plans. The program also establishes the opportunity for regional stormwater management plans. NJDEP has four general permits for industrial activities (nonconstruction):

- Basic General Stormwater
- Concrete Products
- Scrap/Auto Reclamation
- Asphalt

NJDEP has four newly issued Phase II MS4 permits:

- Tier A Municipal (for 467 urban/suburban municipalities)
- Tier B Municipal (for 99 rural municipalities). This is not an NPDES permit.
- Highway Agencies
- Public Complexes

NJDEP has also issued a general permit for the Newark Airport complex and is developing additional industry-specific general permits for the mining and compost/recycling sectors.

NJDEP reports that tracking of facilities covered by its stormwater general permits is maintained in the State NJEMS data system.

In addition, through the issuance of separate stormwater management rules in February 2004, NJDEP has established general standards for new developments that require certain “low impact development” techniques, such as maintenance of groundwater recharge and specified standards for stormwater quality (e.g., 80% removal of total suspended solids by use of State-approved best management practices). These requirements have been incorporated into the statewide residential site improvement standards



(RSIS), which are widely used for residential developments in the State. Through the Tier A and Tier B municipal permits, all municipalities in the State are obligated to adopt and implement a stormwater management plan and an enabling ordinance that will incorporate the State standards into local site plan review and approval processes. In summary, NJDEP is implementing a comprehensive and integrated program, which will establish “low impact development” approaches in much of the State (certain highly developed areas of the State are exempt).

## 5. Combined Sewer Overflows/Sanitary Sewer Overflows

### The State of New Jersey:

In New Jersey, generally, the CSO collection systems are owned and operated by municipalities that discharge to regional sewage treatment systems. The regional plants are subject to individual NPDES permits, while the CSO collection systems have been regulated by a State general permit. According to NJDEP, there are 30 CSO permittees in the State.<sup>2</sup>

NJDEP issued a CSO general permit in 1995 for collection system operators and has imposed CSO requirements in individual permits for POTWs, thereby addressing EPA’s nine minimum controls. One particular strength of the New Jersey program relates to the control of solids and floatable materials. NJDEP requires all CSO owner/operators to implement controls that will capture and remove materials that cannot pass through a bar screen having a spacing of 0.5 inch. A number of CSO permittees fell behind schedule and have been placed under either administrative consent orders or judicial orders to meet the solids and floatable control obligations. NJDEP reports that State grants totaling \$8.9 million for planning and \$18.2 million for design have been awarded to support CSO controls. Also, loans from the State Revolving Fund (SRF) totaling \$132 million have been made for construction of solids and floatable control facilities. An additional \$200 million of SRF loans are expected to complete this phase of the State program. NJDEP reports that, as of December 2003, 52% of the planned solids and floatable control facilities were constructed and operating.

Regarding long-term control plans (LTCPs), the 1995 CSO general permit required “land-side” monitoring and modeling so that the CSO systems’ response to storm events would be understood. NJDEP issued a revised CSO general permit in June 2004 that moves the LTCP process further along. Specifically, this permit requires development of cost curves and completion of alternatives analysis to achieve compliance with bacteria water quality criteria. Projected loadings and reductions for other parameters such as nutrients and oxygen-demanding substances are also required.

Concurrent with this CSO permit program, a TMDL effort is under way in conjunction with the New York/New Jersey Harbor Estuary Program (HEP). HEP has an active Pathogens Workgroup, which is working toward development of a pathogens TMDL by October 2006. Following TMDL development and receipt of studies produced by the CSO owner/operators pursuant to the revised CSO general permit, NJDEP will be in a position to impose LTCP implementation requirements into NPDES permits, beginning in 2007.

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<sup>2</sup> EPA Region 2 and NJDEP have sought to clarify the number of CSO permittees that exist in the State. The National Data Sources column of the Management Report, measure #10, indicates there are 31, but NJDEP recently indicated that the universe should be 30. EPA is working to ensure consistency between the CSO universe lists of the State, Region 2, and EPA Headquarters.

EPA Region 2 and NJDEP have agreed to cooperate on the development of a short strategy/time line that will address how LTCP implementation requirements will be imposed. This task is more fully explained in the following excerpt from the performance partnership agreement:

NJDEP will ensure that TMDLs that apply to CSO discharges in New Jersey are implemented through the NJPDES program after the studies required under the new CSO General Permit are completed. DEP and EPA will, by December 31, 2004, prepare a brief strategy/timeline laying out how this will be accomplished. Since the successful implementation of such a strategy involves interstate equity issues including, but not limited to, water quality standards, TMDLs, Use Attainability Analyses, and permits, the strategy will include establishment of a forum that consists of NJDEP, EPA, and New York State Department of Environmental Conservation, to effectively resolve these issues.

NJDEP reports that two CSO communities have entered into enforceable mechanisms to separate their sewers and eliminate CSO discharges. One CSO community (Trenton) has a retention facility and rarely discharges; thus, it is considered to have satisfied its LTCP responsibilities. EPA understands that NJDEP has not required Trenton to complete postconstruction monitoring since the city discharges so infrequently (about once every 5 years). The bulk of the other CSO communities are located in the New York/New Jersey Harbor area and are being addressed in the Harbor TMDL effort. A few dischargers are in the Delaware Bay watershed or the nontidal portion of the Passaic River. The time line/strategy noted above is expected to address the mechanism for water quality analysis needed for decision-making on LTCP implementation needs for the Harbor and non-Harbor dischargers.

NJDEP does not authorize SSO discharges in permits. Generally, NJDEP considers SSOs to be unlawful.

NJDEP's self-assessment reports that a "significant discharge event" upstream of a potable water intake, or an event that could affect coastal shellfish or bathing, would be reported to water supply and public health authorities. For CSOs, NJDEP reports that the existence of the discharge locations is known to public health authorities but that notice of each discharge event is not done.

## **6. Biosolids**

### The State of New Jersey:

New Jersey does not have authorization for this element of the NPDES program.

NJDEP implements an alternative program pursuant to its authority in N.J.A.C. 7:14A-20.

### EPA Region 2:

The Region 2 New York office has the full authority to administer the sludge program. NJDEP has not sought approval to administer the part 503 sewage sludge program, but administers its own sewage sludge program through the NJPDES program. NJDEP has incorporated the 40 CFR part 503 land application requirements into the N.J.A.C. 7:14A-20 NPDES regulations. NJDEP previously expressed interest in obtaining partial authorization (for biosolids recycling but not for incineration); however, at present, NJDEP sees little to be gained by seeking authorization. NJDEP has recommended that the sewage sludge program authorization process be simplified.

EPA Region 2 receives annual sludge reports from 95 POTWs that cover information on biosolids management. Of the 342 POTWs in New Jersey, 170 (49.7%) beneficially use their sludge. During calendar year 2002, New Jersey generated 224,483 dry metric tons (DMT) of sludge, out of which 150,915 DMT (67.2 % of the total sludge generated in New Jersey) was beneficially used or land applied.

Currently, the Division of Enforcement and Compliance Assistance (DECA) has about 0.35 full-time equivalents (FTEs) for oversight and enforcement of the New Jersey biosolids program.

DECA has issued enforcement actions (administrative orders and penalty orders) for violating the 40 CFR part 503 land application requirements. DECA issued a Class II administrative penalty order (APO) (EPA-CWA-II-97-98) to an N-VIRO facility on June 25, 1997, assessing \$60,000 and collected a penalty of \$5,000 and a supplemental environmental project (environmental audit of molybdenum) of \$6,000 on February 3, 1998. This office has also issued administrative orders and administrative penalty orders for violating the 40 CFR part 503 reporting requirements.

Compliance has improved after DECA provided compliance assistance and after taking the 1997 enforcement action. DECA also mails notice letters to the 95 POTWs informing them of their responsibility to submit the annual sludge report, which is due to EPA on February 19 of every year.

## **Section III. NPDES Compliance Monitoring and Enforcement Response**

*In a separate initiative, EPA's Office of Enforcement and Compliance Assurance (OECA), EPA Regions, and the Environmental Council of the States have developed a tool for assessing State performance in enforcement and compliance assurance to ensure that States meet agreed-upon minimum performance levels and provide a consistent level of environmental and public health protection nationwide. OECA will use the State profiles to focus these efforts and identify areas needing further discussion and evaluation.*

### **1. Enforcement Program**

#### The State of New Jersey:

The State collects significant penalties for violations. Data reported in the self-assessment indicate that the following amounts (in millions) were collected: FY 2002—\$3.8, FY 2001—\$2.8, FY 2000—\$2.4.

The New Jersey enforcement program is driven primarily by the Clean Water Enforcement Act (CWEA), P.L. 1990, c. 28. The CWEA requires the assessment of mandatory minimum penalties for violations of the New Jersey Water Pollution Control Act that are considered serious violations and for violations by permittees designated as significant noncompliers. A serious violation is an exceedance of a permit effluent limit by 20% or more for a hazardous pollutant or by 40% or more for a nonhazardous pollutant. A significant noncomplier is a permittee that does the following:

- Commits a serious violation for the same pollutant at the same discharge point in any 2 months of any 6-month period;
- Exceeds the monthly average in any 4 months of any 6-month period; or
- Fails to submit a completed DMR in any 2 months of any 6-month period.

This applies to all permittees, including pretreatment industrial users regulated by local control authorities. Other significant violations, such as CSO permit schedule noncompliance or unauthorized bypasses that have affected or may cause an adverse environmental impact, are also given a high priority for enforcement response by NJDEP.

All formal enforcement actions require compliance. Under the CWEA, NJDEP may establish a compliance schedule for a permittee to complete whatever measures are necessary for compliance; however, the permittee must provide financial assurance for completion of those measures in the form of a bond or other security approved by NJDEP. Compliance schedules are tracked in NJDEP's NJEMS database.

For serious violations, the CWEA requires NJDEP, without discretion, to impose mandatory minimum penalties of \$1,000 per violation. Significant noncompliers are subject to an additional mandatory minimum penalty of \$5,000 per violation. Mandatory penalties are also assessed for similar violations by pretreatment control authorities. Economic benefit recovery is an important component of the penalty assessment.

NJDEP developed an EMS that is consistent with that of EPA. However, the CWEA mandates formal enforcement actions, including penalties for all SNC violations, so the EMS applies to non-SNC-related violations.

EPA and NJDEP use a quarterly process known as the SNAP to discuss all SNC and other high-priority enforcement cases. NJDEP has maintained a highly effective enforcement program for many years. A total of 40 municipal and nonmunicipal major facilities (EPA major facilities) appeared on quarterly noncompliance reports between January 1, 2001, and June 30, 2004:

- 25% were addressed through formal enforcement action (with \$310,250 in penalties).<sup>3</sup>
- 40% were identified in error (PCS data errors).
- 15% received an affirmative defense letter from NJDEP.
- 20% returned to compliance.

## 2. Record Keeping and Reporting

### The State of New Jersey:

NJDEP uses its own Department-wide database, NJEMS, to manage its program.

Once legacy PCS has been replaced by ICIS-PCS, the EPA/State interface can be completed and NJEMS will feed ICIS-PCS directly. NJEMS is very accurate; legacy PCS is less accurate because NJDEP is feeding only mandatory data fields at this time. NJEMS is easily accessible.

## 3. Inspections

### The State of New Jersey:

NJDEP's inspection program is similarly driven by the requirements of the CWEA. The CWEA requires an annual inspection of all permittees (except noncontact cooling water discharges and stormwater-only permits). EPA initiatives are generally addressed through this annual inspection process and thus do not require a workload trade-off. NJDEP does incorporate into its inspection planning its own special initiatives, such as the Paterson geographic initiative where all permitted facilities, including stormwater, were inspected within a 2-week period.

Trend data indicate that the total number of inspections (major and minor) conducted by New Jersey declined from 1,047 in FY2002 to 355 in FY2003, a decline of 692 (nearly two-thirds). However, these data result from a change in PCS input procedures that prevent input of actual minor inspections. Minor inspections are being conducted by NJDEP but not entered to PCS at present. NJDEP is a PCS interface State or an indirect user of PCS. NJDEP was working with EPA Headquarters to implement the IDEF program by which State agencies such as NJDEP could feed required PCS Water Enforcement Data Base (WENDB) data element information (i.e., inspection data/information) directly to PCS. Upon startup of the new interface database system (NJEMS) in December of 2000, the IDEF program (being

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<sup>3</sup> The Management Report, measure #35, shows that 0% of SNCs were addressed by formal enforcement actions (FEAs) in FY2003. This is a data error due to problems in transferring data from New Jersey's NJEMS to PCS (refer to the Data Management section).

developed with EPA Headquarters) had yet to be implemented. As a result, no mechanism was available by which any inspection data could be entered to PCS. Since major inspection data proved to be a lesser resource drain than minor inspection data, it was determined that NJDEP would enter major facility inspection data directly to PCS, and would wait for IDEF completion to enter the minor inspection data.

#### **4. Compliance Assistance**

##### The State of New Jersey:

NJDEP uses its field personnel as the primary delivery of compliance assistance and other means of resources available to the regulated community through various NJDEP departments. Targeted compliance assistance has occurred in cities such as Camden and Paterson (see more details about the Paterson Effort below) where NJDEP has undertaken multimedia compliance sweeps, or where new regulations have been promulgated (stormwater, CAFOs).

NJDEP's compliance assistance and enforcement in Paterson is known as the "Paterson Effort." The Paterson enforcement effort ultimately included inspections at more than 1,000 facilities, which uncovered 159 major environmental violations.

NJDEP launched a two-phase compliance and enforcement effort in the City of Paterson, Passaic County, in September 2003, after identifying a large number of regulated businesses located in close proximity to residential neighborhoods. The initial stage of this effort focused on community outreach and on providing assistance to the city's known and potentially regulated individuals, businesses, and government operations.

In conjunction with New Jersey's Department of Commerce, the Paterson Chamber of Commerce, and EPA Region 2, a total of 98 compliance assistance visits were conducted and more than 425 facilities received assistance materials or participated in informational sessions. Six compliance assistance programs were held: one Paterson Chamber of Commerce session, two dry cleaner sessions, one auto body session, one general compliance assistance session, and one minority-business outreach session.

The measurement of compliance assistance activity outcomes is an area where there is an opportunity for enhancement.

## **Section IV. Related Water Programs and Environmental Outcomes**

### **1. Monitoring**

#### The State of New Jersey:

The performance partnership agreement (P.A.) between EPA and New Jersey, which expired on June 30, 2004, was amended to include an NJDEP commitment to develop a monitoring strategy based on EPA guidance. The current P.A., which began on July 1, 2004, includes an NJDEP commitment to develop and implement the monitoring strategy in accordance with the EPA guidance, "Elements of a State Water Monitoring and Assessment Program." The State's comprehensive monitoring strategy will address the manner in which it will improve the number of State waters assessed to enhance the understanding and characterization of surface water quality throughout the State. EPA's "Elements" guidance document requires States to develop a monitoring program addressing the 10 elements summarized in the document. The first of these elements is a long-term State monitoring strategy, which will be State specific, should build on capabilities that each State already has, and should not exceed 10 years to complete implementation. This monitoring strategy should describe how New Jersey will address its water quality management needs and meet the requirements of the Clean Water Act. The strategy is critical because it also identifies resource needs and a time line for implementation.

The following describes the main elements of the existing State monitoring program.

For fresh water, New Jersey's ambient surface water monitoring program includes quarterly sampling at 115 stream stations. In 2000, the stream monitoring network was enhanced to include approximately 90 additional sites. New Jersey also samples ambient groundwater through a network of 150 monitoring wells. These chemical networks monitor for a wide range of conventional parameters, metals, pesticides, volatile organic compounds (VOCs), and sediments. Data are available from the following sources: (1) the U.S. Geological Survey (USGS) database, the National Water Information System (NWIS); (2) EPA's database, STORET; and (3) the USGS's annual report "Water Resources Data–New Jersey."

In 1992, the Bureau of Freshwater and Biological Monitoring reactivated its Ambient Biomonitoring Network (AMNET). The program established sampling stations in every subwatershed and has 820 sites. The status of benthic macroinvertebrate communities is evaluated using EPA's Rapid Bioassessment Protocol (RBP). Each of the five major drainage basins is sampled on a rotational basis every 5 years. Visual observation, stream habitat assessments, and limited physical/chemical data are also collected. In 2000, the Bureau of Freshwater and Biological Monitoring initiated a second biological monitoring network, the Fish Index of Biotic Integrity (IBI). The biological health of streams is assessed using fish assemblage information and an EPA protocol.

New Jersey's 380 public lakes cover a total of 24,000 acres. To date, 116 lakes, covering 10,462 acres, have been evaluated for trophic status and recreational water quality impairment by a combination of intensive surveys, State and federally funded Phase I diagnostic studies, and federally funded lake water quality assessments.

NJDEP is initiating a renewed ambient lake monitoring network designed to provide the water quality data necessary to assess the ecological health of the State's water resources. This program will involve the testing of randomly selected lakes from the State's approximately 1,100 named lakes. The water quality measurements conducted at each lake will include parameters such as dissolved oxygen, pH, nutrients, and chlorophyll a. Such testing will assist New Jersey in determining the status and trends in lake water quality, as needed to meet Clean Water Act requirements and TMDL-related water quality assessment obligations. EPA's Office of Research and Development provided statistical support for the probabilistic selection of monitoring stations. This approach comports with the guidance provided in EPA's publication, "Elements of a State Water Monitoring and Assessment Program," March 2003, which requires that States develop and implement long-term strategies that include monitoring of all State water body types, including lakes.

For marine waters, NJDEP conducts water quality monitoring to classify approximately 700,000 acres of marine and estuarine shellfish waters. In this regard, approximately 15,000 ambient water samples are collected yearly from a 4,000-station sampling network. As part of the National Shellfish Sanitation Program (NSSP), NJDEP maintains a network of more than 2,500 monitoring stations throughout the State's coastal waters. These stations are sampled between 5 and 12 times per year. The resulting data are analyzed for compliance with federal standards. Waters not in compliance are closed to shellfish harvest. The network map is available on the NJDEP Web site.

EPA and NJDEP conduct coastal phytoplankton monitoring every summer. From May to September, monitoring is conducted for phytoplankton populations in the waters along the 120 miles of New Jersey coastline and in major estuaries. In addition, EPA provides assistance in conducting monitoring for the NSSP and New Jersey Coastal Water Quality Network.

## 2. Environmental Outcomes

### The State of New Jersey:

Based on the New Jersey 2002 Integrated Water Quality Monitoring and Assessment Report, EPA has developed the following summary and estimate of assessed waters in the State:

#### Rivers and Streams

Total miles: 7,840

Total assessed: 2,308 (29.4%)<sup>4</sup>

Total attaining WQS: 395 (17%)

Total not attaining at least one WQS: 1,913 (83%)

#### Lakes

Total acres (a total of lakes that are greater than 2 acres): 69,920

Total assessed: 18,638 (27%)<sup>4</sup>

Total supporting primary contact recreation: 15,148 (81%)

Total not supporting primary contact recreation: 3,473 (19%)

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<sup>4</sup> While the information above differs from the numbers in the Management Report, measures #47 through #50, the difference is that the Management Report shows waters are assessed for particular uses while the narrative includes waters assessed in general (i.e., for one or more uses combined).



### Coastal and Estuarine Waters

Total Square Miles: 1,069

Total assessed for aquatic life use support (ALUS): 712 (67%)

Total supporting ALUS: 309 (43%)

Total not supporting ALUS: 403 (57%)

Further explanation is provided regarding total lake acres. In the monitoring section above, the 24,000 acres of significant publicly owned lakes, reservoirs, and ponds is used. In this section, the 69,920 acres of all lakes that are 2 acres or larger is cited from the "New Jersey Water Resources Atlas."

With respect to listing decisions, several water bodies were delisted for specific parameters because of updated or more accurate data. Several other water bodies were reassessed and delisted for particular metals since the data used to list the water body preceded the "clean technique" sampling and analysis method. However, these delistings did not result in water bodies fully attaining water quality standards.

## 3. Water Quality Standards

### The State of New Jersey:

EPA approved New Jersey's surface water quality standards on August 16, 2002. This review satisfied the triennial review requirement of 40 CFR 131.20. All fresh waters are designated as potential sources of potable water supplies, aquatic life, primary contact recreation, and agricultural and industrial use. Refinement of the aquatic life designation is based on fishery surveys that confirm the presence of reproducing trout or the stream's ability to maintain trout and trout-related species. NJDEP's water quality standards for dissolved oxygen, temperature, suspended solids, and ammonia are more stringent than EPA criteria.

New Jersey has adopted water quality criteria to protect aquatic life and human health. The existing water quality criteria were developed in accordance with EPA guidance (1985 "Guidelines for Deriving Numerical National Aquatic Life Criteria for Protection of Aquatic Organisms and Their Uses"). New Jersey is still subject to the national toxics rule (NTR) for acute and chronic aquatic life criteria for arsenic, cadmium, chromium, copper, lead, mercury, nickel, PCBs, selenium, silver, and zinc. For lead and PCBs, New Jersey has adopted State criteria and is pending EPA withdrawal of the NTR. New Jersey's criteria do not reflect consideration of economic impacts, the technological feasibility of meeting the chemical concentrations in ambient water, or analytical detection.

New Jersey has a numeric standard for phosphorus, as well as a nutrient policy that specifies that nutrients will not be permitted in concentrations that cause abnormal diurnal fluctuations in dissolved oxygen or pH or changes to the aquatic ecosystem except due to natural conditions.

The mixing zone, antidegradation, and effluent limitation policies included in the SWQS and implemented by the permitting programs are designed to protect designated uses.

The NJPDES permit program assesses the need for and imposes necessary WQBELs on discharges. Dischargers are required to submit characterization data for all toxic pollutants with criteria. These data are reviewed to determine whether a WQBEL is necessary. Effluent limitations are established using the most stringent criteria (acute aquatic life, chronic aquatic life, or human health). If the resulting WQBEL is calculated at levels below current analytical capabilities, the effluent limit is included in the

permit, along with an enforceable level set at the practical quantitation level. The criteria are a maximum concentration not to be exceeded at a specified design flow. For most criteria, the applicable design flow is MA7CD10. For acute aquatic life protection, the design flow used is MA1CD10. For ammonia, the design flow used to determine chronic aquatic life protection is MA30CD10. For toxic pollutants with a bioaccumulation/bioconcentration factor greater than 200, the design flow used is the WQBELs for WET to ensure compliance with the “no toxics in toxic amounts” narrative criteria.

The Department has water quality criteria for phosphorus in fresh waters. Increased focus on phosphorus permitting has occurred over the past 2 years. In accordance with the provisions of the State SWQSS, NJPDES dischargers with water quality-based phosphorus limitations are given the option, prior to the limits for phosphorus becoming effective, to evaluate whether phosphorus is the limiting nutrient or would otherwise render the stream unsuitable for designated uses. The phosphorus evaluation study requires sampling and evaluation of parameters including low dissolved oxygen, periphyton chlorophyll a, and phytoplankton chlorophyll a. Discharges into freshwater streams are subject to limits equivalent to the 0.1 ppm criterion (0.05 ppm at the inlet of a lake, pond or reservoir), unless these studies indicate that phosphorus is not the limiting nutrient and does not impair the designated uses or the Department establishes a site-specific criterion other than 0.1 ppm.

New Jersey is finalizing a detailed summary of its current phosphorus management approach. This approach addresses water quality standards, NJPDES permitting, and TMDL development. This summary will serve as the State’s alternative to a nutrient criteria plan. This summary will address the following:

- A TMDL approach for mitigating nutrient problems
- NJPDES Technical Manual for Phosphorus Evaluations (including the demonstration that dischargers of phosphorus are required to submit)
- Research into the development of response variables (diurnal dissolved oxygen and chlorophyll a) to improve its water quality assessment decisions and TMDL development

EPA Region 2 and EPA Headquarters will review the State’s phosphorus management approach for its adequacy in addressing the goals of the national nutrient strategy.

The State mixing zone policy prohibits mixing zones for the following:

- Discharges to intermittent streams
- New or increased pollutant discharges to lakes, ponds, and reservoirs, and documented locations of threatened and endangered species
- New or expanded discharges within 1,500 feet of a potable water intake

New Jersey’s water quality standards regulations include a provision that allows for compliance schedules in permits.

New Jersey does not identify its antidegradation implementation methods in its water quality standards regulations. Such methods will be included as part of the next triennial review. However, antidegradation is implemented through the standards and NJPDES programs. The State's water quality standards include provisions that allow the State to designate waters as high quality, or Category 1 (C1), waters. In the case of C1 waters, there can be no measurable change to water quality. For other waters of the State, antidegradation is implemented through the NJPDES program. As part of the permit review, the State will evaluate whether a new or increased discharge has the potential to cause a significant lowering of water quality.

Looking ahead, potentially difficult standards implementation issues may include permitting for low-level criteria for bioaccumulative toxics, naturally occurring pollutants that may exceed criteria, and enterococci criteria. The State is considering alternatives to address these issues, including variances. Use attainability analyses have not been used in New Jersey to date.

#### **4. Total Maximum Daily Loads**

##### The State of New Jersey:

Permitting on a watershed basis is facilitated by the organization of the two NJPDES surface water permitting bureaus, which are divided geographically along watershed boundaries. All TMDLs that address point source dischargers include individual wasteload allocations that can be used to establish permit limits. As TMDLs are completed, NJDEP works to issue the affected permits on that water body/watershed in a timely manner. For example, NJDEP issued the permit actions for the New York/New Jersey Harbor Estuary Discharges, incorporating limits based on Phase I TMDLs for toxic metals (mercury, nickel). Also, NJDEP is working on renewing a number of Delaware River discharge permits, which are affected by the recently adopted Delaware Estuary PCB TMDL. The Department is also working toward issuing groups of permits on shared water bodies that are impaired for phosphorus, with the intention of encouraging the various dischargers to combine resources when conducting phosphorus evaluation studies. An established group of sewage authorities, known as the New Jersey Harbor Dischargers Group, has combined its resources to participate in TMDL development and related water quality initiatives that are ongoing in the New York/New Jersey Harbor.

Most of the TMDLs recently established by the State are for fecal coliform, and NJPDES dischargers have not been identified as causing impairment. Since the Department imposes the fecal coliform criteria as an effluent limitation at the end of the pipe without a mixing zone, NJPDES municipal and industrial dischargers are not considered to be a source of the fecal coliform impairments.

In federal FY2003, NJDEP fulfilled its commitment in the EPA/NJDEP Memorandum of Agreement (MOA) for the Scheduling of TMDLs by submitting 203 TMDLs, which were approved by EPA. This greatly exceeded the 154 TMDLs that had been committed to in the MOA for 2003. These TMDLs all targeted waters impaired by nonpoint sources of contamination.

EPA approved 18 TMDLs at the end of federal FY2004 and is reviewing 13 additional TMDLs submitted by NJDEP.

The MOA includes a TMDL schedule that is based on establishing TMDLs for the water/pollutant combinations listed as high priority on the latest New Jersey 303(d) list.

EPA Region 2:

EPA provides technical and contractor assistance in support of the State TMDL program. In limited circumstances (such as interstate waters), Region 2 has taken the lead in establishing TMDLs (for example, metals in the New York/New Jersey Harbor).

## **5. Safe Drinking Water Act**

The State of New Jersey:

One recent classification initiative, known as the “Category One” initiative, addresses source water protection and prevention of development that could result in new discharges. The Department is reclassifying a number of waterways to provide a higher level of protection. This protection, known as Category One designation, targets water bodies that provide drinking water, habitat for endangered and threatened species, and popular recreational and/or commercial species, such as trout or shellfish. Specific waterways are given this designation on the basis of exceptional ecological significance, exceptional water supply significance, exceptional recreational significance, exceptional shellfish resource, or exceptional fisheries resources. The Category One designation provides additional protections to help prevent water quality degradation and discourage development where it would impair or destroy natural resources and environmental quality. Besides more stringent antidegradation provisions, new stormwater rules adopted by the Department emphasize groundwater recharge and require special buffer-area protections for Category One water bodies.

## **Section V. Other Program Highlights**

### The State of New Jersey:

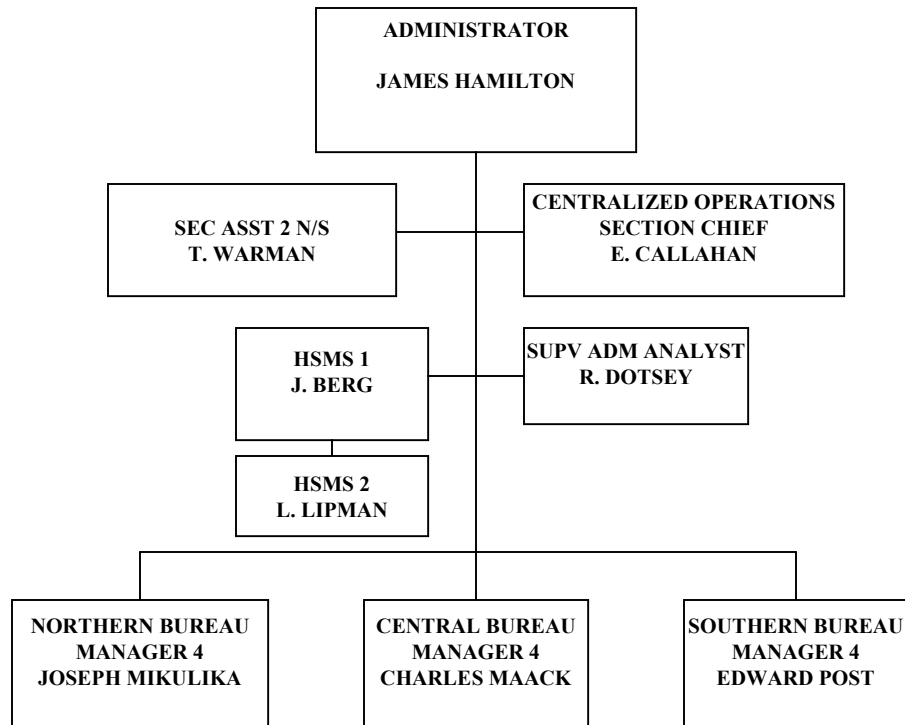
NJDEP has highlighted these additional items as important enhancements to its water program:

- New Jersey implements one of the most highly rated Environmental Laboratory Certification Programs in the country. The list of testing methods available for New Jersey certification is one of the most extensive in the nation, and it is 1 of 11 States in the country that have been federally recognized to grant national accreditation to laboratories. New Jersey certifies more than 700 laboratories located throughout the United States, Canada, and Europe. These include most of the top-rated environmental laboratories in the country.
- NJDEP's treatment works approval (TWA) program regulates the construction of wastewater collection, conveyance, and treatment facilities/infrastructure. The TWA program is a construction and operation permit program to ensure that all sewerage facilities (sewer mains, pumping stations, treatment plants, and the like) are built in compliance with adopted standards and are properly operated. NJDEP also requires that licensed operators run these facilities.
- In view of the frequency of droughts over the last several years, New Jersey has undertaken a number of creative initiatives to conserve water and promote recycling and reuse. New Jersey implements an effective water allocation program that includes careful consideration of multiple site-specific and regional water resource issues. The water allocation permit process requires that users develop water conservation plans and report their water usage. The State developed its first Statewide Water Supply Master Plan in 1980, and it has been periodically updated and modified to address changing needs and emerging issues. Water conservation has been a key component of the master plan to reduce base consumption through measures that include extensive use of water meters, pricing strategies that penalize excessive usage, low-flow fixtures, prevention of unaccounted-for water loss through leak detection programs, and water main replacement and relining programs.
- New Jersey also implements an effluent reuse program (reclaimed water for beneficial reuse–RWBR) for industrial, commercial, residential, and agricultural purposes. RWBR constitutes a new way of thinking about wastewater. It involves taking wastewater effluent, providing specialized treatment if necessary, and using the resulting high quality water for various beneficial applications instead of depleting groundwater and/or surface water supplies. NJDEP has established effluent reuse treatment guidelines for various effluent reuse categories, and several New Jersey facilities are actively engaged in effluent reuse applications that include noncontact cooling, street sweeping, sewer jetting, and golf course irrigation. In addition, NJDEP implements an incentives program established by the State Legislature that provides financial incentives in the form of tax credits and/or sales tax refunds for entities engaged in industrial use of treated effluent from sewage treatment plants. RWBR programs support the preservation and conservation of the State's potable water supply and are a growing component of NJDEP's overall water resource management approach. The RWBR program provides the Department with a major integrative tool for managing the State's water quality and quantity more comprehensively and effectively as its population and demand for water supply continue to increase.

- Electronic reporting is allowed for DMRs. Users create their IDs and passwords online. The password becomes the user's PIN. The combination of the user's ID and password constitutes an electronic signature. Forms are made available via the Web portal, NJ Online, at <http://www.nj.gov/dep/online>. Users are notified via e-mail when forms are ready and available for download. Users then access the Web portal and download their DMRs and enter their data onto an electronic representation of their DMR.
- On August 10, 2004, Governor McGreevey signed the Highlands Water Protection and Planning Act (HWPPA) into law. This historic legislation institutes protective environmental standards on a 1,250-square-mile area in northern New Jersey known as the Highlands region. The region, which covers portions of 7 counties and 88 municipalities, provides drinking water for more than 5 million people. It contains exceptional natural resources such as clean air, contiguous forest lands, wetlands, pristine watersheds, and plant and wildlife species habitats. It also encompasses sites of historic significance and provides abundant recreational opportunities for the public. The new law will help preserve New Jersey's dwindling open space by restricting certain types of development. Since 1984, 65,000 acres of the Highlands region have been lost to development and sprawl, and the pace of development in the region has dramatically increased, with the rate of loss of forested lands and wetlands more than doubling since 1995.

**NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION  
COMPLIANCE AND ENFORCEMENT  
WATER COMPLIANCE AND ENFORCEMENT**

**OFFICE OF THE ADMINISTRATOR**



# NPDES Management Report, Fall 2004

## New Jersey

		Profile Section	GPRA Goal	Nat. Avg.	National Data Sources		Additional Data		
					State Activities	EPA Activities	State Activities	EPA Activities	
<b>NPDES Progress</b>									
Universe	1	# major facilities (6,690 total)	I.1		n/a	159	0		
	2	# minor facilities covered by individual permits (42,057 total)	I.1		n/a	556	0		
	3	# minor facilities covered by non-storm water general permits (39,183 total)	I.1		n/a	144	0		
	4	# priority permits (TBD)	I.6			--	--		
	5	# pipes at facilities covered by individual permits (142,761 total)	I.7		n/a	4,441	--		
	6	# industrial facilities covered by individual permits (32,505 total)	I.1		n/a	1,504	0		
	7	# POTWs covered by individual permits (15,197 total)	I.1		n/a	178	0		
	8	# pretreatment programs (1,482 total)	II.2		n/a	24	--		
	9	# Significant Industrial Users (SIUs) discharging to pretreatment programs (22,158 total)	II.2		n/a	583	--		
	10	# Combined Sewer Overflow (CSO) permittees (831 total)	II.5		n/a	31	--	30	
	11	# CAFOs (current and est. future) (17,672 total)	II.3		n/a	8	--		
	12	# biosolids facilities (TBD '05)	II.6			--	--		
NPDES Program Administration	13	State or Region assessment of State NPDES program (none (N)/assessment (A)/profile (P))	I.1	50 states 2004	n/a	A, P	P		
	14	% pipes at facilities covered by individual permits w/ lat/long in PCS	I.7		46.3%	31.4%	--		
	15	State CAFO legal authority expected (mo/yr)	II.3	2005	n/a	2/06	n/a		
	16	# Withdrawal petitions/legal challenges (22 total)	I.4		n/a	0	n/a		
	17	DMR data entry rate	I.7		95%	100%	--		
	18	# permit applications pending (1,011 total)	I.6		n/a	0	--		
NPDES Program Implementation	19	% major facilities covered by current permits	I.6	90%	83.7%	83.6%	n/a		
	20	% minor facilities covered by current individual or non-storm water general permits	I.6	90% 12/04	87.0%	57.6%	n/a		
	21	# major facilities w/permits expired >10 yrs. (56 total)	I.6		n/a	3	0		
	22	% priority permits issued as scheduled (TBD '05)	I.6	95% 2005		--	--		
	23	% pretreatment programs inspected/audited during 5 yr. inspection period	II.2		85.3%	100.0%	--		
	24	% SIUs w/control mechanisms	II.2		99.2%	100.0%	--		
	25	% of CSO permittees with long-term control plans developed or required	II.5	75% 2008	82.2%	71.0%	--		
	26	% CAFOs covered by NPDES permits	II.3		35%	75%	--		
	27	% biosolids facilities that have satisfied part 503 requirements (TBD '05)	II.6			--	--		
	28	# Phase I storm water permits issued but not current (76 total)	II.4		n/a	0	n/a		
	29	# Phase I storm water permits not yet issued (5 total)	II.4		n/a	0	n/a		
	30	Phase II storm water small MS4 permits current (Y/N/D (draft) (35 States)	II.4	100% states 2008	n/a	Y	n/a		
	31	Phase II storm water construction permit current (Y/N/D (draft) (49 States)	II.4	100% states 2008	n/a	Y	n/a		
NPDES Compliance Monitoring and Enforcement Response	32	% major facilities inspected	III.3		71%	88%	5%		
	33	(inspections at minors) / (total inspections at majors and minors)	III.3		76%	30%	40%		
	34	% major facilities in significant non-compliance (SNC)	III.1		20%	11%	--		
	35	% SNCs addressed by formal enforcement action (FEA)	III.1		14%	0%	--		
	36	% SNCs returned to compliance w/o FEA	III.1		70%	91%	--		
	37	# FEAs at major facilities (666 total)	III.1		n/a	13	0		
	38	# FEAs at minor facilities (1,660 total)	III.1		n/a	2	0		

### Explanation of Column Headers:

**Profile Section:** For each measure, this column lists the section of the profile where the program area (including any additional data for the measure) is discussed.

**National Data Sources:** The information in these two columns is drawn from two types of sources:

(1) EPA-managed databases of record for the national water program, such as PCS, the National Assessment Database, and the National TMDL Tracking System. NPDES authorities are responsible for populating PCS with required data elements and for assuring the quality of the data. EPA is working to phase in full use of NAD and NTTs as national databases.

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NPDES Management Report, Fall 2004  
New Jersey

		Profile Section	GPRA Goal	Nat. Avg.	National Data Sources		Additional Data		
					State Activities	EPA Activities	State Activities	EPA Activities	
<b>Water Quality Progress</b>									
Universe	39	River/stream miles (3,419,857 total)	IV.2		n/a	7,840	n/a		
	40	Lake acres (27,775,301 total)	IV.2		n/a	69,920	n/a		
	41	Total # TMDLs in docket at end of FY 2003 (52,795 total)	IV.4		n/a	1,395	--		
	42	# TMDLs committed to in FY 2003 management agreement (2,435 total)	IV.4		n/a	154	0		
	43	# Watersheds (2,341 total)	IV.2		n/a	--	--		
Water Quality Administration	44	On-time Water Quality Standards (WQS) triennial review completed (42 States)	IV.3		n/a	Y	n/a		
	45	# WQS submissions that have not been fully acted on after 90 days (32 total)	IV.3	<25% submissions	n/a	n/a	0		
Water Quality Implementation	46	State is implementing a comprehensive monitoring strategy (Y/N) (TBD)	IV.1	all states 2005	--	--	--		
	47	% river/stream miles assessed for recreation	IV.2		13.8%	28.0%	n/a		
	48	% river/stream miles assessed for aquatic life	IV.2		22.0%	33.0%	n/a		
	49	% lake acres assessed for recreation	IV.2		49.4%	26.0%	n/a		
	50	% lake acres assessed for aquatic life	IV.2		48.5%	17.0%	n/a		
	51	# outstanding WQS disapprovals (23 total)	IV.3		n/a	0	n/a		
	52	WQS for E. coli or enterococci for coastal recreational waters (12 States)	IV.3	35 states 2008	n/a	Y	n/a		
	53	WQS for nutrients or Nutrient Criteria Plan in place (13 States)	IV.3	25 states 2008	n/a	N	n/a		
	54	Cumulative # TMDLs completed through FY 2003 (10,807 total)	IV.4		n/a	88	--		
	55	# TMDLs completed in FY 2003 (2,929 total)	IV.4		n/a	203	0		
Environmental Outcomes	56	# TMDLs completed through FY 2003 that include at least one point source WLA (5,036 total)	IV.4		n/a	12	--		
	57	% Assessed river/stream miles impaired for swimming in 2000	IV.2		--	16.4%	n/a		
	58	% Assessed lake acres impaired for swimming in 2000	IV.2		--	10.1%	n/a		
	59	# Watersheds in which at least 20% of the water segments have been assessed and, of those assessed, 80% or more are meeting WQS (440 total)	IV.2	600 2008	n/a	--	--		

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